

**LIST OF MEMBERS OF THE
NATIONAL ASSEMBLY**

SPEAKER

Dr T-B Gurirab (Mr)

**DEPUTY SPEAKER AND CHAIRPERSON OF THE
WHOLE HOUSE COMMITTEE**

Ms D Sioka

THE CABINET

MINISTERS

(21 March 2005 – Elected in terms of Article 133 of the Constitution)

Mr N Angula	<i>(Prime Minister)</i>
Dr L Amathila (Ms)	<i>(Deputy Prime Minister)</i>
Dr N Tjiriange (Mr)	<i>(Minister of Veterans Affairs)</i>
Dr A Kawana (Mr)	<i>(Presidential)</i>
Mr P Tsheehama	<i>(Safety and Security)</i>
Mr J Mutorwa	<i>(Youth, National Service, Sport and Culture)</i>
Dr N Iyambo (Mr)	<i>(Agriculture, Water and Forestry)</i>
Mr J Kaapanda	<i>(Works, Transport and Communication)</i>
Rev W Konjore (Mr)	<i>(Environment and Tourism)</i>
Ms S Kuugongelwa-Amadhila	<i>(Finance)</i>
Dr A Iyambo (Mr)	<i>(Fisheries and Marine Resources)</i>
Mr M Hausiku	<i>(Foreign Affairs)</i>
Dr R Kamwi (Mr)	<i>(Health and Social Services)</i>
Ms R Nghidinwa	<i>(Home Affairs and Immigration)</i>
Mr N Mbumba	<i>(Education)</i>
Mr C Namoloh	<i>(Defence)</i>
Ms N Nandi-Ndaitwah	<i>(Information and Broadcasting)</i>
Ms P Iivula-Ithana	<i>(Justice and Attorney-General)</i>
Mr A !Naruseb	<i>(Labour and Social Welfare)</i>
Mr J Ekandjo	<i>(Lands and Resettlement)</i>
Mr E Nghimtina	<i>(Mines and Energy)</i>
Mr J Pandeni	<i>(Regional and Local Government, Housing and Rural Development)</i>
Mr I Ngatjizeko	<i>(Trade and Industry)</i>
Ms M Mungunda	<i>(Gender Equality and Child Welfare)</i>

DEPUTY MINISTERS

(21 March 2005 – Elected in terms of Article 133 of the Constitution)

Mr G Shihepo	<i>(Safety and Security)</i>
Mr P Shifeta	<i>(Youth, National Service and Culture)</i>
Mr P Smit	<i>(Agriculture, Water and Forestry)</i>
Mr L Jooste	<i>(Environment and Tourism)</i>
Mr T Tweya	<i>(Finance)</i>
Ms L Lucas	<i>(Foreign Affairs)</i>
Ms P Haingura	<i>(Health and Social Services)</i>
Ms T Mushelenga	<i>(Home Affairs and Immigration)</i>
Dr R Ndjoze-Ojo (Ms)	<i>(Education)</i>
Mr V Simunja	<i>(Defence)</i>
Mr R Dinyando	<i>(Information and Broadcasting)</i>
Mr U Nujoma	<i>(Justice)</i>
Mr P Iilonga	<i>(Labour and Social Welfare)</i>
Mr I Katali	<i>(Lands and Resettlement)</i>
Mr K Kazenambo	<i>(Regional and Local Government, Housing and Rural Development)</i>
Mr B Esau	<i>(Trade and Industry)</i>
Ms Muharukua	<i>(Gender Equality and Child Welfare)</i>

SECRETARY

Mr S N Goabab

DEPUTY SECRETARY

Mr F S Harker

LIST OF MEMBERS AND PARTIES WHICH THEY REPRESENT

CONGRESS OF DEMOCRATS (COD)

Ms E Dienda	
R K Gertze	
Mr T Gurirab	<i>(Deputy Whip)</i>
Ms N Schimming-Chase	<i>(Chief Whip)</i>
Mr B Ulenga	<i>(Party Leader)</i>

DTA OF NAMIBIA

Mr J De Waal	<i>(Chief Whip)</i>
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Mr K Kaura *(Party Leader)*
Mr P Moongo
Mr M Venaani *(Deputy Whip)*

MONITOR ACTION GROUP

Mr J Viljoen *(Chief Whip)*

NATIONAL UNITY DEMOCRATIC ORGANISATION OF NAMIBIA (NUDO)

Mr A Mbai
Mr K Riruako *(Party Leader)*
Mr A Tjihuike *(Chief Whip)*

REPUBLICAN PARTY

Mr H Mudge *(Chief Whip and Party Leader)*

SWAPO OF NAMIBIA

Mr B Amathila *(Government Chief Whip)*
Dr L Amathila (Ms) *(Deputy Prime Minister)*
Dr M Amweelo (Mr)
Mr N Angula *(Prime Minister)*
Dr S C Ankama (Mr)
Ms L Basson
Mr H Booys *(Deputy Chairperson of the Whole House
Committee)*

Ms H Christian
Mr Dinyando *(Deputy Minister)*
Mr J Ekandjo *(Minister)*
Mr B Esau *(Deputy Minister)*
Dr H Geingob (Mr)
Dr T-B Gurirab (Mr) *(Speaker)*
Ms P Haingura *(Deputy Minister)*
Mr H Hamutenya
Mr M Hausiku *(Minister)*
Mr P Ilonga *(Deputy Minister)*
Ms P Iivula-Ithana *(Minister)*
Dr A Iyambo (Mr) *(Minister)*

Dr N Iyambo (Mr)	<i>(Minister)</i>
Mr L Jooste	<i>(Deputy Minister)</i>
Mr J Kaapanda	<i>(Minister)</i>
Mr Kaiyamo	
Mr R Kamwi	<i>(Minister)</i>
Ms L Kasingo	
Mr I Katali	<i>(Deputy Minister)</i>
Dr A Kawana (Mr)	<i>(Minister)</i>
Mr K Kazenambo	<i>(Deputy Minister)</i>
Rev W Konjore (Mr)	<i>(Minister)</i>
Ms S Kuugongelwa – Amadhila	<i>(Minister)</i>
Ms L Lucas	<i>(Deputy Minister)</i>
Mr N Mbumba	<i>(Minister)</i>
Ms A Muharukua	<i>(Deputy Minister)</i>
Ms M Mungunda	<i>(Minister)</i>
Mr P Mushelenga	<i>(Assistant Whip)</i>
Ms T Mushelenga	<i>(Deputy Minister)</i>
Mr J Mutorwa	<i>(Minister)</i>
Mr T Nambahu	
Mr J Nambinga	
Mr A !Naruseb	<i>(Minister)</i>
Ms E !Nawases-Taeyele	
Mr I Ngatjizeko	<i>(Minister)</i>
Ms N Nandi-Ndaitwah	<i>(Minister)</i>
Ms R Nghidinwa	<i>(Minister)</i>
Mr E Nghimtina	<i>(Minister)</i>
Mr U Nujoma	<i>(Deputy Minister)</i>
Mr J Pandeni	<i>(Minister)</i>
Mr P Shifeta	<i>(Deputy Minister)</i>
Mr G Shihepo	<i>(Deputy Minister)</i>
Mr V Simunja	<i>(Deputy Minister)</i>
Ms D Sioka	<i>(Deputy Speaker)</i>
Dr N Tjiriange (Mr)	<i>(Minister)</i>
Mr P Tsheehama	<i>(Minister)</i>
Mr T Tweya	<i>(Deputy Minister)</i>
Mr R /Ui/o/oo	

UNITED DEMOCRATIC FRONT (UDF)

Mr J //Garöeb	<i>(Party Leader)</i>
Mr M Goreseb	
Ms G Tjombe	<i>(Chief Whip)</i>

**APPOINTED BY THE PRESIDENT IN TERMS OF ARTICLE 32(5)(c) OF
THE CONSTITUTION**

Mr R Diergaardt

Ms I Hoffmann

Ms A Manombe-Ncube

Mr C Namoloh

(Minister)

Dr R Ndjoze-Ojo (Ms)

(Deputy Minister)

Mr P Smit

(Deputy Minister)

**ASSEMBLY CHAMBER
09 OCTOBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

HON DEPUTY SPEAKER took the Chair and read Prayers and the Affirmation.

HON DEPUTY SPEAKER: Any Petitions? Reports of Standing and Select Committees? Other Reports and Papers?

TABLING OF REPORTS

HON MINISTER OF FINANCE: Honourable Deputy Speaker, I lay upon the Table an Indirect Taxation Proposal for Additional Duty on certain categories of pasta products under Section 55(1) of the Customs & Excise Act of 1988 (Act No 20 of 1988). It is proposed that an additional duty is levied on the importation of pasta products of the categories specified below for the respective periods, as indicated.

For the period of April 1st 2007 to December 31st 2010, No. 3 containing 40% and others also 40%.

For the period January 2011 to December 31st 2014, pasta containing eggs 40% and others also 40%.

HON DEPUTY SPEAKER: Further Reports and Papers? None. Notice of Questions? Notice of Motions? Minister of Finance.

NOTICE OF MOTIONS

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**NOTICE OF MOTIONS
HON KUUGONGELWA-AMADHILA**

HON MINISTER OF FINANCE: Honourable Deputy Speaker, I give Notice that on Thursday, 11th of October, I shall Move –

That leave be given to amend the Income Tax Act, 1982, so as to exclude the interest portion distributed out of the assets of Unit Trust Schemes in the definition of “*dividends*”; to further define the expression “*person*” to specifically include a trust to correct reference for recoupment purposes; to introduce a threshold for exemption on interest received by a natural person from any deposit in the Post Office Savings Bank; to delete the exemption of interest derived by natural persons so as to exempt from tax interest received by an individual from a trust if such interest was subjected to withholding tax in the hand of the trust; to increase the allowable deductions of contributions made to retirement funds; to provide for a withholding tax on interest derived by natural persons, deceased estates, trusts and non-Namibian companies from Namibian banking institutions, Namibian unit trust schemes and the Namibian Post Savings Bank; to change the compound interest payable on outstanding amounts to a simple interest; to limit interest levied not to exceed the original tax amount; and not to levy interest on additional tax and penalties; to empower the Minister to appoint debt collectors; to make provision to deduct costs incurred in connection with the supply of electric power consumed by farmers, to increase the deduction for tax purposes of expenditure incurred relating to erection or acquisition of buildings or structures used for the domestic purposes of farmers’ employees; to increase the threshold on income tax payable by individuals and to ensure that recoupments of expenditure by mining and manufacturing companies are taxed at the rates of tax applicable to such companies; and to provide for incidental and connected matters.

I so Move, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Table the Motion, Honourable Minister. Ministerial Statements? The first Notice of Motion is the one by Honourable Viljoen. Does the Honourable Member move the Motion? Who seconds the Motion? Any objection? Agreed to. The Honourable Member Mr Viljoen has the Floor.

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**MOTION ON AFFIRMATIVE ACTION
HON VILJOEN**

MOTION ON AFFIRMATIVE ACTION

HON VILJOEN: Honourable Deputy Speaker, when I originally motivated my Motion, I said that I table this Motion, knowing that every Member in the House could bring forth arguments that would declare my reasoning null and void.

I did also not bring along the Affirmative Action law of 1998 or any other clever regulations to strengthen my Motion or to convince you with facts to vote in favour thereof. Instead, I come to you with a request from my heart, earnestly pleading for the specific group captured by my Motion.

A few Members had participated and gave their views and it gave me an indication on how the wind was blowing. My Party has never said that it was wrong to give previously disadvantaged groups the opportunity to apply for posts and be appointed. Affirmative action was meant not only to rectify the wrongs of the past, but also to create equal opportunities for everyone. The problem is the way affirmative action is being implemented.

Honourable Minister Mutorwa referred to education and gave the impression that the white people established private schools because of a feeling of superiority. He further did not understand that affirmative action is implemented in such a way that white learners do not have a chance of getting posts. He tried to simplify the problems by saying that Namibian children play together, they learn together, they live together in hostels, but this is where it ends. When the time comes to apply for posts, the way in which affirmative action is applied becomes a monster.

Due to affirmative action, 70 000 skilled graduates, the very people who could be leading the African Renaissance, abandon the continent every year.

Honourable Deputy Speaker, it is not true that these children go to private schools because of their feeling of superiority. Most of us do not wish to expose our children to what is going on in Government schools nowadays. Those who read

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HON VILJOEN**

newspapers will know exactly that this part of our education process cannot be rectified by ETSIP or any other programme.

According to a research newsletter, school problems in 1990 were mainly the following and it was just before Independence: Talking, chewing gum, making noise, getting out of line, wearing improper clothing and not putting paper in the wastepaper baskets.

School problems have changed. In 2007 they are rape, robbery, assault, murder, burglary, arson, suicide, absenteeism, vandalism, extortion, drug abuse, alcohol abuse, pregnancies, abortion and venereal diseases.

Should our children be in such schools? Honourable Members, are your children in these kinds of schools? It is known that a large number of Members in this House put their children in private schools. My grandchildren are in Private Schools because of good discipline and a high academic standard.

During the past couple of weeks everyone talked and thought about reconciliation. The Honourable Prime Minister urged the Nation to reconcile. He said that what happened in the past was part of the liberation struggle, the war, lack of discipline within the Party and other matters which could influence the liberation struggle.

It was said that many people have died in the crossfire; many people normally die in any kind of war; many have died or vanished under various circumstances. Those who fight in any war according to acceptable rules, do so to reach a common goal. Others were killed in such a way that it is a disgrace for humanity.

We are not here to take revenge for the wrongs of the past. God will do it. One day my heart will stop and so the hearts of everyone in this House. It will be the end of my body but not the end of me. I may live 50, 60 or a 100 years on earth, but I am going to spend trillions of years in Eternity. If we do not forgive people for what they have done to us or find forgiveness for the wrongs we did to others, we will suffer in hell for a trillion years.

The Ruling Party asked that the past be forgotten, that the wrongs be forgotten to enable all Namibians to embark on national reconciliation. People do not like to apologise in general and I do not have a mandate from anybody to apologise on behalf of any person or Party without being more specific, but if I can delete the

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previous era where apartheid was a reality, if I could delete it from history, I would do it immediately.

My question is: Is reconciliation limited to a certain group of people or is it an appeal to the Nation at large to forget the wrongs of the past?

There is practically no country or civilisation in the world which was not someone else's colony at some point in history: France under the Romans for six hundred years, Spain under the Arabs, etcetera.

Why do we say that affirmative action is applied in a way it was not meant to be applied? I want to take one parastatal to explain.

During the past couple of months 17 people, ranking from manager to senior manager, resigned at NamWater. These experienced people resigned because they were parked on a sidetrack where there are no challenges and the intention of putting them there was done in the hope that they will resign.

NamWater got rid of competent Namibians under a smokescreen which they called reconstruction. The General Manager Corporate Services is running the show at NamWater because the CEO is easily to be overruled by this nincompoop.

Honourable Deputy Speaker, some of these people are now working abroad in higher posts because apparently their services are not needed in Namibia. We will need a lot of consultants from abroad to bring this parastatal up to standard again.

I make the aforementioned statements not because I concoct stories but because I have a memorandum at hand. I will make it available if necessary. Honourable Deputy Speaker, these are the consequences of affirmative action when it is applied on racial basis and not on merit.

Before Independence, the way in which the policy which was determined by South Africa was implemented, was wrong. The people in Namibia, however, had no other choice than to be part of the system, an ideological system and if you should not play according to the rules or stick to the policy, you were simply ignored or punished.

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HON VILJOEN**

The same happened in the present Namibian Ruling Party. They put certain measures and structures in place to discipline their supporters. The way in which it was done is today unacceptable for many Namibians.

Honourable Deputy Speaker, before Independence there were many discussions and agreements between Namibians and world leaders and Namibians and Namibians. But one of the most important consequences was the establishment of the Namibian Constitution. One of the most important stipulations in the Constitution was the one on reconciliation, but it was left to everyone to form his own definition. My understanding of the word is to forget the past and to look forward to a better future.

Many people come back to Namibia, others left the country. Those of us who decided to stay, are still here because it is also our country and we decided to reconcile and to put our energy into efforts to make Namibia a better place. We fight shoulder-to-shoulder with other Namibians on national problems, like HIV/AIDS, corruption and other evils. Are the Honourable Members of this House sure that you know exactly how the youth feel about affirmative action?

A research was done by a Namibian newspaper on affirmative action. It is very interesting to know that the youth think differently about affirmative action. Some of the black youth think that white people are being bullied. They are aware of the bad things done to black people in the past but agreed that we should forget the past and move on. One boy said that *we are separated by affirmative action*. The youth, including the Bastards and Coloured citizens, see affirmative action as a way of retaliation rather than rectification.

We must remember that more than fifty percent of Africa's people are under the age of 18 years, yet many of their elders, their teachers or Governments are trying to persuade them that they are victims rather than victors in a now distant struggle for Independence.

Honourable Deputy Speaker, reconciliation means the closing of the books. As long as we have two types of Namibian citizens, those who have to be enabled by affirmative action and those who have to be disabled, our Government will be like a car with a puncture. As long as affirmative action divides the Namibian Nation, reconciliation will be a phantasm, a mirage in the dry warm desert, an obstacle in nation-building. I thank you.

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HON RIRUAKO**

HON RIRUAKO: Honourable Deputy Speaker, it is wonderful for one to stand up and challenge Affirmative Action. I am not against white people *per se*, I am against their methods. I am not against individuals *per se*, I am against those who are in politics who try to connive.

Honourable Deputy Speaker, there is a white man, a cartoon, I am naked and hair between my legs. Did they ever somewhere, somehow do this to a white person? This is a cartoon of a black man, so-called Chief Riruako, who is the NUDO Chief and I am calling my Colleagues back here, but between my legs the “*piepies*” and everything is there. Have you ever played with that kind of foolish cartoon of white men in the street? I am not saying it is you, I am saying I am not against the white man *per se*, I am against those who are doing these things.

Still in 2007 you have to screen a black man with the hair between his legs, put it in your newspaper under freedom of speech. And I have never been his or her boyfriend to know how my hair is located. That is how nasty it is. Those are mere playing things according to you, but to me it hurts, it is not part of my culture. (Interjection)

HON MEMBER: Which newspaper is that?

HON RIRUAKO: It is *The Namibian*, the kingdom of this world. If I put a naked woman here, how would you feel? If I put a woman in the same way, how is that woman going to feel? That is how things are.

It is not a matter that we are accusing white people, it is white man’s newspaper and it is run the way it wants. You can call me nincompoop, we do not know such words, you are a very highly respected teacher.

This is what happened, I am not here to accuse you, you put it as the Nation and the group that is involved. (Intervention)

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HON RIRUAKO**

RT HON PRIME MINISTER: May I ask a question? Honourable Riruako, the cartoon you are talking about, do you think it is drawn by modern-day Von Trothas?

HON RIRUAKO: Their kith and kin, I did not say they have killed Von Trotha, for what purpose? And you could see it in the newspaper, you could see it on television, it is damning for what he has done, whom he has forgotten, we have to forget about it. Is that how it is? I do not know. That is the way it is. I did not mean all the whites. (Interjection)

HON MEMBER: Affirmative action.

HON RIRUAKO: It is affirmative action. I am not saying that I am not going to send my children to a white school or a so-called private school, I will do just to prove that we want our kids to be together, but not to prove that I want to take my child to the white people because I feel it is better.

Affirmative action is to promote those who were left behind. If you are saying the Ruling Party is making it about another group perhaps, but you do not have to say it must not be there. That is their intention because most of these people were left behind. It is something that cannot be denied. (Intervention)

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: May I ask a question? Honourable Chief Riruako, I know when the Anglo Boers came from Angola to Namibia, you may have been young, but can you tell this House as to how many black Namibians ran away from Namibia because those Afrikaners were given everything – farms, money, fencing materials, cattle, servants, everything. When the blacks were being discriminated against in favour of this group, how many black Namibians left this country to go elsewhere?

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HON RIRUAKO**

HON RIRUAKO: I know that the Anglo Boers were given 21 cows and 1 bull and every place they were given was fenced by the Government and a subsidy was given. (Intervention)

HON VILJOEN: May I ask the Honourable Chief a question? Honourable Chief, are you aware of the fact that the rumours that the Angola farmers were welcomed in this country is a lie? They were not welcomed, the Germans did not want them here and secondly, do you believe that the fact that they received anything without loans is also a lie?

HON RIRUAKO: Honourable Deputy Speaker, the Angola Boers came over here in 1890 and they were received by the Hereros and they were given a place to stay permanently. They did not ask for money *Okomangongua, Okatjiho, Okombabi* next to Okahandja. Did they pay a cent to our parents? Never, ever. We even protected them against the Germans, we had to fight for you in order to maintain our word. Our word is our word and it remains our word and we had to fight between you and the Germans to defend you. Can you do that for a black man?

Honourable Deputy Speaker, but after the war you were given subsidy by the Government. How old are you? I am seventy-two, and you? I saw these things with my own eyes and you heard from other people. Do not come and accuse me, I was there before you. They were given everything free of charge. There are those who bought farms from other people, but not the Angolan Boers. Let us go to affirmative action.

Affirmative action is this: We can argue about other things, but I do not want to go beyond what I am supposed to, I feel it would be unfair to do that. (Intervention)

RT HON PRIME MINISTER: May I ask my former freedom fighter from my training camp a question? Thank you for sharing your tea those days with some of us. Honourable Chief, do you agree with me that Honourable Viljoen has been affirmed by SWAPO to be sitting here since he could not master the

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HON KAURA**

necessary votes to be here? Would you agree that he has been affirmed by SWAPO?

HON RIRUAKO: I know that it is not the first time, last election he was also affirmed and this election – twice. (Intervention)

HON VILJOEN: May I ask the Chief a question? My being here by SWAPO is a benefit for the country, do you agree?

HON RIRUAKO: But if SWAPO said no, you cannot sit in the Assembly, you could not be here. It is unfair really to tell you what you are supposed to be told, I cannot go beyond that. I think whoever listens to this must learn.

HON KAURA: Thank you very much, Honourable Speaker. With all due respect to the Mover of this Motion, you know these adjectives were going through my mind, I was saying to myself the Mover of the Motion is naïve, deliberate, myopic, insensitive, provocative, but I will withdraw all that. I would say he is inconsiderate.

I would start by saying: Who owns the businesses along Independence Avenue from the beginning to the end and throughout the whole town of Windhoek? Who owns all those businesses? Are they owned by the previously disadvantaged or the previously advantaged and throughout all the towns in Namibia, who owns all the businesses? Who owns 90% of the commercial farmland in Namibia? Who owns all the mines in Namibia, Rössing Uranium and whatever? Who owns them? Who owns Pick & Pay, Shoprite, OK Foods, Woermann Brock and so forth? Who owns all these businesses? Who owns all

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HON KAURA**

the car dealers throughout Namibia? Who owns all the lodges in Namibia? Who are the people who buy livestock in this country? Who owns all this?

I was wondering, who is the domestic servant who is washing and ironing the clothing of Honourable Viljoen each and every day so that he can come with clean clothing to the Namibian Parliament? Is that not one of the previously disadvantaged? And does he expect the child of that domestic servant to be affirmed together with his own child? Is that fair?

Should a child of a third generation farm worker be affirmed together with a child of a third generation farm owner? (Intervention)

HON RIRUAKO: How many workers did you put in school, especially this one, do not talk about Damara, Ovambo, Herero's?

HON KAURA: Honourable Members, I am 66 and a half years old now, but you know, I have not applied yet for old-age pension because I feel it would be unfair. I am earning a salary and when I retire, I will get a big pension. Why should I apply for old-age pension right now? It would be unfair and it would be inconsiderate.

I just wonder where are the white squatters in this country. (Intervention)

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Honourable Deputy Speaker, the topic is so thought provoking. Can I ask the Honourable Member a question? My question just disappeared, it will come later.

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HON KAURA**

HON KAURA: Where do you find white people squatting in any town, living in shacks that burn down during winter? Have you ever seen what Okahandja Park looks like here in Windhoek or are you confined to the comforts of Ludwigsdorf, Klein Windhoek or Kleine Kuppe, Eros or Pioneers Park? Have you seen the misery in which the black people of our country are living? And while they are living in that misery, they have accepted reconciliation and is this not provocative by saying the children of people who are squatting should be affirmed with the child of someone who is living in Ludwigsdorf? Is that really acceptable? (Intervention)

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: As the Honourable Member is narrating all this, I have been listening to the arguments of my Namibian white compatriots and I want to find out whether you get the same message that I get, that there is a feeling among white Namibians, some of them, that money and resources, anything related to it, is the exclusive reserve of the white man? Do you get that kind of feeling? I want to hear from others, because when they speak, I get that feeling.

HON KAURA: Honourable Minister, I agree with you one hundred percent and when you meet our white countrymen, if they see you driving a decent car, to them it is such a surprise and then they go and say, "*oh, you are rich*", because you are not supposed to drive a decent car. They still do not accept it and this is the motivation of this kind of Motion. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask a question? Honourable Kaura, are you aware that now that the black community joined our white colleagues in Hochland Park and Pioneers Park, they are now moving from Windhoek to the mountain there. Are you aware of that?

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HON DR A IYAMBO**

The other question is: Do you know that on Independence Day our white community does not join us to celebrate that day, but when we talk about investment meetings, all the whites come to that meeting. Are you aware of that?

HON KAURA: I agree with you one hundred percent. I would like to remind Honourable Viljoen that after World War I, the South African Administration, under Governor Courtney Clark, affirmed the white Afrikaners and gave them farms in the Gobabis district. They were given land, they were given cattle, they were given bridging capital, they were given money, a borehole was drilled and it was developed and then they were given money to fence it off and then ultimately to cut up camps. They were affirmed by the South African Government by Governor Courtney Clark.

And then after World War II our parents were recruited and went to South Africa with the promise that when they come back they will be given farms. When they came back, they were given bicycles, boots and blankets. The whites that went to the war were given farms again, they were again affirmed.

Honourable Viljoen be honest to God, interrogate your own conscience and withdraw the Motion, because it is inconsiderate, insensitive, naïve, deliberate and provocative. If you are an intelligent person who knows all these facts, you do not need to bring this kind of Motion that is so provocative to this Parliament. Maybe in a 100 years we can talk about what you are saying now, but not today while all black people are working for white people, white businesses in Namibia and you are the richest in this country and we are the poorest in this country. You honestly cannot with a clear conscience come up with this kind of Motion. Honestly, withdraw the Motion. Thank you very much.

HON MINISTER OF FISHERIES AND MARINE RESOURCES: Thank you very much, Honourable Deputy Speaker. This Motion is the most recent provocative and highly insulting to the most peaceful white Namibians and black Namibians. It is the most insulting. We want to request the Honourable Viljoen as Honourable Kaura is requesting, to please, for the sake of national unity, for

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HON DR A IYAMBO**

the sake of this Parliament's integrity and credibility, for the sake of following our Constitution, just to withdraw this Motion.

As I was following as he was introducing it, we were maybe caught by surprise. I also request that maybe this Motion should be declared a non-entity because in the first place, it was not supposed to have been tabled in this Honourable House, a Motion which is calling for racism, apartheid. (Intervention)

HON RIRUAKO: On a Point of Order. He is saying vote, vote, vote, it means it just goes to the vote. He does not want to withdraw this, he wants a vote. What is the use of speaking...

HON DEPUTY SPEAKER: Chief, where did you hear those words?

HON RIRUAKO: Vote, vote. Let us stand up all of us. You had better ask him whether it goes to the vote or not. He wants a vote.

HON DEPUTY SPEAKER: Proceed Honourable Minister, a lot of people want to contribute to this debate. We cannot vote in the middle.

HON MINISTER OF FISHERIES AND MARINE RESOURCES: Honourable Speaker, we are requesting again, for the sake of the Constitution, for the sake of peace, the Honourable Verwoerd – Viljoen – to withdraw this provocative Motion – full-stop.

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**MOTION ON AFFIRMATIVE ACTION
HON DR A IYAMBO**

Honourable Deputy Speaker, I do not know how to pronounce his name. Honourable "*Phil*", if he is saying that there is discrimination against the young whites – and I am sure they are angry – we want that list of the young whites discriminated against and he should reveal by whom and whether these young whites were born by 1990 or immediately after 1990, by whom were they discriminated against and we want to request the Honourable Member to provide that list. I still want to speak and I want to sit down for a while.

HON DEPUTY SPEAKER: On that note the House stands adjourned for tea-break until 16:00.

**HOUSE ADJOURNS AT 15:40
HOUSE RESUMES AT 16:15 PURSUANT TO ADJOURNMENT**

HON DEPUTY SPEAKER: When we adjourned for tea-break, Honourable A Iyambo had the Floor.

HON MINISTER OF FISHERIES AND MARINE RESOURCES:
Honourable Deputy Speaker.. (Intervention)

HON VILJOEN: Honourable Deputy Speaker, after consultation I decided to apply Rule 33(b) and withdraw the Motion.

HON DEPUTY SPEAKER: Thank you very much. The discussion on this Motion is closed, it has been withdrawn. Thank you very much for being so brave, Honourable Viljoen. The Secretary will read the First Order of the Day.

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HON KONJORE**

**RESUMPTION OF DEBATE ON SECOND READING –
ENVIRONMENTAL MANAGEMENT BILL**

HON DEPUTY SPEAKER: When this Debate was adjourned on Thursday, 4 October 2007, the Question before the Assembly was a Motion by the Honourable Minister of Environment and Tourism, that the Bill be read a Second Time. The Honourable Minister adjourned the debate for his reply and he now has the Floor.

HON MINISTER OF ENVIRONMENT AND TOURISM: Thank you, very much, Comrade Deputy Speaker. Comrade Deputy Speaker, Honourable Members, I am extremely delighted to note the overwhelming support for the Environmental Management Bill provided by the Honourable Members of this august House.

Overall, this Environmental Management Bill encompasses all aspects of modern society and takes into consideration many principles, such as sustainability and polluters pay concepts.

Honourable Deputy Speaker, Honourable Members, before providing answers to the questions and concerns that have been raised by the Honourable Members of this august House in support of the Bill, I would like to give a brief overview of the overall framework of the Environmental Management Bill in terms of environmental assessment.

The Environmental Management Bill encompasses environmental assessment at two levels, namely the strategic under Article (6) and site-specific project provided for under Articles 7 and 8 of this Bill.

The strategic level covers policies, plans and programme assessment and the development of environmental plans. In practice, the process of preparing environmental plans is often called Strategic Environmental Assessment. At site-specific project level, the Bill provides for an Environmental Assessment under

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Article 6 and in practice this is called Environmental Impact Assessment. I would like to assure the Honourable Members that details to the implementation and enforcement provisions of this Bill, for both the strategic and site-specific project levels will all be included in the administrative provisions of the regulations, guidelines and procedures as provided for under Section 56(1) of this Bill.

Honourable Members, I am humbled to respond as much as possible to all the questions asked by the Honourable Members as well as to make clarifications to all the issues that have been raised by the Honourable Members. Many questions that have been asked, as well as the clarifications that have been requested by the Honourable Members, can thus be grouped into the following categories: strategic, operational, administrative and actual implementation of the Environmental Management Bill.

Moreover, there are many issues that surround the likely impacts of this proposed piece of legislation on our communities. I would like to take this opportunity to assure the Honourable Members that the Ministry of Environment and Tourism is fully aware of the need for an extensive Environmental Education Programme at all levels of our society.

Up until now the Ministry of Environment and Tourism, through its Environmental Education Section within the Directorate of Environmental Affairs, together with established Education Centres at Regional level, has been on the forefront in the promotion of Environmental Education and Awareness.

Honourable Deputy Speaker, Honourable Members, I now would like to go through each and every question and concern that has been raised by the Honourable Members of this august House in support of the Environmental Management Bill.

Let me thus start with *Honourable Mushelenga*: In supporting the Environmental Management Bill, Honourable Mushelenga clearly showed the importance of this Bill by linking the commitment showed by the Founding President, His Excellency Dr Sam Nujoma at the Earth Summit held in Rio de Janeiro in 1992 with respect to sustainable natural resource management and sustainable development aspirations of Namibia.

Honourable Deputy Speaker, the issue raised by Honourable Mushelenga

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regarding the appointment of environmental officers, as provided for under Section 18 of the Environmental Management Bill, is very important. I would like to assure the Honourable Members and in particular Honourable Mushelenga, that the appointment of Environmental Officers will be done in accordance with the provisions of the Public Service Act through which the Minister shall be empowered to make the appointments for the implementation of the Bill as stated in Section 18(1) and (2) of the Bill

The Honourable Member further asked if the Sustainable Development Advisory Council cannot play a role in the appointment of an external specialist reviewer once the Environmental Assessment Reports are submitted to the Office of the Environmental Commissioner.

Honourable Speaker, the function of the Advisory Council is primarily to advise the Minister on the development of policies and strategies for the management, protection and use of the environment.

The Advisory Council will meet at least twice a year. However the submissions and the need for review of Environmental Reports by the Office of the Environmental Commissioner will take place throughout the year. Within the framework of the Environmental Assessment Regulations to be developed through consultations with all the stakeholders, there will be timelines that will be set for the review of environmental reports. This will be done as an administrative instrument in order to make sure that the issuing of Environmental Clearance Certificates and the implementation plans, programmes and projects intended to support our sustainable economic development is not compromised.

Honourable Deputy Speaker, Honourable Members, the appointment of external specialist reviewers will be regular activities which will be dealt with by the Office of the Environmental Commissioner. The appointment of external reviewers will be done through a clear and transparent process that will be based on the technical knowledge required and the process will be implemented as provided for under Section 45(1)(a) and (b).

Honourable Speaker, Honourable Members, the Ministry of Environment and Tourism, in developing this Bill, did extend consultation to all levels of our society. This Ministry will make sure that the implementation of this Bill will have an extended awareness and educational programme to all levels of our society.

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Through environmental awareness and educational programmes and more so, the Environmental Assessment Process that is enshrined in this Bill under Article 8, issues that have been raised by *Honourable Mushelenga* in support of the Environmental Management Bill, including sustainable environmental management, conservation, environmental degradation, development of big structures such as dams, will all be addressed.

Honourable Deputy Speaker, Honourable Members, I would like to take this opportunity to thank the Honourable Mushelenga for the support provided to this Bill.

Now I would like to move on to my Colleague, the *Honourable Minister of Fisheries and Marine Resources*. Honourable Deputy Speaker, I would like to thank the Honourable Minister of Fisheries and Marine Resources, Honourable Dr Abraham Iyambo, for supporting the Bill. We have taken note of the concerns and fears regarding the likelihood of using the definitions of the word “*disposal site*” and “*waste*” variously under Article 3, Section 5 of the Bill. Yes, it is possible to keep all definitions under Article 2, but Honourable Minister, we had certain consultations and in terms of the legality and the purpose of putting it where it is at the moment and after consultations it is most likely that we can come up with an Amendment to address your concern.

We will thus prepare Amendment accordingly for the Committee stage to address the Honourable Minister’s legitimate concern.

Honourable Deputy Speaker, Honourable Members, I would like to thank the *Honourable Dr Amweelo* for supporting the Bill and raising questions regarding the composition of the Advisory Council under Sections 8 and 11 of the Bill. The Advisory Council will deal with sustainable development and environmental issues at a strategic level of policy formulation and implementation, which of course, will cut across all sectors. The Bill makes provision for the Minister to appoint persons that he or she reasonably believes represent the interest of organisations, associations or institutions concerning environmental matters, inclusive of Trade Unions.

Furthermore, the Advisory Council has the mandate to appoint a committee or committees consisting of not only members but also non-members of the Council to perform functions that are designed to complement and support the Advisory Council.

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Honourable Deputy Speaker, Honourable Members, I would like to assure the Honourable Dr Amweelo that through the various structures that have been designed at various levels in this Bill, there will be room for a consultative and democratic representation of the needs of all in our society. The emphasis in creating these levels from Advisory Council to various committees is to allow grassroots involvement in environmental issues in order to fit into the strategic environmental national frameworks through the Advisory Council and the Ministry of Environment and Tourism.

Honourable Dr Amweelo also raised the issue of the frequency of the Advisory Council meetings. As the Honourable Dr Amweelo correctly pointed out, the Advisory Council must meet twice a year. However, in anticipation of the likelihood of the need for additional meetings, as the case may be, Section 11(3) of the Bill makes provision for the chairperson, at any time to call a special meeting at the request of the Minister or majority of the members. It is through this provision that the need for additional meetings shall be addressed.

In summing up his support to the Bill, Honourable Dr Amweelo pointed out the need for the involvement of Local Authorities in the preparation of environmental plans under Section 24 of the Bill.

I would like to take this opportunity and endeavour to clearly explain what Environmental Plans really mean at an operational level.

Honourable Deputy Speaker, Honourable Members, environmental plans, as detailed in the Bill under Article 6, entails preparation of Decision Support Tools that link a proposed developmental policy, plan or programme with other existing or planned policies, plans or programmes.

The aim is to identify conflicts, including environmental management priorities at a strategic level of Central Government specifically for Line Ministries, Regional Councils or Local Authorities.

For example, if the Ministry of Environment and Tourism, through a Regional Councils or Local Authority and in line with Vision 2030, NDP3, the Tourism Policy of the Ministry and the Regional Development Plan of the specific Region, identifies a need for the implementation of a tourism programme to support rural development and poverty alleviation in some parts of Namibia, such as the northern part of Etosha, or any other part of the country, an Environmental Plan,

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in practice called Strategic Environmental Assessment Study, must be prepared in terms of the provisions of article 6 of the Environmental Management Bill. For the given example on the tourism initiative, the Strategic Environmental Assessment study will assess the positive and negative influences of the proposed tourism initiative at a strategic level. This will be done by linking the proposed tourism activities to the existing policies, plans and programmes in the targeted area that may be administered by other institutions of the State.

Through this process of developing an Environmental Plan, competing policies, plans or programmes as well as the likely impacts of the proposed tourism initiative on the environment will be identified and mitigation or management measures will then be developed, which may also include the needs of orphans and vulnerable children. By going through this study process, an Environmental Plan with respect to the proposed tourism initiative will then be developed in line with the current and likely future policies, plans and programmes in the specific area or Region.

Honourable Deputy Speaker, through the example that I have given, the response to the question of Honourable Dr Amweelo is yes, the formulation and development of environmental plans will be consultative and these consultations will involve all stakeholders, including Local Authorities as provided for under article 9.

Honourable Dr Amweelo raised another concern under Section 27(2)(b) and (2)(i). Honourable Deputy Speaker, Honourable Members, as already pointed out by some of the Honourable Members of this august House in their support to the Environmental Management Bill, environment is a very wide field and this was recognised right at the early stages of drafting this Bill. In view of this, and by taking into consideration already existing legislation, such as the Water Resources Management Act, Prevention and Combating of Pollution of the Sea by Oil Act, Petroleum (Exploration and Production) Act, 1992 and all the related Amendment, Marine Resources Act, Minerals (Prospecting and Mining) Act, the Atmospheric Pollution Ordinance of 1956 as well as all the associated regulations including the MARPOL 73/78, the Ministry of Environment and Tourism still sees the need to regulate waste management.

Honourable Deputy Speaker, Honourable Members, as the Honourable Dr Amweelo rightly pointed out, there is an urgent need to regulate the waste

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management industry in Namibia. If regulated and supported well, waste management can create employment opportunities in Namibia.

This is evident in the City of Windhoek, for example, where waste management in general has been elevated to a profitable business operation within the City and similar to many other developed countries. The waste management industry in the City of Windhoek employs a number of people for actual cleaning, waste collection, transportation, sorting, recycling to well-designed and managed waste disposal sites also called landfill sites in line with the principles of sustainable environmental management.

Honourable Deputy Speaker, the regulation of the waste management industry will be enforced under this Bill as provided for under Article 5 and Section 56(1)(a). Waste management related plans or programme proposals to be implemented at regional or local levels will be subjected to an Environmental Plan under Article 6 in practice, called Strategic Environmental Assessment Study.

Waste Management projects' specifics, such as the development of waste disposal sites, also called landfills in a particular area will be subjected to the Environmental Assessment Process, which is also called an Environmental Impact Assessment as detailed under Articles 7 and 8 of this Bill.

Therefore, waste management proposals at strategic policy level and those at project level will be screened for their likely impacts on the environment and our communities at large.

Mitigation and monitoring measures shall be put in place by the proponent or developer and this will be regulated as an administrative instrument under Section 56. In supporting the implementation of the waste management enforcement, the Ministry of Environment and Tourism will develop regulations under Articles 5(2), (3), (4) and 56(a) of the Environmental Management Bill.

Furthermore, in consultation with all the stakeholders, the regulations will provide an administrative framework for a waste management industry in Namibia, covering collection, storage, sorting, re-use, recycling, transportation and ultimate disposal at secured landfill sites. Furthermore, guidelines and standards incorporating green concepts, such as cleaner production, will be provided for under the waste management regulations to be developed under

Articles 5(2), (3), (4) and 56(a) in order to support the sustainable development of the waste management industry in Namibia.

Honourable Deputy Speaker, Honourable Members, the concerns raised by the Honourable Dr Amweelo in his concluding remarks in support of the Bill about the ongoing emissions of gases, liquids and solid waste into our environment will be fully addressed under Article 5 and Section 56(1)(a). Gases and liquid emissions are already addressed in the Atmospheric Pollution Ordinance and the Water Resources Management Act. However, it is my belief that the development of regulations and guidelines for all key and relevant legislations and incorporating green concepts, such as the Cleaner Production, we are likely to minimise the likely impacts of gases and liquid emissions into our environment. I thank Dr Amweelo for his contribution.

Honourable Deputy Speaker, Honourable Members, before answering to the questions and comments on the concerns that have been raised by the Honourable Member, I would thank *Honourable Tjihuiko* for rising to support the Bill. The first question asked by the Honourable Member centres on the Competent Authority. The definition of a Competent Authority is provided under Section 1(a) and (b). I would like to assure the Honourable Member that Traditional Authorities could serve as Competent Authorities as provided for under Article 30 of the Bill and if so identified in the absence of any other Competent Government Authority, will certainly serve the purpose.

The Honourable Member also asked if having many livestock on the land and causing land degradation will be considered as contravening this Bill. The Bill makes provision to prepare regulations for activities violating the principles of sustainable environmental management as stated under Article 3 of the Bill. It is not the intention of the Bill to control agricultural or farming practices, because that is the domain of my senior Colleague here.

However, if a new agricultural programme or plan proposal at strategic level is put forward by a responsible authority and, depending on the significance of the likely impacts, this will be subjected to an Environmental Assessment, also called Strategic Environment Assessment. Similarly, if a new agricultural proposal at project level is put forward by a proponent or a developer and depending on the likely significant impacts, the new project may be subjected to a site specific Environmental Assessment also called Environmental Impact Assessment or EIA.

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Honourable Deputy Speaker, Honourable Members the concern raised by *Honourable Tjihuiko* regarding the appointment of the Advisory Council Members links to other concerns that have been raised by various other Honourable Members in support of this Bill. I would like to assure the Honourable Member that the appointment of Advisory Council Members will be done in accordance with the provisions under this Bill.

Obviously, the four members to represent the interests of the State will not necessarily come from the Ministry of Environment and Tourism. This is because the backbone of our main economic activities depends on other sectors and institutions. Through consultations, there are systems and nomination procedures in place within the Public Service regarding the process of appointing internal and external personnel to serve on specific support frameworks of various Line Ministries.

Honourable Speaker, as indicated earlier, environment is a very wide field and it is likely that more challenging and very specific issues may emerge and nobody within the Council or the Office of the Environmental Commissioner will have all the required expertise. In this case, the co-opting Clause makes provisions for the Advisory Council and/or the Office of the Environmental Commissioner to get external expert services when and if required.

Honourable Deputy Speaker, Honourable Members, with respect to the position of the Environmental Commissioner, which Honourable Tjihuiko had some concerns regarding the likely appointment procedures, I would like to state categorically clear that the position for the Environmental Commissioner is open to anybody who is suitably qualified and experienced, and it is not only open to persons working in the Ministry of Environment and Tourism.

Even the Honourable Member is at liberty to apply for this position once it is advertised. The appointment procedures are the same as for similar offices that are created by an Act of Parliament, such as the Office of the Labour Commissioner, Mining Commissioner and Petroleum Commissioner. Hence, the appointment will be done in full compliance with the Public Service of the Republic of Namibia. Thus, there is no predetermined candidate(s) for the position of the Environmental Commissioner.

Finally, Honourable Deputy Speaker, Honourable Tjihuiko in his closing remarks in supporting the Bill, raised concerns on the issues of warrants, awareness

programmes and environmental education with respect to the implementation of the Bill. I would like to assure the Honourable Member that the search warrants will be mandatory for Environmental Officers as provided for in the Bill. Provisions for educational programmes and awareness-raising with respect to the implementation of the Bill exist within the structures of the Ministry of Environment and Tourism. The Ministry of Environment and Tourism will carry out road shows and community meetings and workshops to educate the public about the provisions of this Bill. We will also prepare information materials in various local languages to this effect.

Honourable Deputy Speaker, Honourable Members the *Honourable Deputy Minister of Regional and Local Government and Housing*, in his support for the Bill, has raised a number of queries and requested clarifications in some areas. Firstly, the Honourable Deputy Minister asked about the possibility of expanding the Advisory Council in view of the diversity in the environmental field. I fully agree with the suggestions of the Honourable Deputy Minister. However, the composition of the Advisory Council is kept at eight members for administrative, effectiveness and efficiency purposes.

However, there is a provision under Section 8, Article 10 for the establishment of committees consisting of members and non-members of the Council to perform some functions as appropriate and necessary.

Honourable Deputy Speaker, Honourable Members, the Environmental Clearance Certificates will be documentation in form of certificate or letter in simple terms. This certificate will be issued by the competent authority with conditions and in accordance with the procedures to be developed within the framework of this Bill under Section 56(1) to which the Minister is accountable. The issuing of an Environmental Clearance Certificate will mean that the plan, programme or project can go ahead in accordance with the conditions of the certificate.

Overall the certificate symbolises the satisfactory completion of an Environmental Assessment by a responsible authority for a Strategic Environmental Assessment or proponent for a site specific project level, also called Environmental Impact Assessment, as the case may be. Furthermore, I would like to assure the Honourable Deputy Minister of Regional and Local Government and Housing that Environmental Clearance will only be issued for listed activities, as provided for under Section 27 of the Bill or as may be listed through regulations as provided for under Article 10, Section 56(1) of this Bill.

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The question regarding Amendment of the conditions of the environmental clearance certificate, it will not be done arbitrary. The Environmental Commissioner must follow the consultative process referred to in Section 44 and after due considerations, as stated in Section 39, Article 4. For clarity, I would like to give an example of a site-specific project level Environmental Clearance Certificate Amendment process for a factory proposal that may be producing solid waste.

An Environmental Certificate will only be issued to a factory proposal that may be producing solid waste to be disposed properly at a landfill site on satisfactory completion of an Environmental Impact Assessment as described under Article 8 of the Bill. Based on the findings of the undertaken Environmental Impact Assessment, the recommended Environmental Management Plan will address the issues of solid waste management.

The Environmental Clearance Certificate will state clearly the conditions of approval granted to this specific factory. If at a later stage the company decides that they would like to change the technology and focus more on a wet processing method that may be producing liquid waste instead of solid waste, then some Amendment to the Environmental Clearance Certificate will be required under Section 39, Article 8 of the Bill. Such Amendment must be initiated by the proponent or the factory owner, as required under Section 39(1)(a) of the Bill. However, if an Environmental Commissioner is made aware of the technology and the changes on the type of waste streams while no application for Amendment has been made, the Commissioner may initiate the Amendment process to the certificate by issuing a notice to the proponent as provided for under Section 39(1)(b).

Honourable Deputy Speaker, I would like to thank the ***Right Honourable Prime Minister*** for supporting the Bill. In his support, the Right Honourable Prime Minister raised the concern of principles of environmental management that seem to be too much pointing in the direction of policing and enforcement with the element of public education and environmental education being left out. Right Honourable Prime Minister, the bill makes provision for community involvement in environmental management.

This is the principle that the Ministry of Environment and Tourism will continue to facilitate and promote. This broad principle encompasses to a large extent environmental education that is required at grassroots level.

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Comrade Deputy Speaker, I would like to ensure the Right Honourable Prime Minister and the Members of this House that the Ministry of Environment and Tourism will continue to facilitate environmental education through our two environmental education centres that are located in our parks and game reserves, namely, the Namutoni Environmental Education Centre and Okatjikona Environmental Education Centre, which are located in the Etosha National Park and the Waterberg Game Reserve, respectively.

Honourable Deputy Speaker, Honourable Members, I am responding to questions raised by the *Honourable Minister of Finance* concurrently with those asked by the *Honourable Deputy Minister of Finance*. I fully agree with the remarks of the Honourable Ministers regarding the remaining footprints of our activities on our fragile environment and the need for rehabilitation as well as guaranty funding provisions for rehabilitation and environmental tax. The Bill does not make direct provisions for environmental tax and rehabilitation guaranty Clauses.

The issue of environmental tax is provided for in the Environmental Investment Fund of Namibia, administered under Act 13 of 2001. The Ministry of Environment and Tourism is currently busy developing regulations that will identify potential sources of revenue for the Environmental Investment Fund. This, of course, is being done in consultation with the Ministry of Finance.

Honourable Deputy Speaker, Honourable Members, the issue of rehabilitation is very important and it is key to sustainable environmental management. For this reason, I would like to assure the Honourable Ministers of Finance that there are two mechanisms within the framework of the Bill that will be used to handle the rehabilitation process and the need for environmental rehabilitation guarantee funding. The first mechanism will be the development of a requirement for environmental rehabilitation guarantee within the framework of the regulations under Article 56(1) for projects that are likely to have significant impacts on the environment.

The second mechanism, Honourable Minister, will be the issuing and renewal of Environmental Clearance Certificates and the conditions of approval as described under Sections 32 to 43, Article 8 of this Bill. Within the regulations to be developed under Article 56(1) there will be a requirement for rehabilitation guarantee for projects that are likely to have significant effect on the environment, as determined under Section 27(1), Article 7.

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Honourable Deputy Speaker, Honourable Members, I would like to assure the Honourable Minister that the Environmental Management Bill has been developed to support sustainable development in Namibia and the Ministry of Environment and Tourism within the framework of the regulations, guidelines, standards and procedures to be developed under Article 56(1), will put in place measures that will enhance the polluters pay concept.

In concluding on this contribution, the Honourable Minister of Finance asked why only State organs seem to be subjected to environmental plans under Sections 23 and 26. This same question is also asked by the Honourable Deputy Minister of Finance. It is important to note that environmental plans will be required at strategic level of implementing policies, plans or programmes. Policies, plans and programmes will be implemented by various levels of the State organs and institutions.

Development and implementation of external programmes and plans that are supported by our bilateral and multilateral developmental partners as well as the private sector are always channelled through a specific institution of Government. This clearly demonstrates the emphasis on State organs with respect to Environmental Plans as described in Sections 23 to 26.

There is a need for Environmental Plans in order to make sure that any competing policies, plans or programmes or those that are likely to have significant effect on the environment are identified at a strategic level and mitigation measures are put in place before implementation.

Honourable Deputy Speaker, Honourable Members, I would like to conclude my response to the concerns raised by the Honourable Minister of Finance and her Deputy by thanking the Honourable Minister and her Deputy Minister for supporting the Environmental Management Bill.

Honourable Deputy Speaker, I would like to start by thanking the *Honourable Minister of Regional and Local Government, Housing and Rural Development* for supporting the Environmental Management Bill. In his support for the Bill, the Honourable Minister raised issues related to sustainable natural resource management of our fragile ecosystems, such as forests, as well as control mechanisms that could be put in place to make sure that businesses do pay for the environmental rehabilitation.

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The framework of environmental assessment, both at strategic level, which is Strategic Environmental Assessment, and site specific project level, which is Environmental Impact Assessments, as described in Articles 6, 7 and 8 and provided for in the Environmental Management Bill, will contribute to the protection and sustainable management of our ecosystems such as forests. Within the same framework and in particular under Articles 7 and 8, Environmental Assessment and Environmental Assessment Process respectively, the polluters pay concept will be enforced and regulations, guidelines and procedures will be developed under Article 56(1). This will regulate operations that are likely to have significant impact on the environment as determined under Articles 7, 8 and 9.

Honourable Deputy Speaker, the Honourable Minister concluded in support to the Bill by requesting clarifications regarding procedures on the listing and de-listing of activities with or without likely significant impacts on the environment under Section 29 and the relationship to the provisions of Section 39.

Honourable Minister, Section 29 deals with issues associated with the type of projects that are subject to an environmental assessment, both at strategic and site specific project level, as provided for under Articles 6, 7 and 8 of the Bill.

The list of plans, programmes or projects under Section 17(1), Article 7 can be changed by adding or removing plans, programmes or projects specifically identified to have significant or no significant impact on the environment.

The process of updating this list of plans, programmes and projects that are subject to an Environmental Clearance Certificate is governed under Section 29.

Honourable Deputy Speaker, Honourable Members, on the other hand, Section 39 deals with the Amendment process of the Environment Clearance Certificate issued for a plan, programme or project listed under Section 27 and subject to the provisions of Article 8. The Amendment under Section 39 can be made by the proponent (Section 39(a) or requested by the Environmental Commissioner (Section 39(b), where changes to the initial application with implications to the environmental well-being have been made. In summarising the reply to the Honourable Ministers, the Sections 29 and 39 do address completely different issues which are the guidance, listing and certification processes, respectively.

Honourable Deputy Speaker, the issues raised by the *Honourable Deputy*

Minister of Justice are real and requires an ongoing review and adjustments of our strategies.

The Honourable Deputy Minister raised concerns on the likelihood of dumping or importation of foreign toxic and other waste on the territory of Namibia and what measures are in place to prevent such a destructive event from happening. I would like to state that the Ministry of Environment and Tourism and the country in general, is clearly and unambiguously opposed to the importation and dumping of toxic and hazardous waste in Namibia. Indeed, the Namibian Government has made it clear that it is not in favour of receiving hazardous, toxic and nuclear waste.

Honourable Deputy Minister, the most pertinent of all safeguards is the principle and commitment stated in our Constitution, Chapter 11, Article 94(1) which reads: “...*in particular the Government shall provide measures against the dumping or recycling of toxic waste in Namibian Territory.*” This Bill makes provision to make regulations under section 56(1)(a) and with the powers vested in the Minister in respect of waste spelled out under article 5.

At international and regional level, Namibia is a signatory to a number of conventions and agreements dealing with issues of waste management. In making sure that Namibia implements the provisions of these conventions and agreements, provisions have been made under section 48 of this Bill.

Such conventions and agreements with respect to the waste management and related issues to which Namibia is a signatory include:

1. MARPOL 73/78 which provides for regulations covering the various sources of ship-generated pollution and Namibia is a party to Annexes I, II, III, IV and V of MARPOL 73/78.
2. The Basel Convention addresses the issue of the trans-boundary movement and disposal of waste, and was adopted in Basel, Switzerland in 1989. Namibia is in the process of acceding to this convention.

Honourable Deputy Speaker, Honourable Members, I would like to conclude by thanking the Honourable Deputy Minister for supporting the Bill and would also like to take this opportunity to assure the Honourable Deputy Minister that there are safeguards in place and the Ministry of Environment and Tourism will

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continue looking at improving the existing systems together with all the stakeholders in order to contribute to the sustainable development of this country in line with Vision 2030.

Honourable Deputy Speaker, I would like to thank the *Honourable Deputy Minister of Trade and Industry* for supporting the Bill. The Honourable Deputy Minister raised questions on the terms of office for the Environmental Commissioner, the likely timeframe for processing the application for Environmental Clearances and the issue of capacity in order to make sure that the system will not cause delays on project implementations.

As the Honourable Deputy Minister rightly pointed out, the terms of office for the Advisory Council members is three years, as provided for under Section 9 and the members may be reappointed at the end of that term. The appointment of the Environmental Commissioner, who will be a public servant, is subject to the laws governing the Public Service, therefore, term of office will be subject to these laws.

On the issues of timeframes and capacity to evaluate environmental assessment studies in the Ministry, the Bill under Section 45 makes provision for the Environmental Commissioner to appoint a specialist reviewer where the technical knowledge is required and is not available in the Ministry and the timeframes will be provided for under the regulations to be prepared under Section 56(1).

Therefore, the concerns of the Honourable Deputy Minister regarding the likely delays and capacity issues will be handled through the external review process and limits on the timeframes to be provided in the regulations.

Honourable Deputy Speaker, Honourable Members the three issues raised by the *Honourable Nambahu*, namely the need for continuous consultation and community level environmental education and awareness support, the activities of the road construction companies and the composition of the Advisory Council to include Traditional Authorities, as they are very important players in the natural resources management and finally, the need for a mechanism of decentralisation of the Council and development of the regulations can be explained as follows:

Honourable Deputy Speaker, Honourable Members the Ministry of Environment and Tourism will continue to facilitate environmental education through the

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HON KONJORE**

existing structures within the Ministry. I agree with the Honourable Member that it is only through education and awareness training that our grassroots communities can realise the value of the natural resources around them and the need for environmental protection in general. On the issue of the activities of the road construction companies, I would like to assure the Honourable Member that under Articles 6, 7, 8 and 9 mechanisms and procedures governing sustainable environmental management principles will be inclusive to the operations and activities of road construction companies and more so through the process of Environmental Impact Assessment of projects within the framework of the regulations to be developed under Section 56(1).

The Ministry of Environment and Tourism, since its inception, recognises the important role of Traditional Authorities in the management of natural resources. In enhancing the roles of Traditional Authorities, we instituted what we call Community-Based Natural Resource Management Programme. Honourable Member, the current Bill fully recognises this important role and Section 44 requires a thorough consultation of all affected and interested parties, of course, including the Traditional Authorities.

The Honourable Member further asked if the work of the Advisory Council will be extended to the Regions. As I have stated earlier, the Bill makes provision for the Advisory Council to establish committees as appropriate, under Section 8, Article 4. Therefore, the work of the Advisory Council could also be extended to the Regions where appropriate and necessary, in the form of establishing committees as well as under the provisions of the policy of decentralisation.

Finally, Comrade Deputy Speaker, Honourable Members of this august House, allow me once again to express my profound gratitude for the overwhelming support shown to this very important Bill. I trust that I have accordingly, hopefully, adequately and, more hopefully, satisfactorily responded to the questions as put and I once again thank you for your kind attention, support and pray for the speedy adoption of this very important Bill. Thank you very much.

HON DEPUTY SPEAKER: Thank you very much for your comprehensive answers to the questions raised. I now put the Question that the Bill be now read a Second Time. Any objections? Agreed to. The Secretary will read the Bill a Second Time.

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**RATIFICATION: FREE TRADE AGREEMENT
HON ESAU**

ENVIRONMENTAL MANAGEMENT BILL

HON DEPUTY SPEAKER: The Secretary will read the Second Order of the Day.

**RATIFICATION: FREE TRADE AGREEMENT:
EFTA STATES AND SACU STATES**

HON DEPUTY SPEAKER: When this Debate was adjourned on Thursday, 4th October 2007, the Question before the Assembly was a Motion by Honourable Dr Geingob. The Honourable Minister of Trade and Industry adjourned the Debate and he now has the Floor.

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Thank you very much, Comrade Deputy Speaker. After having heard the marathon response by my Colleague, the Minister of Environment and Tourism, I will try to be as brief as possible in my response.

Comrade Deputy Speaker, Honourable Members, first of all I would like to thank the Standing Committee on Economics, Natural Resource and Public Accounts on the reports on the Free Trade Agreement between EFTA states and SACU states. We concur with the findings of the report as tabled in this august House and would like the Members of the House to speedily adopt this report for further processing to the relevant institutions in order for us to fast-track the process of ratifying this Agreement. I thank you all for your support.

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HON DEPUTY SPEAKER: Thank you very much. Any further discussion? Does Honourable Geingob wish to reply?

HON P MUSHELENGA: On behalf of my Chairperson, I would like to thank the Honourable Deputy Minister for his response and just to echo his words that we ratify this Agreement as a matter of urgency. Thank you.

HON DEPUTY SPEAKER: I now put the Question, that the Motion be adopted. Any objection? Agreed to. The Motion is adopted. The Secretary will read the Third Order of the Day.

**RESUMPTION OF DEBATE ON NATIONAL RECONCILIATION WITH
A VIEW TO DEVELOPING GUIDELINES FOR A POLICY THEREON**

HON DEPUTY SPEAKER: When this Debate was adjourned on Thursday, the 4th of October 2004, the Question before the Assembly was a Motion by the Honourable Tsudao Gurirab. Honourable Kasingo adjourned the Debate and she now has the Floor.

HON KASINGO: Thank you, Honourable Deputy Speaker, for giving me the Floor.

In contributing to the Motion before us, let me first and foremost recognise with satisfaction that the policy of national reconciliation, as documented in the

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Supreme Law of our Government, the Namibian Constitution, is a living exercise which has been carrying us for the past 17 years.

Honourable Deputy Speaker, Honourable Members, we may recall that this country, Namibia, was at war, a very brutal war, as a result of which the majority of the Namibian people have suffered both physically and psychologically. The Nation was torn apart between racial groups, between sisters, brothers, mothers and daughters.

The four O-regions, north-east and north-west, were really war zones. There was no single day where these citizens did not see a Casspir. They were brutalised, their homesteads were destroyed, their mahangu fields were also destroyed. Otavi, Tsumeb and Grootfontein by then were known as the “*triangle of death*”. Those people who had been here may recall that the inhabitants of this war zone areas did not even know how to write in their vernacular, but they were forced to know the most of the prominent Afrikaans words just to survive and those were, “*waar is die terroris, waar is jou kopkaart? Ja baas.*”

Honourable Deputy Speaker, Honourable Members, the violence was so harsh psychologically, because I recall during those years the South African Defence Force used to even carry dead bodies on the Casspirs. Some of these corpses were known and they used to carry them from school to school, from one village to another and from one cuca shop to another with the aim to terrorise the Namibian Nation psychologically. (Intervention)

HON DEPUTY MINISTER OF HOME AFFAIRS: On a Point of Order. I am sorry Comrade, you are doing extremely well, but I would like to put the record straight, because by carrying them on Casspirs it seems as if they were loaded on the Casspirs, but they were pulling them. People were tied to the Casspir and then they were pulled on the ground. The record should be put straight for our children to know what was happening in this country.

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HON KASINGO: Thank you, Comrade Mushelenga. Some of them were on top of the Casspirs, some of them were pulled as if they were dead dogs. They did this to intimidate the Namibian Nation, but regardless of that brutality and violence, the Namibian people in that war zone were patient.

I do recall that it was during the middle-eighties that even those people who identified themselves with the perpetrators, the colonialists, the white people, were fearing that after independence and after SWAPO has taken over – like Honourable Saara Kuugongelwa has stated – “*hell would break loose*”. They were also fearing that. I do recall when I was asked by Lorentz & Bone, the instructing attorney in *State versus Heita*, people who were captured in terms of the Terrorism Act, to help with interpreting to young boys who were captured under the Terrorism Act. Now they are adults, they are still alive.

I recall that those young men were telling the story of how they were recruited by the feared PLAN combatants, and instructed to bury and hide weapons under the *Omankolo*, which is a traditional fence. These young men were telling the instructing attorney and I am not going to name this commander, although he is still alive, I am just going to call him Mr X, “*no Mr X has instructed us to bury these things in the omankolo, he also gathered the people in cuca shops, he requested them to assist the PLAN combatants, etcetera.*” The instructing attorney was also surprised at what he was hearing. He is still alive, he is a senior advocate. He said: “*I fear this Commander X, I am sure after independence he will be instructed to take our houses and our farms.*” By then, without knowing, I told him “no, I do not think that is the aim of SWAPO, the aim of the liberation movement is to liberate this country, to get Independence so that we can leave in a democratic country.” What I have told him is what we have experienced immediately after Independence. We have democracy, we are living peacefully regardless that the majority of people were victims themselves. Some of them were even buried alive. It is really pathetic.

I am just going to quote two examples: Immediately after Independence we embraced the policy of national reconciliation. Even those people who were regarded as perpetrators were surprised to see to what extent SWAPO has accommodated what was regarded as arch enemies of the people of Namibia, if not the black people.

Immediately after Independence between 1991 and 1994 I was working as a Prosecutor in the Ministry of Justice. My duty then was to decide whether to

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prosecute on minor cases and also which cases should be on the roll. In my office it happened now and then that the defence lawyers would come and look for their cases. One day they came to my office and they were surprised to see me there working together with a very conservative white person by then. He is no more there, I was not going to mention his name, but I am just going to mention this example to show to what extreme the SWAPO Government has gone to accommodate others.

These were young white lawyers and they were shocked, they called me outside and said, "*oh Loide, with whom are you, with this person?*" This is really national reconciliation. (Interjection). I should not have mentioned this, I am just illustrating the extent to which the SWAPO Government has gone to implement the policy of national reconciliation. He was by then the leader of the NHP, if you may recall. By then he was recruited by the Ministry of Justice as a prosecutor and those people who know the history of this Political Party would know those were the people by then – not now – who could not even shake hands with the black people. By that time SWAPO has even gone the extra mile to accommodate these people. The young white lawyers were shocked. (Intervention)

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Information. My dear sister, you are doing well. Apart from the severe destruction and humiliation our Comrades in the North have undergone, do you know that there was a day, if I am not mistaken I think it was in 1984, 1985, when they accused our national leaders in the country of bombing the OK Bazaars here. In Gibeon we had a youth league meeting, addressed by Comrade Witbooi, and that same evening he was picked up from Gibeon just because he was addressing a students' meeting and they were looking for Dr Kameeta. Dr Kameeta was fortunately at a church meeting and all the others, Tjongarero, Nico Bessinger, were picked up and they went to Osire where they were humiliated. The late Tjongarero died because of that and Nico is very sick, Comrade Witbooi is very sick because of all these things. I know you are aware of that, but I just wanted to mention that when you were addressing a meeting, you were accused of bombing the OK Bazaars.

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HON KASINGO: Yes, thank you, I am aware of that. There are so many people with many serious scars of the war and it was during those years when late Comrade Shifidi was killed. We ran like dogs. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask a question? Comrade Kasingo, are you aware that the policy of national reconciliation is doing well because in this House there was an Honourable Member who is now a member of the Republikein and a leader in a certain Municipality and that time he was a Security Police who physically beat me. He was here. Are you aware that if it was not for the policy of national reconciliation, by now I would already have finished him?

HON KASINGO: I am aware, there are so many stories.

HON DEPUTY SPEAKER: Honourable Ilonga, how could you “*finish*” somebody? Beating him up or what?

HON KASINGO: That is just an indication of the high level of tolerance and patience on the part of the people who have really suffered. The violence was so brutal that during those years, especially during 1980 to 1986 the peace-loving international friends used to come and visit either under the church or NGOs and at the time they used to go to the war zone. I recall some of them who spent a week there and came back who said the *Namibian people have a high level of tolerance* and they wondered whether this violence would not have a negative effect after Independence. One would question as to whether the violence which we experience among ourselves is not maybe as a result of the war. We will never know. It was really terrible.

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Where is this Motion of national reconciliation with a view to develop guidelines for a policy thereon going to take us? Because before you can develop any policy, any law, you must have a preamble recognising certain facts, like the darkest chapter of our country as it was highlighted by the Prime Minister and also the Minister of Lands, Honourable Jerry Ekandjo. It means before we can come up with that policy, there should be a preamble and if the preamble recognises certain facts, you must also answer to the content thereof. The biggest question is: Where is it going to take us if we open up that darkest chapter of our lives?

I believe that we are going well in terms of national reconciliation. Democracy is here, we feel it, we touch it, we must just be happy and we must just strengthen what we are doing and ensure that we do not provoke each other, and not to use our patience and tolerance as a point of weakness. With this I rest my case.

HON DEPUTY SPEAKER: Thank you very much, Honourable Kasingo. Any further discussions? I recognise Honourable Dinyando.

HON DEPUTY MINISTER OF INFORMATION AND BROADCASTING: Comrade Deputy Speaker, I was requested by Comrade Kawana to adjourn this Debate until Tuesday next week.

HON DEPUTY SPEAKER: The Motion stands adjourned until Tuesday, next week. The Secretary will read the Fourth Order of the Day.

**RESUMPTION OF DEBATE ON THE PROCLAMATION OF TOWNS IN
THE RURAL AREAS AND HOW IT AFFECTS RESIDENT FARMERS.**

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**MOTION ON PROCLAMATION OF TOWNS
HON IIVULA-ITHANA**

HON DEPUTY SPEAKER: When the House adjourned in terms of Rule 90 on Wednesday, 3rd October 2007, the Question before the Assembly was a Motion by Honourable Ulenga. Any further discussion? Honourable Minister of Justice and Attorney-General.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Thank you, Comrade Deputy Speaker, Honourable Members. This Government has taken a policy of developing Namibia so that by the year 2030 we would have reached a certain level of development. This policy decision requires that certain things must be done in the way to advancing that policy.

We may recall that shortly after Independence the Government took a decision to establish municipal areas, particularly in those areas where the colonial Government had done little. Places like Ongwediva, Oshakati, Outapi, Eenhana, Katima Mulilo, Rundu, name them, most of them were proclaimed after Independence and this process is ongoing.

Without recalling the precise date on which this Government embarked on this process, I can guess that by now we should be talking about ten or more years.

I would like to look back or to be drawn back so that we review the path we have travelled, the challenges we have faced in order to smoothen this process for the future.

I remember very well that when those early places were proclaimed there was resistance by the farmers who had to give way for the establishment of these towns. However, some mechanisms were put in place to assist such farmers to re-establish themselves elsewhere. What I am however missing is probably an indication as to how successful those who were relocated have become or what type of difficulties they experienced in re-establishing themselves elsewhere. That will give us armaments to explain to those who are faced with the same relocation request, to look at others and feel comforted that at least they will not be worse off.

Every now and then when farmers are faced with this relocation, they come up with all kinds of arguments and we Namibians, few as we are, always find ourselves torn apart because on the one hand, we are driving the policy of

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developing new towns, but at the family level we are affected because our relatives are finding it difficult to be relocated. I therefore feel we must find a middle way, so that whenever this issue arises, it does not carry with it the complaints, the uneasiness and the problems that normally are experienced.

Comrade Deputy Speaker, the towns being developed are those which are closer to certain facilities, such as hospitals, schools, roads and shopping areas. Nowadays it becomes very difficult to find an empty space near such facilities in order for these people who are relocated to be settled. They must go far into the *bundus* to find space. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask a question to the Minister? Honourable *Kakua* are you aware that your interpretation and that of Honourable Ulenga of the words “*proclamation of towns*” are not the same?

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Before I get to the question of my “*Kakua*”, I just need to explain what *kakua* means. Some of us are retired Generals. In those years when we were Generals, we had the Indians under us to command. I was a commander of platoon no 7. Seven is like an axe, *okakua* is a literal translation of the seven, the way it looks. That is the background to *kakua*. He was under my command, he was one of my Indians.

Comrade Deputy Minister, we may be speaking the same language with probably different or same understanding, but what brings us together at the point where we meet is the people who are affected. These are Namibians and whether they belong to whatever Party is not relevant to me. What is relevant is the essence of their complaint. Is there merit in what they say? If there is no merit, let us say so. If there is merit, let us look at it, what is it?

I was on the point of saying these people who are being dislocated are not only losing their mahangu fields, their homesteads or whatever, they are also losing out on these services which they were used to, children running to school in five minutes. Now they have to walk fifteen kilometres to a school. The old person used to go to the hospital him or herself because the clinic was just nearby. The

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church or whatever facilities were within walking distance. Now we do not seem to be looking at that aspect. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Information, so that I make the meaning of my question clear. Comrade Deputy Speaker, it is true that these people will lose that distance to reach school and we have sympathy, but it is really not true that Honourable Ulenga feels sympathy, but he is using it as a political point. Instead of advising, he is engineering the anger of those people not to accept the relocation. We are all aware that new things are always difficult to accept. When some families get twins, they are crying because it is ominous. Instead of being happy, they cry and that is why I am saying we are saying the same thing, with different interpretation. We feel sympathy with those people, but instead of giving sympathy, he is feeding anger in their minds. He is not giving sympathy. There are towns that were proclaimed while he was Deputy Minister of Regional and Local Government. Why did he not advise the Minister not to do that?

That is why I am saying we are talking about the same, we are talking about the same pain, but we have different interpretations. It is just like when we were with Honourable Mudge, when we talked about Independence, he talked about Independence but it was different. I just wanted to make my question clear.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Thank you Honourable Deputy Minister, you have said your say, it is unfortunate that Honourable Ulenga is not here to hear it from the horse's mouth.

What I was however saying is that we should also pay attention to that aspect of hardship that is created by relocation and not only to look at what the actual visible loss of the person would be. I raised the issue somewhere else and an explanation was given that not all the persons are necessarily relocated and if that is true, then I appreciate it very much because we know what is happening with our children, the able-bodied. They are no longer there to help the old people or even to fetch water. How about relocation? If the old people, sixty and above, could at least be allowed to remain ... (Interjection).

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There are not so many, if you look around a certain area, they are not so many and they can remain there until later, other than causing them these difficulties of re-establishing themselves in their old-age.

I was assured that the old people are not being moved and, therefore, let us just find a nice way to relocate our people who are being affected because of the development of new towns. That is what I would like to say in supporting, not really supporting the Motion, but making a contribution to the Debate. Thank you.

HON DEPUTY SPEAKER: The House stands adjourned until tomorrow in terms of Rule 90, automatic adjournment.

THE HOUSE ADJOURNS AT 17:47 UNTIL 2007.10.10 AT 14:30

**ASSEMBLY CHAMBER
10 OCTOBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

HON DEPUTY SPEAKER took the Chair and read Prayers and the Affirmation.

ANNOUNCEMENT

HON DEPUTY SPEAKER: First announcement from the Speaker's Table: A delegation from the Spanish Congress of Deputies will visit Namibia from 11 to 15 October 2007. The delegation will be led by Honourable Jordi Vilajoana Rovira, the Deputy President of the Spanish Congress who also serves as the President of the Spanish Parliament Group of Friendship with the Republic of Namibia.

Therefore, the Honourable Members of the Namibia-Spanish Parliamentary Group are requested to meet in the Constitution Room during tea-break for consultations. Your cooperation will be highly appreciated.

HON DEPUTY SPEAKER: Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Notice of Questions? Notice of Motions? Ministerial Statements?

The first Notice of a Motion is the one of Honourable Minister of Finance. Does the Honourable Minister move that the Bill be now introduced?

**MOTOR VEHICLE ACCIDENT FUND BILL:
INTRODUCTION AND FIRST READING**

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**MOTOR VEHICLE ACCIDENT FUND BILL
HON KUUGONGELWA-AMADHILA**

HON MINISTER OF FINANCE: I Move the Motion.

HON DEPUTY SPEAKER: Who seconds? Any objection? Agreed to.
The Secretary will read the Bill a First Time.

MOTOR VEHICLE ACCIDENT FUND BILL

HON DEPUTY SPEAKER: Does the Honourable Minister of Finance
move that the Bill be now read a Second Time?

HON MINISTER OF FINANCE: I move so, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Who seconds? Any objection? It is agreed
to. The Honourable Minister has the Floor.

HON MINISTER OF FINANCE: Thank you, Honourable Deputy Speaker,
Honourable Members of the House. I have the pleasure to motivate the Motor
Vehicle Accident Fund Bill.

This Bill, if passed by Parliament, will repeal the current Motor Vehicle Accident
Fund Act of 2004. The present motor vehicle accident compensatory system is
based on a fuel levy third party system which is unique to five countries, being
South Africa, Botswana, Lesotho, Swaziland and Namibia, with nearly all other
countries around the world leaving the issue to the private short-term insurance
sector.

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The constituent elements of a third party compensatory model are a statutory fund being the first party, the vehicle owner, the second party and the accident victim being the third party.

In Namibia, the Fund is the Motor Vehicle Accident Fund or MVA Fund as set up by the MVA Fund Act. The Fund is funded in terms of a portion of money derived from a fund established under the Petroleum and Energy Act No. 13 of 1990 or fuel levy being allocated by agreement between the Minister of Mines and Energy and the Minister of Finance. This arrangement ensured that no vehicle is uninsured and no motor accident is uncovered.

The MVA Fund is charged under the Act to compensate a person suffering loss or damage in an accident caused by negligence or unlawful act by a driver or owner of a vehicle. The system is, therefore, what is known as a fault-based system, that is victims of accidents which are not due to fault on the part of a driver of a vehicle are excluded, which is one of its main shortcomings.

In practice this means that plus minus 33% of accident victims are excluded from being able to secure compensation from the Fund even though the Fund has received a fuel levy premium on the fuel used by the vehicle involved. What needs to be appreciated here is that most accident victims, being passengers and pedestrians or over 90%, come from the lower socio-economic sector of society and most are totally innocent of blame for the accident and most have little option as regards to their role as passenger and/or pedestrian. The net effect of this is that persons who are already disadvantaged are further disadvantaged, often with tragic consequences.

There are two hurdles that the claimant has to surmount before compensation is payable. Firstly, he or she has to prove that the driver or owner of the vehicle involved was at fault. Secondly, even where the victim manages to prove fault against the driver or owner, he or she has then to prove the nature and extent of the loss in damage, that is value in monetary terms. Ultimately, the amount paid evolves around complex rules set under the law of *delict*, which is the most contentious branch of law.

Another shortcoming of the current system is that the level of the Fund's liability in a given case is determined by the courts, not by the Fund, leaving the Fund unable to control its liabilities and therefore, rendering the Fund susceptible to insolvency.

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As the Fund is required to compensate by paying for loss or damage, a culture developed in terms of which the system was primarily seen as a way of converting injury and death into money. As a result the system is plagued with disputes over money and the courts are inundated with suits against the Fund. In addition, the system experiences the onset of systematic deviance and fraud on account of the money-orientated culture.

The new MVA Fund Bill which is tabled in this House retains the principle of State involvement in the motor vehicle accident insurance. This is because motor vehicle accidents, which unfortunately are still very rampant in Namibia, claim their victims mostly from the poor who are unable to pursue the relatively well-resourced vehicle owners and their insurers for compensation.

The Bill also retains the fuel levy system as a mechanism for funding the Fund given its cost-effectiveness. However, given the sensitivity of the economy to increases in fuel prices and the impact that the fuel levy has on fuel prices, the levy income will be used only to fund benefits that are necessary, fair and reasonable.

Further, the Bill proposes a paradigm shift from damages, that is converting the effects of injury and death into money, to addressing the social harm that accrues to a victim. Defined benefits, not *dilictual* damages accrued in full to all innocent victims of motor vehicle accidents howsoever caused. Justification for this is:

1. It is considered manifestly unjust that innocent victims of accidents are excluded even though the Fund has received a fuel levy premium on the fuel used by the vehicles involved.
2. Cognisance is taken of the fact that all persons contribute to the fuel levy directly or indirectly, in that fuel price inevitably relocates into the price of commodity goods.

Another advantage of removing fault requirement is that the complex contentious and inherently litigious rules presently applying under the law of *delict* are replaced by the relative certainty of defined benefits.

Under the Bill every innocent victims is automatically entitled to full benefits as long as injury and/or death was caused in a vehicle accident, however caused. As

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stated, benefits availed under the Fund will be those that are necessary, fair and reasonable.

Central to the utility and efficacy of the system is the achievement of full compensation for the victims and, therefore, full indemnity to the drivers and owners of vehicles involved. The utility of the system is thrown into serious question and stands to be discredited if it not only fails to cover most victims, but concomitantly leaves drivers and owners of vehicles unnecessarily exposed to balance of lost claims, that is claims for the value of loss not compensated by the Fund. To this end, the benefits of the Fund are summarised as follows:

- Up to N\$1,5 million for medical treatment, injury, management, rehabilitation and life enhancement. At present the cover is N\$380,000 and this cover is problematical to administer on account of the way it is structured.
- Up to N\$100,000 as a one-off cash grant for injury. This retains the present limit from general damages.
- Up to N\$100,000 per annum to reimburse income or dependent support lost on death of a breadwinner.

This is a huge improvement on the present cover.

Sub-clause (d) under these benefits regulates compensation for income in accordance with whether or not the person or deceased was a taxpayer.

Where tax was being paid, compensation accrues up to the limit of N\$100,000 per person per annum. Where tax was not being paid, compensation accrues up to the amount set as the tax threshold, that is the amount at which a person is then required to pay income tax. The reason why it is necessary to make this distinction is to ensure that persons are not compensated at a level which actually exceeds the loss suffered.

Then there is N\$7,000 in respect of each person killed, regardless of other factors such as an employment funeral benefit and without demanding proof of actual loss.

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The advantage of this model is that the Fund is able to effectively, immediately provide a meaningful benefit to bereaved families in their hour of need with minimum bureaucracy. The value of benefits is protected against erosion on account of inflation. Therefore any unspent portion of the medical benefit will in the following year increase at the rate High Court interest rates apply.

The compensatory model proposed under the Bill will not cover all losses in every case. Those earning in excess of N\$100,000 will experience a shortfall between the compensation awarded and their actual loss, but it is not possible to guarantee full compensation for all losses suffered. There is simply no system in the world that does that. The State benefit system cannot be expected to guarantee more than necessary, fair and reasonable compensation. Besides, it is fair and reasonable that high earners be left to purchase top-up personal accident and liability insurance to provide cover for balance of loss and liability. That is that portion of loss and liability not compensated by the Fund.

The Bill further visits upon the Fund an obligation to be highly proactive in order to relieve human suffering at the highest achievable level, on the one hand, and thereby minimise the Fund's liabilities, on the other hand. To this end, in terms of Clause 23, the Fund is charged to take such reasonable steps as it is able to take to respond to accidents for the purposes of timeous conveyance of injured parties to treatment centres. This will improve the likelihood of recovery or mitigation of longer term problems and therefore, reduce in the longer term medical costs to the Fund.

Accident response will be on an entirely no fault basis as it is both impractical and unconscionable to seek to ascribe blame at an accident scheme.

Further, as stated in terms of Clause 25(1)(e), (f) and (g), the Fund is empowered to confer the benefits of treatment, rehabilitation and life enhancement in terms of plans customised to the prevailing need. Historically the MVA Fund has had to be largely reactive on account of the legal *onus* being on claimants to prove their claims. The result was that claims took up to 10 years to be determined.

The Bill incorporates effective mechanisms for ensuring that where there is dispute between the Fund and a victim, the matter can be resolved by a Medical Review Committee under Clause 25(8) and (9). Whereas most victims will now be covered by the system, a small but important category is excluded. This will

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occur in cases of criminal conduct. Behaviours that escalate risk will also endure the sanction of a denial or reduction in the monetary benefits.

Of great importance is the fact that for the first time the Fund will be made subject to administrative law under which it will account. This is correct as the Fund is an administrative body and it is an aberration that it is not subject to administrative law, which is a well developed body of law specifically intended to regulate the conduct of administrative bodies like the Fund. Experience from elsewhere shows that this has the effect of divesting the system from the problems and great expense of the litigious culture.

Under the present system it is nearly always worthy for a claimant to sue the Fund because if the court subsequently finds that the Fund is even slightly wrong, it is subjected to the costs involved. Experience also shows that the Fund is at huge risk and stands to lose most cases. Under administrative law a court can only intervene and/or condemn the Fund if it concludes that the Fund has acted with gross unreasonableness capriciously and/or in breach of its mandate.

Finally, the Fund will relocate in terms of this new Bill to the Ministry of Works, Transport and Communication.

With this, Honourable Deputy Speaker, Honourable Members, it is my pleasure to table the Bill to this Honourable House for discussion and for its approval. Thank you.

HON DEPUTY SPEAKER: Thank you very much, Honourable Minister of Finance. Any further discussions?

HON MOONGO: I would like to adjourn the debate until next week, Tuesday.

HON DEPUTY SPEAKER: The Bill stands adjourned until next week, Tuesday. The Secretary will read the First Order of the Day.

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COMMITTEE STAGE – ENVIRONMENT MANAGEMENT BILL

HON DEPUTY SPEAKER: Does the Honourable Minister of Environment and Tourism move that the Assembly now goes into Committee Stage?

HON MINISTER OF ENVIRONMENT AND TOURISM: Comrade Speaker, may I pray with your kind indulgence that you just rearrange the Order Paper for a brief consultation that will come today still.

HON DEPUTY SPEAKER: The Secretary will read the Second Order of the Day.

**RESUMPTION OF DEBATE ON THE PROCLAMATION OF TOWNS IN
THE RURAL AREAS AND HOW IT AFFECTS THE RESIDENT
FARMERS**

HON DEPUTY SPEAKER: When this Debate was adjourned in terms of Rule 90 yesterday, 9 October 2007, the Question before the Assembly was a Motion by Honourable Ulenga. Any further discussions?

HON MINISTER OF MINES AND ENERGY: Thank you, Honourable Deputy Speaker. I want to give facts mostly to the accusations against the Helao Nafidi Town Council as was mentioned by Honourable Ben Ulenga.

Helao Nafidi Town Council was established in terms of an Act of Parliament, the

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Local Authorities Act No. 23 of 1992 and started operations in July 2004. The operations of Helao Nafidi Town Council are regulated by the Local Authorities Act, and as all other Local Authorities, the Act imparts certain rights and responsibilities to Helao Nafidi Town Council with the objective of improving the living conditions of all people in its jurisdiction, as well as creating an enabling environment for the establishment of acceptable infrastructure, including the provision of sustainable services to all.

Prior to the establishment, proper consultations and dialogue were conducted by the relevant Ministry with all the stakeholders who, among others, include:

- Traditional Leaders
- The Ohangwena Regional Council
- The business community
- NGOs of pressure groups
- Members of the community
- Traditional homestead owners.

I was one of them. All the above stakeholders were informed and appraised on the advantages and disadvantages of establishing a town and they have all acquainted themselves with information and facts, including;

- The boundaries of the town
- That all land within the town boundaries will belong to the Town Council.
- That people will be relocated with fair and just compensation to pave way for development.

At this juncture the information has been shared and the compensation policy used by Helao Nafidi Town Council has not been different from what is used by other Local Authorities in Namibia, as it was compiled in terms of the demands for development and was approved by Cabinet.

Further to this, Helao Nafidi Town Council does not evict people at random for developmental purposes, but it enters into negotiations and consultations in good faith with people affected, once an area is identified for development. It must be mentioned that some of the negotiations can be protracted as people normally

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demand high and unjust compensation. Nevertheless, most of the negotiations normally have a smooth flow, because people were sensitised beforehand.

To this end, Helao Nafidi Town Council has successfully, fairly and justifiably compensated a significant number of residents, and this number stands at 14. These people accepted the compensation offered to them in terms of the Compensation Policy of 2000 and they were also offered alternatives as stipulated in this policy. The remaining 3, however, accepted the money offered to them, signed the agreements, but refuse to relocate or to allow to be relocated as per the agreements. The latter situation makes it difficult for development projects to be implemented as planned, and are not only hampering the improvement of the infrastructure but are also denying the masses from benefiting from the opportunities or urbanisation, as well as from reaping the fruits of our hard-won Independence.

Despite the ongoing consultations and compensation in terms of the policy, some residents go to the extent of sabotaging development in many ways, as we have recently witnessed in both the print and electronic media. The actions of some of these individuals raise the question of what their motive is. A conclusion can be drawn that they are driven by political motive as opposed to a social one.

It is a known fact that Oshikango in Helao Nafidi Town was the hardest hit during the struggle for Namibia's liberation and it was also deliberately and conveniently neglected and deprived from sustainable development. I am confident to inform you that the footprint of apartheid is still clearly visible in Helao Nafidi Town, namely destroyed buildings, when so-called "*institutions for assistance*" are approached by these disgruntled members of society, they do so as a matter of ignorance. It must however be made clear that ignorance of the law is no excuse. Some of these institutions are so reckless and give malicious information to these members without even having the audacity to stress to society the benefits and objectives of these statutory actions and endeavours.

In fact, one can comfortably say that these people do not have grassroots experience of what the residents of Ohangwena Region and Oshikango in particular, went through during the liberation struggle and they, therefore, seem to want to continue depriving the people of the opportunity to sustainable development.

In conclusion, in Namibia we are faced with the challenge of migration, which

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also brings with it many unwanted social evils such as crime, poverty, disease and the like. I, therefore, believe that an alternative to reduce migration is to improve the conditions at local level in all spheres, in order to transform these rural areas into habitable areas, fit for humans, especially in an independent Namibia.

Therefore, we should strive to live together as brothers and sisters in a harmonised society, or we can witness ourselves perishing together as people who are unable to plan their future destiny. I thank you.

RT HON PRIME MINISTER: Thank you most Honourable Deputy Speaker of the National Assembly. I am rising to make a small contribution to this very important Debate.

The core question regarding the creation of towns in the rural areas is actually as to how do you come up with a *win-win* situation? Towns bring about development, general development. However, residents of the areas these towns are being created in, get dislocated in some cases.

I want to focus particularly on northern Namibia. In northern Namibia towns tend to develop where there was either a colonial administrative centre or a missionary station or where there is a huge concentration of cuca shops. That is where towns tend to develop.

However, when towns start to develop there, they extend their reach beyond where the administrative centre was or beyond where the mission station was or beyond where the cuca shops were located and start to affect many people. This process needs to be treated very carefully, in my view.

First of all to make sure that those who are going to be affected really understand, first, the need for creating a town and also how they themselves are going to be compensated.

I can tell you of a nasty experience I had in 2004 in the area of Ongwediva. There is a village called Elyambala, that is the village somewhere between Ongwediva and Oshakati. Traditionally Elyambala was a contested area between two Traditional Authorities in the area and when Ongwediva was proclaimed as a town, these people were again affected in terms of relocation. When I went there

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to address a SWAPO meeting they saw me as an extension of those old, old traditional grudges, particularly that I did not come from that area and that I have come to enforce the unjust system of relocating people. (Intervention)

HON TJIHUIKO: May I ask the Right Honourable Prime Minister a small question? I was actually listening to your contribution very carefully and I was struck by one thing that you mentioned, the concentration of cuca shops where this development takes place. Am I right to think that this concentration of cuca shops is now being used as economic growth points where development is taking place? If that is the case that they were being used in the North, what mechanisms are the Government using in the other areas to use certain structures as economic growth points in the other areas except the North?

RT HON PRIME MINISTER: You see, when I was the Minister of Education I was saying, if the growth of schools could be parallel to the growth of cuca shops, we will have enough schools in Namibia. The cuca shop development is a people-centred development. In fact, every other five kilometres in either direction you will find a cuca shop, but that is something not initiated by Government. It is initiated by individuals. (Interjection)

HON MEMBER: Yes, Uukuumwe.

RT HON PRIME MINISTER: Yes, Uukuumwe is one of the cuca shop barons around here and he underpays the ladies who work for him and exploit them in many other ways.

Therefore, the cuca shops are a home-grown thing, it is not something ordered by anybody. Somebody with a business idea puts up a cuca shop, other people come and other people come and do you know what is the complain now in the North? When rural electrification came, this electrification was taken to the cuca shops and churches and the schools and clinics. Now people are saying, "*is this*

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Government for the cuca shops, why do they not bring electricity to our homes? Of course, it is not possible because there are just too many homesteads there. But the point is that yes, cuca shops are growth points, they have the potential to be a growth point in their localities.

I was however telling you the story of Elyambala. I went there to urge people to vote for SWAPO and to my surprise I did not know that these people have organised themselves, that these SWAPOs are an extension of the people who have been removed from this place. My friend, I had to run for my life that day. That is how I know that people are really aggrieved by some of these things. It is only Frankie Fredericks who can be one kilometre ahead. I really got the message that these people were not properly consulted. It is a question of talking to people, information and perhaps that is also what is lacking. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: Honourable Deputy Speaker, may I ask the Right Honourable Prime Minister a tiny question? My question is, I was just watching television last night and I wanted to know whether the Herero Mall is also similar to cuca shops? Is it also an economic growth point? I am really interested to hear, Comrade Prime Minister.

RT HON PRIME MINISTER: Yes, there was a report that there was a tribal war at that Herero Mall. Now Alextus Kaure was saying that this Herero Mall should be reformed. I hope that Honourable Kaura will take the initiative to reform the Herero Mall so that it is also open to the other people who do not speak Otjiherero or who speaks broken Otjiherero like mine.

It is a growth point for the people who cannot trade in central Windhoek and they can go there and trade their *Omaere*, *Onyama* and some other things, *vetkoek*, but the only problem is the security of the space and I think something has to be done about the security of the area.

I was saying that at Elyambala I realised that people were not properly informed, even the methods of compensation. (Intervention)

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HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a point of information. I am terribly sorry to interrupt my boss, but there is something that he mentioned which, unfortunately, I have to also add because since it is the Prime Minister talking, the viewers outside there may think that the information has some merits. The information that Herero Mall is only exclusively for the Hereros, there is no such a thing. Even if you visit the Herero Mall now, it is open for everybody. Please, some people may take that information as being true and on the regrettable incident and the current squabbles between the tribal people, it is also fuelled by information which has been around.

Honourable Member //Garoëb and Honourable Kaura recently have been on Radio Otjiherero, trying to bring down this misunderstanding as if there is tension or a deliberate tribal war between the Damara-speaking and the Hereros. Please, the issue needs to be treated with the delicacy it deserves and as for the name itself, the Herero Mall, we also said Maerua Mall because it is coming here – Maerua Mall, China Town and others, these names are tribal. We should all appreciate that we must be sensitive and there is no need to rename it, we have other places that are named tribally and we do not need to reinforce that.

RT HON PRIME MINISTER: I thank Honourable Kazenambo for that information. In fact, I was going to say that I suspect the conflicts there are a question of space, that there is not enough space to accommodate everybody. If enough space is created for people to trade, I do not think that there will be conflict. But I suspect it is the type of place which is there which is causing these conflicts. But I am also happy that Honourable Justus //Garoëb has been able to calm down the situation together with Honourable Kaura.

The Herero Mall is a growth point but it needs to be improved. I was talking about Elyambala in Ongwediva. Upon my investigation why people were so angry, I discovered that they associated me with what they consider to be foreigners who came to chase them there a long time ago before Ongwediva was created and in modern terms with unfair eviction. My plea is really that when you create a town or cause a situation whereby somebody has to be evicted, there is a need for clear information. Really engage these people so that they fully

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understand their rights. Sometimes they can even refuse that they are not going to move and there is nothing you can do about it.

In my village Onyaanya they wanted to put up a town there and people said *no, we never asked you to come here and put up a town. If you want a town, go and ask some other people to put up a town* and true to their conviction they refused and the town was now shifted to Omuthiya and again there were problems. I know one Headman who suffered a stroke because of that and also because of information. There are just too many rumours going around.

Some rumours are saying that Government has given money for compensation but the gatekeepers in Omuthiya shared the money among themselves and, therefore, the people who are affected did not get just compensation.

I am really pleading for information. (Intervention)

HON TJIHUIKO: May I ask the Right Honourable Prime Minister another small question, please? The Right Honourable Prime Minister is talking about information, which is very important, but before action is taken, people were supposed to have been informed. But it seems as if people are now relying on rumours. Right Honourable Prime Minister, are you trying to tell us that the responsible institution, structure of Ministry that was supposed to be providing this information has failed to provide information, perhaps because most of the time, instead of staying in the offices, they stayed at the SWAPO head office?

RT HON PRIME MINISTER: SWAPO Head Office has nothing to do with this. I do not know how it comes in.

I am only urging the officials that they should be patient and really talk to people, negotiate a win-win situation so that nobody will feel so aggrieved.

In the North there, as you know, our officials also sometimes exploit the existing land rights. The land there belongs to chiefs and sometimes they just go to a chief and say they want a town here and the chief wants development, you have

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your town. Since they have gone to the chief, they sometimes do not know the needs of the individual households and that is what is causing problems.

I know that in the case of Omuthiya the Chief actually gave an area far from the present-day Omuthiya where there were a few mahangu fields. Whoever decided to develop Omuthiya, decided to develop where it is now, in the middle of other people's mahangu fields. You can see that sometimes as a Government we should perhaps be careful not to use heavy-handedness against people. We must be aware of this.

The same is true when a town develops where there was a mission station. Mission stations were normally given land by the chiefs. Once a town is declared, that land becomes part of the town and of course, the churches are not happy about it. It does not happen anywhere. Even in Europe church land is never taxed. I do not know where people got this idea that you can tax church land. A church is a social institution, serving the social needs of the people and you are not supposed to tax them at all. But some of the new towns even want to tax church land and I feel that is wrong or misguided, so to say.

What I am appealing is that yes, we do need development and development is going to come, towns will emerge sometime through the planning process, sometimes by themselves, but there is a need to communicate with the people so that you reach a win-win situation. (Intervention)

**THE HOUSE ADJOURNS AT 15:40
HOUSE RESUMES AT 16:13 PURSUANT TO ADJOURNMENT**

HON DR AMWEELO: Thank you, Honourable Comrade Speaker. I would like to add my voice to this Motion about the proclamation of towns in the rural areas.

Yes, I fully agree with Comrade Prime Minister when he is saying that information is very important. It is true. I do remember the time when we were extended the national northern railway and other infrastructures. We experienced the same problem. Then later on we discovered that the only way to overcome

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this problem is to discuss and negotiate. The same applies to the new State House. We started to negotiate with the people, you need to give them the right information at the right time and when these people understand fully, they will comply.

Again, with regard to the creation of towns in rural areas, I am again referring to the infrastructure in rural areas, whenever a community wants to construct a road, for example, the people there on the ground in the rural area will come together. Then, because there are Road Boards in all thirteen Regions, they will come together and discuss whether that particular project is viable. If it is viable, then of course they can decide that it be sent to the Minister in order to proclaim that particular project. I am talking about roads and other transport infrastructure.

The same goes for the proclamation of towns. If the people there in the rural areas maybe think there is a need to create a town and there are initiatives, we only need to support and provide them with the correct information from our side at the right time.

Always remember that there is no constant situation in this world, everything changes. Our world is changing, human beings change, climate is changing, everything is changing in this world and it will continue to change. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask Comrade Amweelo a question? I just wanted to say that the world changes, people change, do you mean that as we are now we are going to change into a sub-specie, because we are proud that we are coming from the chimpanzee through the process of evolution. Then we are again told by the Bible that we were created on the spur of the moment, God gave Mary some breath and Jesus Christ was born and the woman came out of the rib, our mothers were created out of the rib of a man. These are the theories and I just wanted to know. I however agree with you that there must be this process of consultation when we are creating new towns, the people must buy into the project and I agree with Honourable Katali that we should not leave the people destitute after having been relocated. Those people need to be assisted.

The question is on the sub-specie, are we going to turn into a new specie? Thank you very much.

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HON DR AMWEELO: Scientists will be more clear in the years to come, I think there will be a change because there is no constant change in this world, things are changing.

Coming back to infrastructure, when we are talking about change new ideas come in, the population increases, people are initiating more trading, infrastructures and other things are coming up and we are expecting new things. If the demand is increasing for change, then we have to comply with the situation because we cannot go against the natural situation. (Intervention)

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: I am coming in on a point of information. It is very dangerous to misquote the Bible, yes very dangerous. When you read the Bible, God created heaven and earth and everything, He said, “*let there be light, let there be what.*” However on the sixth day, God created the man just a little bit smaller than a heavenly body. In Afrikaans they say, “*net ‘n klein bietjie kleiner as ‘n goddelike wese*”, as an angel and God did not end there, He crowned the human with honour and glory and God did not end there, he gave all the works of this earth in the hands of the human. Mankind is a unique creation, God created according to His own image with His own hands and to crown it all, the breathed his own breath inside us. That is why the spirit of the Lord is inside us, his breath. It is inside us. He cannot misquote the Bible, I know the Bible by heart, I had Bible Study as a subject up to college level and I also grew up in a Christian home as a baby. My father was a pastor, so I cannot allow the Bible to be misquoted while I am here.

HON DR AMWEELO: Honourable Minister, this change I am talking about demands from our side to do more, to create more towns, to extend our northern railway, schools, shopping centres, everything. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask a question? My brother, I want to know in which church are you today, in the Catholic or the Lutheran? Please tell me in which church

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you we sitting today, because I thought we are in Parliament, we are not in church.

HON DR AMWEELO: Comrade Deputy Speaker, what I want to say is that I have no problem with regard to the relocation because of this new change and new demands require from us to do more things. What we maybe need to consider with regard to compensation, is that we maybe need to come up with a standard formula for compensation, to compensate the people who are being relocated, to compensate them for their properties, to compensate them for their fruit trees and mahangu fields.

Many of our mahangu fields equal to about four soccer fields and they received only N\$48,000 which is not enough. If you however bring that particular land to a commercial area, it would cost millions of Namibian dollars. We need to think about a standard formula to compensate people fairly. That is very important.

But we have no problem with regard to the relocation. (Intervention)

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: May I ask Honourable Comrade Amweelo a question? Honourable Amweelo, I think you are right. Would you agree with me that the mistake that we have done so far is that the formula being used now for compensation is a formula dated way back to 1990? Everything is supposed to change and that formula is supposed to be revisited. What has maybe been quite close to the reality that time in 1990, is definitely no more the case. That is one of the biggest mistakes that we as a Government have made and therefore, the Ministry of Regional and Local Government, Housing and Rural Development must actually revisit this formula. Then we can do some justice.

HON DR AMWEELO: I fully agree with the Honourable Minister Iyambo on the value of money. One dollar today is equal to N\$100 ten years ago. Therefore, the formula needs to be revisited to be update according to the change we are talking about. These properties must be valuated, because people will not only go and relocate people. First a feasibility study must be done to see whether

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it is economically viable to put up a new town in that area. If it is economically viable, they can start to negotiate with the people on fair compensation and if it is possible, people can be provided with transport. I do not support the Motion, but I am finished.

HON MINISTER OF DEFENCE: Thank you very much, Honourable Deputy Speaker. I would also like to add my voice to this Debate on the proclamation of towns in rural areas and how it affects the residents there.

We have spoken about relocating the residents in those areas and I think we have spoken about compensation. Money cannot psychologically and sentimentally pay somebody who has been socially disorientated and we also need to look into these effects. Somebody was born in that area, grew up in that area and all of a sudden he is being removed from his place of birth and it is not easy. We should be able to talk to people to convince them to be able to understand.

It also seems that our development only goes into industry and shopping centres, it does not include residential areas so that we can offer some of the houses to the residents. We remove them and then put other infrastructure. What is this development about? How are we developing the people? We also want them to live in developed areas and we need to offer something in the same areas for these people who are there.

For example, in China they build special areas for the people who are living there, they do not remove them to other areas. We move them to undeveloped areas where we are again going to follow them to develop those areas.
(Intervention)

HON DEPUTY MINISTER OF HOME AFFAIRS: May I ask the Senior Minister a question? Honourable Minister, are you aware that the people being removed from towns being developed have options to decide to remain in the town and also have the option to decide to find places where they would like to go themselves? Are you aware that they have the option to remain in town, and I can cite people who are still in the towns and if they wanted, they could have left

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that particular area, but they decided to remain there because we are giving a wrong impression outside there as if we are just saying, “*everybody go*”.

HON MINISTER OF DEFENCE: I am aware, I am very aware, but in other areas where you said people should live in town, there are no infrastructures. I have also seen these places. I think the place being spoken about is Helao Nafidi and I also live in Helao Nafidi and I have seen how people have been removed from areas and given money.

The money we are giving is not worth where we want them to go and settle. You take somebody’s mahangu field and you give him N\$50,000 and then you demarcate this area into six to eight plots and one plot costs about N\$150,000. I feel we must give fair compensation to these people to be able to go and find a place where they can happily live. We must also take into account the sentiment, it is not only the value of the land but the sentimental feelings of these people. We need to do that as people and a Government of the people. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask the Honourable General a question? The Honourable retired General mentioned that in China they are relocating people and China is booming and doing well and is soon going to be a super power and everybody is now running to China. The backward countries are all running there and General, you mentioned something very important. (Interjection). It does not matter, we know each other very well. He is my brother and he is my commander and I was his doctor, so we know each other very well. The question I wanted to ask, Honourable General, is that you gave the example of China and you proposed that we do the same. Is it the same which is happening in China now as they are developing? Are they compensating people fairly? Are they doing the correct thing? I am asking because you gave the example of China.

HON MINISTER OF DEFENCE: The example of China which I gave here is in terms of development. When they develop a rural area, they build houses and they accommodate the residents there.

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They do not relocate them to other areas, but they build residential areas for the people who live there, together with other infrastructures, be it industrial and so forth. (Intervention)

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: On a Point of Information. I think the General is trying to say that in China they do not go to a concentrated place where the people are already living and say, “*move so that we can develop here*”, but they go elsewhere, develop and invite people to come and occupy this developed place.

HON MINISTER OF DEFENCE: You must first create structures before you remove people from their areas. It is not that they come and say, “*I give you money, find a place where to go.*” We know in Namibia it is difficult to find places to live. Where can we take these people if we do not create areas where they can go? We leave it to them to decide.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask the General a question? General, do you want to tell us that when the Government gives the money to the people and the people get that money, sometimes, like in Kaoko, when you are given the money to go from this side to the other side, the headman will say no, “*this is my area, you are not going to stay.*” Do you want to tell us it is just like that?

HON MINISTER OF DEFENCE: I think we must take cognisance of our surroundings. We know this country and we know that if you move forty or fifty people from an area and say we give them N\$100,000 to go and find an area to settle, it is very difficult in this country. I think that is what we are talking about. We must find ways to be able to find places for these people if we want them to move. My Honourable Mushelenga said they have the option to leave, but we must build structures for them to live in these areas. (Intervention)

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HON DR AMWEELO: On a Point of Information. Comrade General, you referred to the situation in China and compared it to our country. We are 1,8 million people and China has 1,5 billion people. You know the city of Sanyong which is not far from Hong Kong and that Sanyong is maybe 26 years old today and as big as Johannesburg. Due to the population in China they are thinking of reclaiming land from the sea. Maybe they are not implementing relocation because of the land reclaimed from the sea.

HON MINISTER OF DEFENCE: Comrade Amweelo, the land issue, be it in China or Namibia, is always a problem. We have a land problem in Namibia, a serious one. Where can we relocate the people in the north of Namibia? We are even unable to relocate people in the centre here. There is no land available in Namibia. As much as it is scarce in China, it is also scarce in Namibia because most of the land is not arable.

What I would like to draw the attention to is that we should look at this very carefully, study the situation and see how we can properly tackle this issue of relocating people. I thank you.

HON DEPUTY MINISTER OF EDUCATION: Thank you very much, Deputy Speaker. I stand to contribute just minimally to this Debate.

I think what this Debate tells us is that there are just too many questions that beg for answers, and I think that when people are asking questions, they expect of us to answer their questions.

The second thing I want to contribute is to say that yesterday we said that as you move, people move our way and eventually they end up at the mountains. But we also know that Klein Windhoek used to be a location, in fact it is the first //Ae-/Gams, or Otjomuise. Today Otjomuise is at the outskirts of Otjimuisse. Relocation could be a good idea for development, but it could also be misused and we have historical evidence to show that it could be misused.

Secondly is that development must be a consultative process, it has to be a consultative process and I think what this Debate is showing us is that there is a

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need for further consultation as to who should be moved. As Honourable Mushelenga Theopolina said, people are given choices, but we also know that choice itself can be inherently restrictive. You can give somebody a choice and you can actually wish that that choice is not taken.

I want to conclude by saying that policies are not carved in stone and at one point or the other they would have been relevant, at another point, as the dynamism of the society is changing, we are a dynamic society, we should adopt and redesign our policies to answer to the demands of the people.

However, when all is said and done, development must be by the people, for the people and it must be an inclusive development. There is no way we will draw development from somewhere else and that should guide the relevant Ministry to look into the issues that were raised on this Floor and see how we can redesign and redefine and modify our policies in line with what has been on the Floor.

I thank you for giving me the opportunity.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Deputy Speaker, I move that the Debate be adjourned for my Minister to come and make his contribution next week Wednesday. Given the input that came from the Floor, I want to make my own input on two points.

Surely the concerns raised on the Floor of this House are noted and we will surely attend to them on the policy, technical and operational levels. But let me draw the attention of this House that as much as this issue is really sensitive and affects the people, let us also not omit the fact that in Namibia we have the Central Government, we have the Regional Authorities...(Intervention)

HON TJIHUIKO: May I ask the Honourable Deputy Minister a question, please? I just want to ask the Honourable Deputy Minister, when he is going to look at the new formula approach, whether he is also going to look at the 1990 formula, whether he is aware of the 1990 formula and whether this is going to be reviewed as well. Secondly, whether the Honourable Deputy Minister would

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agree that the approach of the Ministry of Regional and Local Government, Housing and Rural Development at the present moment is inhuman and it will be developed into a more human-friendly approach?

HON DEPUTY SPEAKER: Honourable Deputy Minister before you proceed, you are putting me in a difficult situation, because it seems you are answering. I thought you were contributing. I think if you give your input together with your Minister, you could give him power.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I am advised by my Comrade here that I am staging a coup and a coup is not allowed in Namibia. Let me postpone this discussion to next week for the Minister to respond. Thank you.

HON DEPUTY SPEAKER: Thank you very much. The Motion stands adjourned to next week, Wednesday. Allow me to revert back to the First Order of the Day. I call on the Secretary to read the First Order of the Day.

COMMITTEE STAGE – ENVIRONMENTAL MANAGEMENT BILL

HON DEPUTY SPEAKER: Does the Honourable Minister of Environment and Tourism move that the Assembly now goes into Committee Stage?

HON MINISTER OF ENVIRONMENT AND TOURISM: I so Move.

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HON DEPUTY SPEAKER: It is moved that I leave the Chair. Any objection? Who seconds? Agreed to. I now call on the Acting Chairperson of the Whole House Committee to take the Chair.

HON P MUSHELENGA : Takes the Chair.

ASSEMBLY IN COMMITTEE:

ACTING CHAIRPERSON OF THE WHOLE HOUSE COMMITTEES:
The Committee of the Whole House is called to order. The Committee has to consider the *Environmental Management Bill*.

Clauses 1 to 4 put and agreed to.

Clause 5 put.

HON MINISTER OF ENVIRONMENT AND TOURISM: Comrade Deputy Chairperson, on Clause 5, just a brief explanation. As promised, consultations happened and I am reliably and legally advised that the definitions of “*disposal site*” and “*waste*” are only used once in Section 5 and do not appear in the remainder of the Bill. Their future use in the Bill in the context that they are used in this Section 5 is unforeseen. In all likelihood Section 5 will be repealed when the legislation dealing with waste management is enacted and therefore we are advised to retain it as is. Thank you.

ACTING CHAIRPERSON OF THE WHOLE HOUSE COMMITTEES:
Any further discussion ? Any objection? Agreed to.

Clause 5 agreed to.

Clauses 6 to 26 put and agreed to.

Clause 27 put.

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HON MINISTER OF DEFENCE: I would like to know if this Clause also includes plastic bags, and if it does not include plastic bags within the Bill, I would have liked to see that the use of plastic bags are banned in Namibia.

HON MINISTER OF ENVIRONMENT AND TOURISM: Honourable Deputy Chairperson, as was already mentioned, legislation is on the way to manage waste in general and provision will be made under that legislation for plastic and other waste.

ACTING CHAIRPERSON OF THE WHOLE HOUSE COMMITTEES:
Any further discussion? Any objection? Agreed to.

Clause 27 agreed to.

Remaining Clauses and Title put and agreed to.

I shall report the Bill without Amendment.

ASSEMBLY RESUMES:

ACTING CHAIRPERSON OF THE WHOLE HOUSE COMMITTEES:
Reports Bill without Amendments.

**ENVIRONMENTAL MANAGEMENT BILL
THIRD READING**

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**ENVIRONMENTAL MANAGEMENT BILL
HON KONJORE**

HON DEPUTY SPEAKER: Does the Honourable Minister of Environment and Tourism move that the Bill be now read a Third Time?

HON MINISTER OF ENVIRONMENT AND TOURISM: I gladly Move so.

HON DEPUTY SPEAKER: Any objection? Who seconds? Agreed to. Any further discussion? Does the Honourable Minister of Environment and Tourism wish to say something?

HON MINISTER OF ENVIRONMENT AND TOURISM: Thank you, Comrade Deputy Speaker. Firstly, let me congratulate the Deputy Chairperson on handling the Committee Stage so professionally. Secondly, only to thank all the Honourable Members for their support of this Bill. Thank you very much.

HON DEPUTY SPEAKER: I now put the Question that the Bill be now read a Third Time. Any objections? Who seconds? Agreed to. The Secretary will read the Bill a Third Time.

ENVIRONMENTAL MANAGEMENT BILL

HON DEPUTY SPEAKER: The Secretary will read the Third Order of the Day.

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**MOTION ON DUMPING OF BABIES
HON KAIYAMO**

**RESUMPTION OF DEBATE ON THE DUMPING OF BABIES AND
WHAT IMPACT IT HAS ON THE SOCIETY**

HON DEPUTY SPEAKER: When this Debate was adjourned on Wednesday, 26 September 2007, the Question before the Assembly was a Motion by the Honourable Ms Dienda. Honourable Kaiyamo adjourned the Debate and he now has the Floor.

HON KAIYAMO: Honourable Deputy Speaker, Honourable Members, I rise to make a humble contribution to this patriotic Motion of my sister Dienda. It is a patriotic Motion in the sense that it contributes greatly to nation-building.

Comrade Deputy Speaker, Honourable Members, I noticed with appreciation that Honourable Dienda always brings good and useful Motions to this House. Keep it up, my sister. It is worth to inform the public out there, especially the teenagers, to make informed decisions. Prevention is better than cure.

Honourable Deputy Speaker, Honourable Members, my point of departure will be from the Library Service and I want us to be serious on this topic, because these days we do not seem to be serious on some of the topics. I am in full agreement with what was said by those who spoke before me, especially Honourable Ithana, who brought to this House a tested, valued culture.

Now I need from the word “go” to say that we as a Nation failed to respect our terms of reference as parents. There is no more “*oxungi*” which means where you sit with your children in the evening and read from the Bible and teach them the issues they need to know. More than 40% of our parents, teachers, community leaders, neighbours and politicians fail to be collective in our approach and this has to do with ignorance about reality on the ground, ignorance about globalisation and this trend can only be rectified by having a peaceful co-existence with libraries. If there are no “*oxungi*”, then the reality on the ground is libraries.

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Comrade Deputy Speaker, Honourable Members, there are a few books I would like everybody in this House to page through or to read, if possible. This will enable us to help our young people, the sons and daughters, to be vigilant. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: I want to apologise on behalf of the female Members in this Chamber, because when a woman does something wrong we keep quiet, but when one man does something, we demonstrate and write petitions. It is not only one woman who has dumped a baby, there were many but we do not even demonstrate at the Parliament or bring a petition to the Speaker.

Honourable Kaiyamo spoke about parents, but those women who are dumping the babies are not young, they are women because they are dumping many, many children.

HON KAIYAMO: I appreciate the sentiments of the Honourable Member, but as Honourable Dienda was saying, she was 17 seventeen when she got pregnant. These are children.

The first book is too heavy to carry, because Honourable Ithana was saying our children these days are the ones running our houses. They tell you when they want to come home, they tell you when they want to wash, they tell you when they want to eat. We need to know how to deal with power. The book I want us to read is “*48 Laws of Power*” by Robert Green.

The second book is, “*What Every Boy/Girl Should Know*” by Dr Jan van Elfen. If these books are not in the library, then you can buy it from a book shop. In this book you will read what you have to discuss with the children every year, because when we were at school in our time, we did not have that knowledge. If every parent could read this book it would be better. The name is, “*What Every Boy Should Know*” and the other one, “*What Every Girl Should Know.*” Some parents cannot even discuss the issue of sex with their children, this book will help you to do it.

The other book is, “*Teenagers – What Every Parent has to know*” by Rob

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Parsons. These are not in the libraries, they are in the book shops and it costs N\$130.

Colleagues, today we have cell phones and your child will be doing things in his or her room with the cell phone if you are not well-versed with what they are supposed to know.

The other book is “*Straight Talk – Father to Son*”, the other one, “*Straight Talk – Mother to Daughter*” by Izabella Little. It has sixty issues, how to deal with girls to job interviews. (Intervention)

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Comrade Deputy Speaker, I would like to ask a small question. You are doing very, very well. These books you are listing are all talking about boy-girl and how we should introduce them to certain issues. I know colonialism has done a lot of damage to many of our societies. The majority of our homes are run by single parents. What help can a single mother get to speak to her teenage sons? Did you get my question?

HON KAIYAMO: Comrade Minister, we as a Nation failed in our duty. When we grew up there were also single mothers and single fathers, but we as a Nation and a community were together and in this book there is also a chapter about single mothers.

There is a Pregnancy Policy of the Ministry of Education. (Intervention) Let us read if not study it.

HON HOFFMANN: Thank you very much, Honourable Deputy Speaker. On a Point of Information. Also as a single mother with children growing up it is very difficult for many of us getting books, but there are ways how we can communicate with our children. For example, in my house we have our monthly meetings, that is from me down to the smallest one in the house. I want to share one of the meetings we had in the house. The youngest had a problem with

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washing dishes. That means that I come down to their level and we have an open discussion and you tell the eldest to the youngest one what has happened during the month that he or she did not agree with. In one of the meetings my youngest daughter complained about washing dishes, why is it that she is the one who must come back from school and in the evening wash the dishes? There was no way I could say that is not the point. She complained that her elder sisters do not wash the dishes, because she also stands up in the morning, go to school, which means that she works with her brain, she uses her fingers to write, so she is working. The one who is at home, go and work at the kindergarten, come back and then after school clean the house. We agreed on that.

However the elder sister is also the one who does not want to wash the dishes, so she wants to know why she does not wash the dishes. That one cannot say *“I am the eldest one, so you must wash the dishes for me.”* She could nicely explain and say, *“I am sorry, but can you please wash the dishes while I am with my friends, because it will not look nice to say to my friends that my younger sister will get angry if I do not go and wash the dishes, can you please do that for me, because I am the one who also pays your schools fees and I do that”,* very polite. We thus agreed on that.

Then it comes to me. She did not mention a name, but she said, *“here is a person in the house who uses the bath and just leaves the water like that and go, so I am not willing, coming from school, to put my hands in this dirty water and the one who uses the bath must also clean the bath.”* Now it was directed to me. So very politely I say, *“oh, I am sorry, I did not know that you had a problem with that, but because of the scarcity of water I thought you will take the water out and just give it to the plants, but I will promise that from tomorrow morning I will clean the bath.”*

That communication is very important and it has helped a lot and even when I discussed this on radio I gave this advice and I believe that if there are some of our Comrades who are already doing this, fine, but if you are not doing it, please do, it helps a lot. I thank you.

HON KAIYAMO: I appreciate the good example. I was talking about the Pregnancy Policy of our Ministry of Education. If all of us could be well-versed

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on policy, we would be able to deal with it in our respective constituencies and help our boys and girls not to do the wrong thing.

Comrade Deputy Speaker, Honourable Members, yesterday of yesterday, *Erero, gister* we were all protected by the society. We travelled in corridors with rooms left and right, written sex, drugs, alcohol, gambling, white and black. All these doors were closed in our time. The sex door was closed, the alcohol door was closed, the gambling door was closed, all these dangerous doors were closed in our time. There was only one room which was open, one for the blacks, one for the whites, and people would say “*come in*” on Sunday and in our time everybody, including the Deputy Speaker, went to church on Sunday and everybody knew there is no other place for you. On Sunday everybody had a place in church. If you were not in church that time, you were outclassed.

Honourable Deputy Speaker, Honourable Members, in the generation of the Gazza, The Dogg and Stanley, all the doors are open and all the children are not in church on Sunday, but if there is a disco, they are all at the disco and if you as a child are not at the disco, you are called all kinds of names. (Intervention)

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: May I ask Honourable Kaiyamo a tiny question? Honourable Kaiyamo, it is good that you want everybody to be in church. If we all decide one day to go to church, are we all going to fit in the church?

HON KAIYAMO: I just gave an example of the time we grew up, those good times.

Honourable Deputy Speaker, Honourable Members, all those books will tell you that if we do not talk to our kids, somebody will do it on your behalf. (Intervention)

HON DEPUTY MINISTER OF EDUCATION: Sorry to disturb you, teacher, we lived together a long time ago. I am not quite sure whether it is a comment because you mentioned Gazza. Are you aware that Gazza is the Ministry of Education Ambassador for the Youth and we made it especially

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because we know the youth do not go to church, they go to Gazza. We have just said that development must be inclusive and go to where the people are. If they do not go to church, meet them at Gazza and Gazza has a very positive message for the youth.

HON KAIYAMO: I deliberately mentioned the name so that some of the Colleagues who do not know would be in the know. (Intervention)

HON NAMBINGA: May I ask my neighbour here a question? Honourable Kaiyamo, you started off by listing the books which parents must read, apparently to help the children. You also implied that if parents could speak to the children, the situation would perhaps change. Are you honestly saying that all the children who are misbehaving in one way or the other is because the parents are not talking to them? Then I will disagree with you.

I have listened attentively to the contribution made by Honourable Minister of Justice and there are quite a lot of things I agreed with. One of the problems we are facing in this country is that we have lost our cultures and traditions. We left ours, we wanted to go for something but apparently we did not get it. Now as you are seated here, you do not know what your daughters or sons are doing, but one other parent might be seeing what my son or my daughter is doing, but we have completely divorced ourselves from our own tradition where, if I meet a child doing something wrong, I had the right to discipline that child and the child would run, but now you cannot do it.

Just try one night to drive from Independence Avenue to the headquarters of the municipality and you will see how our children are behaving, particularly the blacks. Even if you see my daughter or my son there, you will simply say, "*oh, that is Nambinga's daughter*" but you will have no power to do anything.

Colleagues, we have become a lost Nation and unless we as parents do something, we can talk from sunrise to sunset, I do not think we will make any difference. Thank you.

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HON KAIYAMO: As I said in the beginning, we as a society lost our terms of reference. When we grew up we looked after the goats of our parents and when those goats went into the field, we would be beaten up properly by the owner of that house and also by your parents. (Intervention)

HON DEPUTY MINISTER OF HOME AFFAIRS: On a Point of Information. Comrade Deputy Speaker, in this House we keep on referring to “*our time*”, but my observation seems to be that we are not being specific to help the situation in a way that we do not specify when the discipline started during our time. These days – my observation – we tend to talk more when our children are at the tender age of being teenagers and if I am wrong I can be corrected, but we do not necessarily follow our children from day one, if I may use that term, because by the time that child is 12 or 15, obviously he or she has gained other experiences which you may not have seen – as Comrade Nambinga has rightly said.

But I know it is painful, it is not easy, but what we need to address is at least to ensure that we educate our younger generation today to ensure that they follow their children right from day one. Then that will help our future. But referring to “our time” is not necessarily helping our younger generation to deal with their children from day one and follow them. I know it is not an easy thing, but at least it can be done if we start to plan with them while we are alive today. That is my information, Comrade Deputy Speaker, and I rest my case.

HON KAIYAMO: I am fully in agreement. We are living in globalisation and Namibia is the corner of that global world. Honestly speaking, if we as parents do not even know how to switch on a computer, how will we help our children? We can only help our children if we are all in the know. With all respect, you do not even know the difference between a Panado tablet and drugs if you found it in your son or daughter’s possession. The only solution to solve this problem is to be in the know. (Intervention)

HON /UI/O/OO: May I pose a question to my neighbour here? I have counted these books and they are five and these books are written in English.

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Who is going to be responsible for the translation of these books into the indigenous languages?

Secondly, the Honourable Member mentioned computers. A few of us are still with NAMCOL but the majority are still outside and now he mentions computers. Who is going to assist us?

HON KAIYAMO: I think the Ministry of Education should try to get money from the Ministry of Finance to translate some of these books. In the meantime we can use the Education Forums in our respective constituencies where we have all the stakeholders. If you ask a discussion of these books to be a point on the agenda, they will help you while you are waiting for the Ministry of Education to translate some of the books. If we do not do that, the television and the street will teach your children for you. They will take over our role as the first teachers of our children. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Honourable Kaiyamo, you talk about books, but many people say we have lost our culture. Will these books, television and the library take us back to our own culture or take us to the different culture of the new generation? Honourable Nambinga said when you are driving there, you are not going to see the young white community around there and now you are talking about books. Why are you not saying we should go back to our culture? When the old people found the children there, they beat them – no question, no one would report to the police. We can go back to our old culture.

HON KAIYAMO: Honourable Muharukua, there is no harm to go back. If you can go back and make sure that every month we sit under a tree with our children in the community, I will be pleased. But the reality on the ground is that that time has changed. Whether we like it or not, times are different.

Your child can on a cell phone communicate to anybody in the world about sex here in the room. If you are not aware of that, you buy your child an expensive

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cell phone and these are all the options. What I am saying is that we must bring peaceful co-existence between the culture and the new Namibia. (Intervention)

HON CHRISTIAN: On a Point of Information. If you as a mother or a father cannot educate your children in their own language, like many other parents, how can you educate your child on culture? The culture is going along with the language.

HON KAIYAMO: If some of us are not speaking to our children in our language and we prefer to speak English – it is a good point. I am not saying your child must not speak English, but at home it is important.

Honourable Deputy Speaker, Honourable Members, take the culture we all come from, Comrade Uutoni was talking about the Bible, maybe jokingly, but in our time the Bible was used to scare us. That time the churches used to tell us all things, if the children of the pastors became pregnant, they were called “*okwapunduka*”. (Intervention)

HON MINISTER OF DEFENCE: On a Point of Information. Most of us as parents talk about culture, the old time and the present and the future. What we also need to do is to create minimal conditions in the current situation for our children. Sometimes when our children come back from school, they do not even have a place to study.

We have not even provided them with chairs and small tables for them to study and we do not even have a small black and white television. What do they do? They leave the house. You do not keep them busy at the house. Sometimes as parents you could accompany your children for one or two minutes and watch cartoons. It is very important for them to understand and then you explain to them other important issues.

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Sometimes we do not discuss issues with our children, we only start to complain. Complaining is not educating. There is a difference between complaining and explaining to a child in order to understand issues and this is what we do in our houses: "*I do not want this and that to be done*" instead of saying, "*sit down and we discuss.*" You can discuss with your child but we tend just to blame them and complain and accuse them of everything, but not explaining to them to be able to understand.

HON KAIYAMO: Comrade Royal, you are correct, these books are helping us to bring the culture together with the new reality on the ground.

Comrade Deputy Speaker, there is a need to harmonise the two world of yesterday and today. Our children are going through a very rough time and it needs a collective approach from all of us.

With these few words, I thank you and I support the Motion.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you very much. Firstly, let me thank Comrade Dienda for introducing this important Motion. My contribution to this Motion will depart from noting the following factors:

The previous speakers, especially Comrade Kaiyamo, has touched on the issue of globalisation, which is a reality, but as I am looking into factors and their effect on this specific issues and the factors are the following:

We should appreciate and recognise the fact that we are experiencing social, technological and economic pressures that we are confronted with as parents, as children, as teachers and as a society in general.

From the perspective of the social factors, surely on the issue of social pressure such as culture in Namibia as a united society, the reality is that we are a melting

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pot. We are an integrated society. Different cultures are integrated and we are integrating automatically. There is nobody and there is no institution where people will say in the Oshivambo culture, for example, this thing is done this way, in the Herero culture, this thing is done this way. When you are with elders you do this or in the Tswana culture, even Afrikaner culture or in the German culture these things are moving automatically.

When I was listening here to previous speakers, some of them mentioned the things that are not done in their culture, but they are done in another Namibian culture and the youngsters are left to digest these cultures on their own and sometimes these things are causing confusion. It is not television alone, it is not only western cultures, because it seems that we are putting emphasis on western culture. The western culture has some positive and negative influences, but our own tribal cultures may also have negative and positive influences, because what is done by the Masubia Namibian people or the Mafwe Namibian people, what is forbidden in their culture could not be an offence in my Herero culture, but since we are an integrated society, we need to digest these things, harmonise them, record them, because we are not only responsible for bringing our own things from our own tribal background, but we are dealing with the entire Namibian society.

For example, from a social behavioural point of view – even if we have to talk about the teenagers, our own kids – in the Herero culture Honourable Nambinga will be my brother, if he is not my father, and when Honourable Nambinga expects me as a young brother to do certain things, to accord him the status of recognition, there are also certain things he was not supposed to do as an elder.

We have departed from that, because I have been listening to my senior elders here bemoaning the time when the elders could discipline the youngsters in a society. In as much as we are getting discipline from the elders, you are also receiving love and care from these elders collectively. The deficiency in today's society is that we are so individualistic, we are so discriminatory in nature, you will even find that I will not accord my sister's kids the love and care I accord my own kids, let alone the love and care for the neighbouring houses. If we are reverting back to culture and the treatment of our youngsters, we should also appreciate that during that era the elders used to treat every young child as their own – even a sick child, even a poor child, a child would not go hungry.

However in today's world an elder will be laughing at the neighbour, how the

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neighbour's children walk barefoot, how they do not have clothes, how poor they are, in fact, how they are failing to perform at school rather than aiding and supporting them. Those are some of the problems from a social perspective.

If we are reverting back to our culture, let us revert full force, let us appreciate the differences between our cultures and let us extract the beauty and the good things from different Namibian cultures and let us integrate them and implement and enforce those positive things from our own culture.

We however seem to despise the various cultures. We will be hearing from the elders that, "*oh, you are behaving like this tribe, that thing is not in our tribe*", but you are not educating. As Comrade Namoloh was saying, you are condemning even the culture of other people. If in my house a child hears me condemning the Ovambo's and if Honourable Nambinga is saying Kazenambo's child is not supposed to do that, your first impression is that my child knows that this is a non-Herero, who is he to tell me this or if Honourable Nambinga is a poor neighbouring elder and I sit with my parents and I hear how my parents despise the neighbouring house, if Honourable Nambinga as an elder tomorrow comes to me and says, the influence from the house of how my parents talk about...(Intervention)

HON DEPUTY SPEAKER: The Motion is on dumping, not so much on discipline and so on. Dumping of babies.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Honourable Deputy Minister, are you aware that in our days if women went out there and buried their own children, they were not going to the funeral. Are you aware of that?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I am 100% aware. In the Otjiherero culture she did not go to the funeral, but in some Namibian cultures here and this is why I am saying we need to collect the wealth

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of various cultures and integrate them and come up with a uniform culture which perhaps dictates. Why are the Hereros not allowing their kids to go to funerals and what is good in that and what is bad in that, because it will differ from culture to culture.

The problem, as we are talking here with our different cultural backgrounds, the reality is that the youth are integrated, they are integrated at school, they are integrated at church, they are integrated at malls and even on television and on cell phones they are integrated with others throughout the world. We need to discuss this issue and perhaps guide the youth.

Honourable Kaiyamo has spoken about the doors that were closed, about the drugs, about all those issues. It is true, but you do not need to have written laws, but the behavioural and psychological mindset is very important.

For example, sometimes we blame the youth or the women who are dumping kids. Sometimes I put myself in their shoes and that is why I was talking about economic pressures. Some of the people are coming from poor rural areas, I will answer why they are falling pregnant. Unless we try to deny the realities of this world, let alone the realities of this country, there are people who are coming from a poor background, from economic pressures, and I agree with her that perhaps some of these women who are dumping kids are not necessarily from a poor background, but poverty is defined in many terms. We have psychological poverty, seasonal poverty, economical poverty which is a lack of material things.

You may come from a healthy family, rich, successful and so on and you are a child, but this family may have material wealth but it is poor from spiritual wealth. Because of the situation there are some mothers who would like their kids to be dated by Kazenambo because he is a Deputy Minister and they put pressure on these poor kids. Because they are successful, they would not like their daughter to date the person she loves because he is poor, but Kazenambo is a Deputy Minister and this child will end up having an unwanted pregnancy and this is psychological poverty on the part of the parents.

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HON DEPUTY SPEAKER: The House stands adjourned in terms of Rule 90 of our Standing Rules and Orders, automatic adjournment, until tomorrow 14:30.

HOUSE ADJOURNS AT 17:47 UNTIL 2007.10.11 AT 14:30

**ASSEMBLY CHAMBER
11 OCTOBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

HON DEPUTY SPEAKER took the Chair and read Prayers and the Affirmation.

ANNOUNCEMENTS

HON DEPUTY SPEAKER: First announcement from the Speaker's Table: I am pleased to inform you that the NBC will set up a mobile licence renewal point at Parliament Building on the 16th and 17th of October 2007 from 10:00 until 17:00 for our convenience. Please make use of this opportunity to renew your licence in time.

HON DEPUTY SPEAKER: Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Honourable Deputy Minister of Gender.

**TABLING: NATIONAL PLAN OF ACTION
FOR ORPHANS AND VULNERABLE CHILDREN**

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Comrade Deputy Speaker, I lay upon the Table Volume 1 of the National Plan of Action for Orphans and Vulnerable Children for the period 2006-2010. I so Move.

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**NOTICE OF MOTIONS
HON GERTZE**

HON DEPUTY SPEAKER: Table the Report. Further Reports and Papers? Notice of Questions. Notice of Motions? Honourable Gertze.

NOTICE OF MOTIONS

HON GERTZE: Honourable Deputy Speaker, I give Notice that on Wednesday, 17 October 2007, I shall reintroduce the Motion that this Assembly debates the possibility of readjusting the taxation regime against pension payouts of working citizens of the country. I so Move.

HON DEPUTY SPEAKER: Table the Motion. Ministerial Statements? Today being Thursday, the day initiated by the opposition benches to get clarification on their questions. I now put Question 96 by Honourable Viljoen to the Minister of Home Affairs and Immigration. Does the Honourable Member put the Question?

QUESTION 96:

HON DEPUTY MINISTER OF HOME AFFAIRS: Honourable Deputy Speaker, I rise to respond to the question put to the Minister of Home Affairs and Immigration by Honourable Viljoen.

First and foremost, I would like to thank Honourable Viljoen for his interest in the social needs of the poorest community in the remote areas.

However, for your information, Honourable Viljoen, it has been observed that most fellow white Namibians are also not in possession of Namibian identity documents apart from the old South West Africa identity documents and Namibian passports.

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HON T MUSHELENGA**

It will also be appropriate if Honourable Viljoen could start with the awareness campaign, particularly in urban areas like Windhoek and other towns, including some farm owners, who did not apply for Namibian national documents. Having said that, I would now like to respond to the questions as they were put and I will not repeat the questions as they appear on the Question Paper.

1. The Ministry of Home Affairs and Immigration has embarked upon a project of opening sub-regional offices in various constituencies throughout the country to bring services closer to the people when it comes to the issuance of national documents, like identity documents, birth certificates, death certificates and other functions that the division is performing. Karasburg, Grootfontein, Tsumkwe, Ruacana, Okongo, Mukwe and Kahenge offices will be opened soon as the first phase.

The second phase will start immediately after the first phase has been finalised and as soon as we identify office spaces in other constituencies with the help of the Regional Governors and Councillors, as it was decided at the meeting held between the Minister of Home Affairs and Immigration and all 13 Regional Governors at Otjiwarongo in February 2007.

2. The Honourable Member needs to be reminded that the most problems of wrong estimated dates of birth given to the elder people he refers to were done by the previous colonial regime for reasons only known by its representatives. This is the burden inherited by the Government of the Republic of Namibia from the apartheid regime which affected almost every citizen in Namibia and caused a lot of confusion.

However, plans are underway to redress this issue of estimation of the dates of birth, including the wrong spelling of names.

Therefore, Honourable Viljoen, please assist Government and mobilise your colleagues to acquire national documents not only when they need employment, farms, loans etcetera, but to demonstrate their democratic right and loyalty to the State.

Lastly, Honourable Deputy Speaker, allow me to use this opportunity to urge the public, particularly those who have not applied for new identity documents, to do

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so in order to ensure smooth facilitation of service delivery. The Ministry of Home Affairs and Immigration is planning to make a public announcement in due course to do away with the old South West Africa identity documents in Namibia. Hence people are urged to make use of this opportunity to apply for Namibian identity documents.

In the same vein, allow me, Comrade Deputy Speaker, to request the public, especially those that have applied for identity documents to collect them at the respective offices where they applied. I thank you.

HON VILJOEN: Honourable Deputy Speaker, I thank the Honourable Deputy Minister for the answer. As I said, it was after our visit to the Regions. My question was in national interest and I meant it very well. I cannot understand why it is always necessary to dip the answer in the gravy pot of apartheid before the Ministers answer.

HON DEPUTY MINISTER OF HOME AFFAIRS: Comrade Deputy Speaker, I think my answer was very clear.

HON DEPUTY SPEAKER: Question 99 is the one by Honourable Mbai to the Minister of Home Affairs and Immigration. Does the Honourable Member put the Question?

QUESTION 99:

HON DEPUTY MINISTER OF HOME AFFAIRS: Comrade Deputy Speaker, I rise to respond to the question put by Honourable Mbai to the Minister of Home Affairs and Immigration.

Honourable Deputy Speaker, Honourable Members, I would like to thank Honourable Mbai for his view and support to the SWAPO Party Government

policy on decentralisation which is taken to mean the sharing of part of Government powers of Central Authority with other levels of authority, such as Regional and Local Authorities. Each has its assigned responsibilities for specified functions within their administrative and political areas.

Therefore, the Ministry of Home Affairs and Immigration has embarked upon various programmes and establishment of sub-regional offices, as it was already mentioned in the response to Honourable Viljoen. It was almost the same question, it is just that Honourable Mbai was clever enough to put it under the heading of decentralisation. Thank you.

HON MBAI: I thank the Honourable Deputy Minister for the answer.

HON DEPUTY SPEAKER: Question 104 is by Honourable Schimming-Chase to the Minister of Regional and Local Government, Housing and Rural Development. Does the Honourable Member put the Question?

QUESTION 104:

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Deputy Speaker, I will provide some of the answers to Honourable Schimming-Chase.

Honourable Deputy Speaker, Honourable Members, Notice of Questions were raised in this august House by Honourable Nora Schimming-Chase of the CoD on the issue of the residents of Uis who seek clarity regarding the sale of properties on which they reside to a private and non-resident person.

These questions can only be answered by providing the historical background as to what has happened in Uis at the time.

In her first question Honourable Schimming-Chase asked whether it is true that

the Ministry was not only aware of the sale, in fact it authorised the sale? Honourable Deputy Speaker, I wish to respond as follows: In 1990, Zinkor Mine decided to wind up its mining activities at Uis. A working group was established under the chairmanship of the Ministry of Mines and Energy. It comprised of Line Ministries and other stakeholders. The Damara Traditional Authority was also part of this consultative committee. The aim of this committee was to discuss the closure of the mine and for stakeholders to identify what they could take over in order to minimise the impact of the closure of the mine on the area and its inhabitants. Most Ministries identified what their sectors would be taking over and made submissions to the committee. That is the answer to the first question.

Question 2: Is the Ministry satisfied that the price paid for the properties was market related? The answer is as follows:

It must be noted that at the time of the closing of the mine, the perception was that the whole life of Uis was dependent on the mine. The property values, therefore, dropped near to zero. There were no incentives for investors in the area. The preoccupation of the Ministry at the time was to keep the town of Uis alive and to prevent it from becoming a ghost town. It had no other choice than to approach and promote any investor that was prepared to do business in the area. In this case, Namib Base Minerals (Pty) Ltd, owned by Mr Albert Weitz was engaged and in 1995 Imkor Mine sold the equipment to Namib Base Minerals (Pty) Ltd.

The following items were involved in this sale agreement:

- The right to the mining area;
- The surface right, including houses, buildings, structures, infrastructures and dumping areas erected thereon;
- Existing contracts, leases and rentals;
- The mine's rights and obligations for bulk electricity to SWAWEK (the present NamPower);
- The recreation club, sports ground and clinic, few businesses including two take-aways, filling station, supermarket, 85 residential buildings and

service infrastructure.

These were sold at a cost of R2,950,000 or Namibia Dollars presently. It is also important to indicate that the land on which some of these properties are situated are not included in this deal.

Question 3: Did the Ministry inform the inhabitants that the land on which they were living was up for sale?

The land on which the inhabitants were living was not for sale that time. The area where they lived was not affected by the closure of the mine. The area that was affected was the residential area of the mine workers. These were expatriates and migrant workers who left when the mine closed.

Question 4: Was any effort made to enable the inhabitants to buy the properties on which they lived?

The answer to this question is the same as in question 3 above, is that the area where the inhabitants were living, other than the expatriates and migrant workers, was not affected by the sale.

Question 5: Did they advise the people with regard to the Land Policy an resettlement opportunity to enable the inhabitants of Uis to seek financial support to buy the land of their ancestors?

On this one I beg the indulgence of the Honourable Member and the Honourable House because we are still investigating to find out whether the people were given information or not. We are still soliciting information on this specific one.

Question 6: Were the traditional leaders informed that the land was up for sale?

The answer to this one is that the Damara Traditional Authority was part of the committee right at the winding up of the mining activities at Uis. Again, the issue was not on land sale at that time, especially that affected the communities.

Question 7: Would the Ministry be prepared to look into the matter and ensure that the land is returned to the people in keeping with the slogan of the liberation struggle, “give the land back to the people?”

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HON KAZENAMBO**

I again beg your indulgence on this one, I would liken it to the previous one. I thank you.

HON SCHIMMING-CHASE: Thank you, Honourable Deputy Speaker, I would like to thank the Honourable Deputy Minister for the clarity in his reply and I shall pray for his indulgence to comment when he finishes the job.

HON DEPUTY SPEAKER: Question 106 is by Honourable Moongo to the Minister of Regional and Local Government, Housing and Rural Development. Does the Honourable Member put the Question?

QUESTION 106:

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you, Honourable Deputy Speaker, Honourable Members. Notice of questions were raised in this august House by Honourable Philemon Moongo concerning the allocation of money in the forthcoming budget of 2008/09 to cater for lack of money and adjustment of salaries of traditional headmen, sub-headmen and officials.

Question 1: Is the Minister aware of the exorbitant price of N\$15,000 demanded by Ruacana Village Council from the community who live in the houses and have been paying rent since 1975?

First I would like to point out that the Government, through my Ministry, is only responsible for the payment of allowances to traditional leaders and their Traditional Authorities' secretaries and not "salaries" as mentioned in the Honourable Member's question. These allowances are paid in recognition of the very important role that traditional leaders play in our society.

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Question 2: Will the Minister take note and be advised to allocate the money while the budget is prepared?

The issue of allowances for traditional leaders has continuously been addressed by Government since Independence. In the current Financial Year 2007/08, the allowance paid to traditional leaders were adjusted as follows:

Remuneration of traditional leaders per month:

There was an increment of 20% with effect from 1st of April 2007 and the Chairperson of the Council initially received N\$2,000 and it was increased to N\$2,400. The Deputy Chairperson received N\$1,800 and it was increased to N\$2,160. The Chiefs received N\$1,600 as initial remuneration and currently receive N\$1,920. The Senior Traditional Councillors initially received N\$1,400 and currently N\$1,680. The Junior Traditional Councillors received N\$1,200 and it was increased to N\$1,440. The Secretary of the Traditional Authority received N\$1,000 and it was increased to N\$1,200.

In conclusion, I wish to categorically state that Government will continue to mobilise resources through budgetary allocation in order to improve the allowances paid to our traditional leaders. I must hasten to say that the remuneration is not arbitrarily decided by the Minister or the Deputy Minister or the staff of the Ministry of Regional and Local Government, Housing and Rural Development, but it is decided upon through Treasury and all the procedures how money is distributed through the system. Government will continue to address this issue and these are allowances, not salaries. There is a big difference between allowances and salaries and if Honourable Moongo wishes it to be otherwise, then the procedures are clear, but the two cannot be confused because they are totally two different things. I rest my case.

HON MOONGO: I would like to thank the Honourable Deputy Minister for the answer, but the adjustment was peanuts and it does not assist the headmen. I thank him for the answer.

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HON DEPUTY SPEAKER: Question 107 is by the same Honourable Member, Honourable Moongo to the Minister of Regional and Local Government, Housing and Rural Development. Does the Honourable Member put the Question?

QUESTION 107:

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Deputy Speaker, Honourable Members of Parliament. a Questions was raised by Honourable Philemon Moongo about what he termed exorbitant prices of houses at the Ruacana Village Council and now wish to respond as follows:

Question 1: The Ministry is aware of the combined price of N\$15,000 of each house of the houses referred to by Honourable Moongo. These prices were determined by an independent valuator appointed by the Ruacana Village Council, following approval from the Ministry to alienate these houses to individual owners.

The Ruacana Village Council, after receiving the approval by the Ministry to alienate houses, sought the valuation of a professional valuator. A consultation company by the name of Trust and Estate Company (Pty) Ltd was appointed. A notice number 3/2006 was placed in newspapers in terms of provision of section 69 of the Local Authorities Act 1992 (Act 23 of 1992). In this notice it was clearly stated that the Valuation Court would be sitting on 14 July 2006 at 09:00 at the Outapi Magistrate's Court in Omusati Region. Furthermore, it was pronounced in the notice that any objections would be heard during the sitting.

Before the court sitting, a committee consisting of Mr F Musakawas as the chairperson, Mr J Meyer as the valuator, Mrs M Iyambo from the Ministry, Mr L Hango as a representative from Ruacana Village Council and Mr J Amakali as the secretary was appointed to oversee the valuation process.

During the court sitting, there were no objections pronounced and as a result, the house occupants were informed of the prices.

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To make matters easier for the communities, the Ruacana Village Council made a decision that those house occupants who qualified and were willing to take up Build-Together loans to purchase the houses would be given loans. As I am speaking now, quite a number of residents have already been awarded with Build-Together loans to have their own properties transferred to their names.

Furthermore, there were no houses built in Outapi in 1975. Those old houses Honourable Moongo may be referring to, are those houses which were built for teachers to rent. Thus far teachers are still renting those houses and no house among those were sold by anybody.

Old houses were built in Oshakati in the 1960s, not in 1975 as Honourable Moongo referred to. After the proclamation of Oshakati Town Council, the decision was taken by Cabinet that those people who have been renting those houses for more than four years can be given those houses as long as their municipal accounts are not in arrears. Currently, plus minus five hundred houses were transferred to the owners and plus minus one hundred houses have not yet been transferred. At first the transfer fee was N\$111, it has now changed to N\$411.

Question 2: The houses in Ruacana are on average on plots which are 450 m² in size. These houses have two bedrooms, a kitchen and an inside shower and have a ceiling board and are much better and the plots are quite big. Therefore, there is no exploitation of anybody in this case as prices are determined on market-related value and prices.

Question 3: The current values of the houses, as contained in the Valuation Roll for the Ruacana Village Council, as recommended by an independent valuator and approved as stated above, are N\$10,000 per improvement and N\$5,000 for a site or a plot.

Therefore, I would like to inform this House that taking into account what I have explained regarding the nature of houses in Ruacana, the value of N\$10,000 is very much reasonable and affordable to our communities around Ruacana – for those who are really concerned with regard to these houses and this does not in any way suggest that we are not cognisant of the income disparities, but we are talking in reference to the houses which Honourable Moongo has referred to, those rented and those who have been valued and which owners have already taken occupation. Therefore, it should not be distorted that we are referring

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wholesale to everybody.

With regard to Question 4 by Honourable Moongo, the Ministry cannot withdraw debts, as these debts are owed to the Local Authority by the tenants and residents who have used the services provided for by Councils. However, there are instances where Local Authorities could make a well-motivated submission to the Minister to approve the cancellation of the debts owed to it by residents and this should be in exceptional cases, motivated and should be on a needy basis and not on a general basis.

Once such approval is sought, the Ministry of Regional and Local Government, Housing and Rural Development has to consult with the Ministry of Finance for advice before the approval is granted. I should, however, emphasise that cancellation of debts has to be done in line with economic realities and financial sustainability of the Local Authorities. I thank you.

HON MOONGO: I thank the Honourable Deputy Minister, though the community in Ruacana are so poor and there is no development. Therefore, I would like to know whether there is no possibility to reconsider the high prices of houses.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I think I have stated the case.

HON DEPUTY SPEAKER: Question 108 is by Honourable Viljoen to the Minister of Youth, National Service, Sport and Culture. Does the Honourable Member put the Question?

QUESTION 108:

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you, Honourable Deputy Speaker, Honourable Members of

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the National Assembly. I have the pleasant duty to respond to Question 108 posed by Honourable Jurie Viljoen of Monitor Action Group.

It is absolutely important and necessary to first provide the context and basic known factual truths related to and, indeed, relevant to the incidents that eventually gave rise to the allegations, counter allegations and questions, which questions now demand and justify answers in this Honourable House. The facts and truths are:

After participating in and winning a number of the required qualifying matches, Namibia's National Rugby Team, popularly known as the Welwitschia, qualified, participated and competed in the 2007 Rugby World Cup Competition hosted by the Republic of France. The competition is still ongoing, as it is now fast approaching the very final stages. We wish the remaining competing teams well and let the best team eventually emerges as the final winner.

Even though the Welwitschias did not win anyone of their scheduled matches, they returned as winners for the good name of rugby and especially for what they have accomplished for themselves as individuals, for Namibian rugby and for our country, Namibia.

One of the Government's policy objectives is to effectively use sports to promote contact, dialogue, communication and understanding between individuals, groups, organisations and nations. Thus far, no negative reports, concerning the general conduct of the rugby players have been brought under our attention and that is good. Ideally, a team ought to win both on and off the field, but as we know, on the field it is always tough and only one team emerges as the winner. But, we expect our teams to always win off the field, through their general good conduct and acceptable behaviour.

HOUSE ADJOURNS AT 15:40
HOUSE RESUMES AT 16:20 PURSUANT TO ADJOURNMENT

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Honourable Deputy Speaker, as soon as the players left Namibia

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for France, reports about the alleged irregular sale of tickets, in which some of the elected leaders of the Namibia Rugby Union were allegedly involved, started to appear in our media. That was bad and I must say, it is still bad.

The International Rugby Board, through its official structures, did launch an investigation into the so-called “*ticket sale scandal*”, which in my opinion is an ugly, unacceptable and unethical incident, in which some elected leaders of the Namibia Rugby Union, including its President, were allegedly involved.

In a document summarising the International Rugby Board Appeal Committee’s decision, one of the findings, pertinently and unambiguously states the following: “*The plain fact is, we are completely satisfied as from about the end of May 2007 that the Namibia Rugby Union knew a sale of tickets to M and L was taking place, which was in flagrant breach of conditions. They did nothing and would have done nothing without the intervention of this process.*”

This is a serious indictment and rebuke of the Namibia Rugby Union leadership. No amount of screaming the word “*racism*” by the Namibia Rugby Union President and his colleagues, can and will erase this fact. The Ministry of Youth, National Service, Sports and Culture nevertheless, applauds Mr Conradie, the President of the Namibia Rugby Union, that at least, he eventually made a public apology for some of the unwarranted and undignified utterances and remarks that he made. I would like, from this forum, to request all who were or are offended to accept that apology for what it was meant.

I issued, in the name of the Ministry, a media release on 19 September 2007. As a Ministry, reflecting the position of Government, we still fully stand by what I said in that media release.

Now some comments on the alleged “*hate speech*” and incitement of “*racial disharmony on the Namibian public radio*” as reflected in the question of Honourable Viljoen.

I am extremely handicapped, for the inability to make any meaningful and informed comments on the matter at this stage, because I am not in possession of an audio recording of the alleged interview, with the unnamed “*Namibian public radio*”, neither did I listen to the interview when it was broadcasted. Nevertheless, let me state the following as a member of both the Legislative and Executive Branches of the Namibian State:

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If the Honourable Viljoen's assertions and allegations are genuinely true, then, in my view, both the interviewee, the interviewer and the public radio station were in the wrong. If that "*hate speech*", as you allege, was really broadcasted and therefore, both the interviewer, the interviewee and the public radio station were an "*embarrassment and disgrace*", to quote your words, and not only to rugby but also an embarrassment to the Namibian Nation, if what you were saying is true.

In this regard, I refer to Article 21(2) of the Namibian Constitution which educates us as follows: *'The fundamental freedoms referred to in sub-Article (1) hereof, shall be exercised subject to the law of Namibia, in so far as such law imposes reasonable restrictions on the exercise of the rights and freedoms conferred by the said sub-Article, which are necessary in a democratic society and are required in the interests of the sovereignty and integrity of Namibia, national security, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.'*

In terms of our country's policies and relevant laws, hate speech and racial remarks are not acceptable, irrespective of the fact as to who makes such hate speech and/or racial remarks.

Leaders of sport codes and sport clubs are normally elected in their positions on a voluntary basis, as it is the case with us, political leaders. Sport organisations are public institutions, even in cases where they are privately owned and privately managed, because you cannot have a sport club without members. As such, they are, they must or ought to be managed on the basis of and in the spirit of their constitutions, rules and regulations and of course, within the general framework of a country's laws and the Supreme Law of the country. It follows, therefore, Honourable Viljoen, that it is inconceivable, illogical and unacceptable, to quote your words, "that a president of a national sport union, empowers himself and his management to exclude members on a racial basis from the management of such a sport union." In any elected positions, as we know, power does not reside in and with those that are elected, but power always remains with and reside in those who have the power to elect, namely the voters. These are the voters who elect leaders to govern them or to manage their affairs on their behalf, for a certain period of time. They are given a mandate to govern or manage the affairs of others on their behalf for a certain period of time, subject to certain conditions. As such, it is the voters who actually have the power, through a democratically organised electoral process, to remove their elected leaders from such offices, not

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the other way around. I am stressing this point, to drive the message across that this accountability and responsibility that we always talk about are not limited to politicians only, but also anybody who is elected to serve in a public position must at the end of the day, leave and apply and subject him or herself to the principles of accountability and responsibility in managing public affairs.

Any transgression of any Act passed, by Parliament is ideally and normally dealt with by the law enforcement agencies of the State and eventually by the independent and impartial courts. It is also important to underscore that those aggrieved persons must first lay a complaint or a charge with the police to investigate and eventually for court proceedings to commence. When and if desirable and necessary, some cases are referred through the appropriate and relevant authorities to the Prosecutor General for a decision to either prosecute or not.

Honourable Viljoen, Honourable Members, in this regard, Article 25(2) of the Namibian Constitution is helpful, when it states the following: *“Aggrieved persons who claim that a fundamental right or freedom guaranteed by this Constitution has been infringed or threatened shall be entitled to approach a competent court to enforce or protect such a right or freedom, and may approach the Ombudsman to provide them with such legal assistance or advice as they require, and the Ombudsman shall have the discretion in response thereto, to provide such legal or other assistance as he or she may consider expedient.”*

There you have it, Honourable Viljoen, thank you for your questions. I thank you.

HON VILJOEN: Honourable Deputy Speaker, I wish to thank the Honourable Minister for the answer. It is a very complicated answer and for the record I just want to say that I submitted the verbatim copy of the speech here in Parliament. Therefore it is available and if not, I have another copy. I am not sure if the answer is the closing of the chapter on this matter and if I can expect something else.

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HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Honourable Deputy Speaker, when we answer questions in this House, we answer the questions as they appear on the Order Paper. I am not aware of the speech that the Honourable Member is talking about, but I answered the questions fully as they appear on the Order Paper. Thank you.

HON DEPUTY SPEAKER: Question 109 is by Honourable Dienda to the Honourable Minister of Regional and Local Government, Housing and Rural Development. Does the Honourable Member put the Question?

QUESTION 109:

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Deputy Speaker, Honourable Members, Notice of Questions were raised in this august House by Honourable Elma Dienda of the CoD on what she termed the name change of Wanaheda to Samora Machel and I now wish to respond as follows:

Question 1: The name change referred to by the Honourable Minister was that of the “*Regional Constituency*” previously “*Wanaheda*” which is now officially “*Samora Machel*”. This constituency comprises more than 30,000 people and includes the Windhoek registered townships of Goreangab with about 3,500 households, Wanaheda with about 2,500 households and the most western portion of Havana, with about 500 households. That is the composition of Samora Machel constituency.

With regard to question 2, a proposal to change the registered name of Wanaheda Township was considered in the mid-1990’s and referred to the Minister of Regional and Local Government, Housing and Rural Development at that time, Honourable Libertine Amathila. The proposal would have affected general plans and all registered title deeds in the township. After consultation with the Minister of Lands and Resettlement the proposal was not considered.

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Furthermore, the municipal township remains unchanged and accounts are being correctly rendered and bear the correct name of the Wanaheda suburb. Regional constituency names are not used by the city as place identifiers because of the following reasons:

- The frequently encompass more than one township and do not give the detailed location guidance required;
- They are subject to change due to changes in population, requiring review of the relative sizes of constituencies;
- Registered townships and erven are of a more permanent nature.

I trust that the above provides an explanation and information pertaining to the issue raised by Honourable Dienda. I thank you.

HON DIENDA: Honourable Deputy Speaker, I think there is a misunderstanding between the two of us. He did not answer my questions, nothing was answered. I asked when and where did the official name-change take place, why the name displayed in the area is still Wanaheda and why are our municipal accounts still referring to the area as Wanaheda?

In today's *Namibian* the City of Windhoek is talking about Wanaheda, there is no Samora Machel here and I just want to know when this confusion will be stopped. Is it Wanaheda or is it Samora Machel?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Deputy Speaker, may I seriously request the attention of Honourable Dienda of CoD.

Honourable Dienda, Honourable Members, let me repeat. Honourable Dienda, I was saying that a proposal to change the registered name of Wanaheda Township was considered in the mid-1990s and referred to the Minister of Regional and

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Local Government and Housing, by then Comrade Libertine Amathila. The proposal would have affected general plans and all registered title deeds in the township. After consultation with the Ministry of Lands and Resettlement the proposal was not considered in the nineties and they are saying Samora Machel is a constituency, it is composed of Wanaheda, Goreangab Dam and Havana as suburbs within Samora Machel. Wanaheda as a suburb still remains Wanaheda in the constituency of Samora Machel, just like we have Windhoek-East, Pioneers Park and others. That is the issue.

HON DEPUTY SPEAKER: Honourable Members, allow me to take a short break and the Speaker will take the Chair.

HON SPEAKER: I thank the Deputy Speaker for her kind consideration. I have just arrived back today. Since we do not meet tomorrow, Friday, I wanted to take this opportunity to welcome to our country and to our capital city a high-powered delegation from the Kingdom of Spain. This delegation is visiting Namibia at this time at the invitation of the Speaker, on the occasion of the inauguration of the establishment of the Friendship Groups between these two friendly countries.

Tomorrow the delegation will have audience with the Right Honourable Prime Minister, they will be hosted thereafter by the Speaker at a luncheon and I am sure that Honourable Members have received an invitation from the Spanish Ambassador to be present at the Spanish National Day reception tomorrow evening. Saturday they will visit our coast and come back on Monday.

The designated Members of both Houses will have meetings with the delegation to formally inaugurate the friendship relationship between the two countries. I wanted to personally welcome you all to Namibia. Your Excellency Ambassador, thank you very much for this wonderful arrangement and we will, obviously, report back to the House the discussions that we would have had, not only the Speaker but those who are members of the Parliamentary Friendship Group of Namibia.

I see how busy you are and I do not intend to waste your time any further than

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welcoming our friends to Namibia. The House shall recess and the business shall continue.

HON DEPUTY SPEAKER: Question 110 is by Honourable Dienda to the Minister of Regional and Local Government, Housing and Rural Development. Does the Honourable Member put the Question?

QUESTION 110:

HON DIENDA: I put the Question, but I am not satisfied with 109.

HON DEPUTY SPEAKER: You can again put your question later on. I cannot go back there again.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you, Honourable Deputy Speaker, Honourable Members. Notice of Questions were raised in this august House by Honourable Elma Dienda of the CoD on matters pertaining to public toilet facilities available at big shopping centres like the Red Cross and Pick-n-Pay shopping centres in Katutura and I now wish to respond as follows:

Erf RE/1820 Katutura Pick-n-Pay: This complex does have public toilets, but due to vandalism, they are kept locked as precautionary measures. However, individual public members are allowed to use them on request.

Erf RE/2128 Katutura Checkers: This complex has only toilets in the separate shops. Checkers as a business entity does allow their customers to use the toilets but the other smaller shops do not allow customers to use their internal toilets for safety reasons.

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General information on public toilets and toilet facilities for businesses, pertaining to the question asked by the Honourable Member: The City's Health Services Division enforces the Public Health Act 36 of 1919, the General Health Regulations GN 121 of 1969 and the Municipality of Windhoek Health regulations GN 285 of 1952. According to the Public Health Act of 1919, it is the duty of every local authority to take all lawful, necessary and reasonable measures for maintaining its district at all times in a clean and sanitary condition and to prevent the occurrence therein of any nuisance.

In this regard I would like to read out the legal requirements as in line with the provision of toilet facilities for business and public toilets as follows:

The Health Regulations of the City of Windhoek, GN 285 of 1952 determine that:

“Every owner of a dwelling or public building shall provide such dwelling or public building, to the satisfaction of the Council, with the necessary closets and urinals for the use of any persons living in, employed on or frequenting such dwelling or public building and shall keep them in a clean and proper state.”

The General Health Regulation GN 121 of 1969, as amended, determines that:

“No person, being the owner of any building or premises, shall fail to provide such building or premises with the following water closets and urinals constructed and maintained in accordance with the provisions of these regulations.”

I would like to quote further:

“In those premises which are connected to sewers, there shall be provided:

- 1. For dwellings, hotels, boarding houses, boarding schools, apartments, hostels and tenements, not less than one water closet for every multiple or portion thereof, of twelve persons residing or employed in or on such premises;*
- 2. For offices, factories, warehouses, workshops, and stores and other premises not elsewhere provided for in this section, not less than one water closet for every multiple or portion thereof, of twenty persons employed in or on such premises;*

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3. *For public buildings, bioscopes, theatres, assembly and amusement halls or other meeting places, at least one water closet for every multiple, or portion thereof, of 200 persons for whom accommodation is provided in or on such premises with a minimum of one closet for each sex and one single stall urinal for every fifty or less males.*
4. *For public houses, bars, beer halls, restaurants, tea-rooms, eating houses and billiard saloons, not less than one water closet and one urinal stall for males and one water closet for females;*
5. *For any recreation or sport ground there shall be provided and properly maintained urinals, latrines or water closets so sited as to be reasonably convenient to all sections of the ground for the separate use of male and female frequenters of such ground, and in the following minimum proportions, with a minimum of one for each sex, calculated on the average attendance at such grounds.”*

According to the abovementioned Health act and Regulations, Local Authorities will be responsible to provide public toilet facilities in the following instances:

- In all public parks and sport or recreation grounds;
- In high-density business areas;
- In any area in the jurisdiction of a Local Authority where regular public gatherings take place.

It is recognised that the health legislation is very old and that business developments underwent a lot of changes since 1919. The Health Regulations of GN 285 of 1952 are still applicable and determine that an owner of a public building should provide public toilet facilities.

The modern trend in larger business developments is that, apart from the public toilet facilities, the individual businesses in the development make provision for toilet facilities for their clients. The main reasons for this is the difficulties to maintain public toilet facilities.

The City's Health Services Division will investigate any complaint about the availability of toilet facilities or any health nuisance related to toilet facilities and

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enforce the above-mentioned legislation, if necessary. The telephone number of the City's health services is 290-2496.

These are the realities of the situation and as for the behaviour of businesses, the necessary legislative instruments are there. If there are any inconveniences or problems, then I think you should note the place concerned and inform the relevant authority case by case. I thank you.

HON DIENDA: Honourable Deputy Speaker, I have learned one thing in this House, everything must be in writing. Can you give a copy of your answer, please? I want his answer in writing.

HON DEPUTY SPEAKER: Question 116 is by Honourable Moongo to the Minister of Safety and Security. Does the Honourable Member put the Question?

QUESTION 116:

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: On a Point of Order. Comrade Deputy Speaker, I am sorry to come in here on a point of order, but I think it is necessary that I raise this question. I am raising an issue related to Question 116 on the Order Paper, read against Rule 79(b) of our Standing Rules and Orders and request whether this question, as it stands, does conform to what Rule 79(b) on page 56 of our Standing Rules and Orders states, before the Honourable Deputy Minister will answer.

HON DEPUTY SPEAKER: I think this will be in the hands of the Table here, because they have dealt with this question. Maybe they went through and found it suitable to be here. I think the staff found it suitable to be on the Question Paper. Honourable Minister, if we go through the question again, *“including the name of a person or any statement of facts unless they be necessary to render the question intelligible or*

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authenticated.” It is in line, Honourable Minister. Allow the Honourable Deputy Minister to answer.

HON DEPUTY MINISTER OF SAFETY AND SECURITY: Thank you very much, Comrade Deputy Speaker. In response to the questions raised by Honourable Moongo regarding the money of a certain prisoner, Andreas Alugodhi of the Windhoek Central Prison, I wish to make the following statement:

On admission, a prisoner is given an option either to hand his/her property, including money, to his/her family or retain the property under the safeguard of the Namibian Prison Service. The prison authority is not acting as a bank or a financial institution as such and there is no interest attached to such money under the prison custody when handed back to the owner. Therefore, in the case of Andreas Alugodhi there is neither interest on his money, nor was it kept in the prison against his will, as suggested in this question.

However, for the information of the Honourable Member, I may remind him that prisoners’ cash used to be kept at the Magistrate’s Office. It was until October 2002 when this arrangement was changed and required the Namibian Prison Service to open accounts for prisoners’ cash at the First National Bank. This decision, though well-intended, yet had caused some hardships in our administration where some of our members were not versed and trained to take up these responsibilities. This has led to a loss of some prisoners’ cash and one senior officer has been involved in mismanaging the prisoners’ cash. Right now, he is facing criminal charges before the courts. As the case is still being handled by the court of law, I would not wish to prejudice the court proceedings in this august House and let us wait for the verdict.

The loss of prisoners’ cash includes the money for prisoner Andreas Alugodhi, but an arrangement has been made to make all prisoners, whose money has been recorded missing, to be given back on their release from prison. It is the obligation of the Prison Service to take safe custody of prisoners together with their property.

To date, this prisoner is supposed to have N\$3,699.72 and not N\$3,656.22, as was indicated, plus N\$4,000 and N\$2,932 as portrayed in this question. The

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prisoner is still serving his sentence up to February 20, 2020 and that is when he is supposed to get his money back.

Honourable Deputy Speaker, I do not see the reason why I should form a special commission to investigate the gross violation of human rights of prisoners on allegation put forward by Honourable Moongo, that Senior Prison Officers Kawana and Oscar tear-gassed prisoner Andreas Alugodhi on his private parts.

Our records show that there was an incident of using teargas in February 2007 when prisoners hid cell phones in their rectums or anuses and necessary minimum force was used to retrieve these smuggled cell phones. Due to complaints of inmates in this usage of teargas, the Office of the Ombudsman carried out an investigation on the same issue. The names of those complaining prisoners have been recorded and were interviewed by the Ombudsman accordingly, but Alugodhi was not one of them. Surprisingly, he is raising this question now probably for financial gains which has become a fortune for prisoners.

Honourable Deputy Speaker, I wish to ensure Honourable Moongo that the Namibian Prison Service is committed to rehabilitating offenders into becoming useful law-abiding citizens. Our ethical approach to this noble duty is based on the respect of human rights and dignity of the individuals. In this spirit we have been able to turn around the Namibian Prison Service into a useful productive institution capable of contributing to public safety in building safer societies and not a coercive and victimisation instrument, as alleged by the Honourable Member.

Honourable Deputy Speaker, I am done and I thank you very much.

HON MOONGO: Honourable Deputy Speaker, I would like to thank the Minister for responding more or less halfway to the question, although I was embarrassed to hear that minimum force was used to even teargas the anuses of the prisoners. Can that be called minimum force when you even touch the anus? That is a serious crime according to the Namibian Constitution.

Then also, I would like to know whether the money could be invested because he is serving a long term and it is against the owner of the money to keep the money

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in the prison. It could earn some interest if invested.

HON DEPUTY MINISTER OF SAFETY AND SECURITY: When I say minimum force, it is called minimum force. We can do even more than that, but we have used minimum force. One would think that if you do not want to be touched there, then you should also not put things in there.

HON DEPUTY SPEAKER: The Notice of Motion is one by the Honourable Minister of Finance. Does the Honourable Minister of Finance move that the Bill be now introduced?

**INCOME TAX AMENDMENT BILL
INTRODUCTION AND FIRST READING**

HON MINISTER OF FINANCE: I so Move, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Who seconds? Agreed to. Will the Minister please table the Bill? The Secretary will read the Bill a First Time. The Secretary will read the Bill a First Time.

INCOME TAX AMENDMENT BILL

HON DEPUTY SPEAKER: Does the Honourable Minister of Finance move that the Bill be now read a Second Time? Who seconds? Any objection? Agreed to. The Honourable Minister has the Floor.

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**INCOME TAX AMENDMENT BILL:
SECOND READING**

HON MINISTER OF FINANCE: Thank you, Honourable Deputy Speaker, Honourable Members of the House. I am pleased to table Amendment proposals to the Income Tax Act. Tax policies are pivotal to a successful economic policy. This is not only because they constitute the primary mechanism for mobilising public revenue, but also because of the role they play in economic growth and poverty reduction. Namibia's taxation policies are tailored to maintain an appropriate balance between this set of objectives.

During the presentation of the annual budget this year, I announced a set of tax-related measures. These measures are aimed at poverty reduction, income redistribution and economic growth. They also seek to improve general tax laws administration and to strengthen compliance.

Amongst the measures announced under this year's budget is the lifting of the tax threshold from N\$24,000 to N\$36,000 per annum. This means that income of up to N\$36,000 per annum will not be subjected to income tax. Although this measure is already in force, an Amendment to the Income Tax Act is necessary. The effect of this Amendment is a tax relief which results in an increase in the net income of all income earners. The low income below the new tax threshold is totally exempted from tax. Apart from its poverty reducing effect, this measure has an income re-distributive effect which is especially important in our situation of high income inequalities.

Another important aspect of this Amendment Bill is the increase in the tax allowable deduction of retirement fund contributions from the current N\$30,000 to N\$40,000 per annum. This too was announced in the budget speech. The effect of this Amendment is two-fold: On the one side, it provides a capital injection into the economy and on the other, it assists with retirement planning. Income earners will be incentivised to increase their pension contributions, which will in turn ensure higher pension annuity payments during retirement. On the other hand, this will also promote increases in national savings, which will provide a capital injection into the economy necessary for growth.

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Apart from implementing tax measures announced under the budget, a number of new proposals are made under the Bill.

Firstly, it is proposed that interest payable on tax arrears be changed from compound to simple interest which, no doubt, provides relief to taxpayers. Furthermore, it is in line with the in Duplum Rule in commercial law which dictates that interest payable should not exceed principal debt. These interest charges are, however, not intended to penalise taxpayers as some people would like to see it. Rather, they are intended to compensate the State for financial loss incurred as a result of failure by taxpayers to make tax payments within the prescribed time. Therefore, while it is appropriate that these charges are not set at levels where they create an unsustainable burden to taxpayers, it is also important to ensure that taxpayers are not encouraged to prolong settlement of their tax arrears because it has become more cost effective for them to owe the tax man than to clear their tax arrears timeously. The Fiscus is not a bank. This situation can undermine the cash flow management of the state and compromise its ability to deliver public services.

The Bill also provides for an increase in tax deductible allowance by farmers for the erection and acquisition of farm workers' accommodation from the current N\$15,000 to N\$50,000 per worker. This will promote better living conditions for farm workers, while also supporting farming activities and thus promoting the farming sector's performance.

The Bill further introduces a tax withholding for interest income. The tax withholding approach has been successfully implemented in many tax jurisdictions. It brings with it improved compliance with the tax laws, which in turn contributes to optimisation of public revenue. Currently, interest income is one of the most under-reported, with the resultant loss of income for the State. Additionally, enforcement of compliance is currently a challenge as the tax administration faces a challenge of dealing with thousands of individual taxpayers. With the withholding approach, the administration will only have to deal with financial institutions which are few, and compliance enforcement will be significantly improved.

The withholding of tax will, however, only apply to individuals. Companies will still declare interest and pay tax thereon at corporate tax level. Natural persons will be required to pay a final tax on interest income at a flat rate of 10%. This is a significant relief compared to the current situation where interest income is

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calculated into the total income of an individual and subjected to tax at that applicable rate. This means that a person's income can become liable to taxation at a higher tax rate than previously as a result of an increase in income arising from interest income. In the context of this Amendment, however, this cannot happen because interest income at whatever level will be taxed at a flat rate of 10%.

Since the tax on interest income will be a final withholding tax, the current tax exemption of up to N\$500 on interest income is abolished. However, this is more than made up for by setting the interest rate at a lower flat rate of 10%.

To ensure equity in the treatment of taxpayers, interest income by trusts will now be subjected to income tax. The definition of dividend is, therefore, changed in the Bill to separate interest income from dividends in order to allow for the taxability of interest income of unit trusts, as is the case with other corporate organisation. The proposed tax rate is 10 percent for individuals. However, interest earned by companies from investments in unit trusts will be taxed at the current corporate rate of 35 percent.

The current tax-free status of investments at NamPost are retained. However, this is capped at N\$100,000. Investments exceeding N\$100,000 will, under the proposed Bill, be subjected to a withholding tax of 10%.

Another proposal of significant importance under this Bill is that which provides that all mining companies pay tax at the same rates on recoupment when they sell, withdraw or remove from Namibia assets on which a deduction for tax was allowed. The same tax treatment is intended for manufacturing companies. It is proposed that this latter Amendment be done with retrospective effect to safeguard Government's interests. The retrospective Amendment does not create any additional burden on the taxpayer and is merely a safeguard measure against retrospective claims against the Government.

In conclusion, Honourable Members, a number of other minor Amendment are proposed under the Bill which are either technical corrections to the Act or administrative tools to improve tax administration. A good example is the one proposing that the Minister of Finance be authorised to appoint debt collectors to recover outstanding taxes on his/her behalf. Apart from the positive fiscal implications it has when debts are fully recovered and in good time, it also

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alleviates the administrative burden on the Ministry and enables it to focus its attention on core functional matters.

With these remarks, Honourable Members, I recommend the Bill for approval by this Honourable House. I thank you.

HON DEPUTY SPEAKER: Any further discussion? Honourable De Waal.

HON DE WAAL: Honourable De Waal, I move that the Debate on this Motion be adjourned until the 23rd of October.

HON DEPUTY SPEAKER: This Bill stands adjourned until the 23rd of October. The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE ON THE DUMPING OF BABIES AND
WHAT IMPACT IT HAS ON THE SOCIETY**

HON DEPUTY SPEAKER: When this Assembly adjourned yesterday, 10th of October 2007 in terms of Rule 90(a) of the Standing Rules and Orders, the Question before the Assembly was a Motion by Honourable Speaker Dienda. The Deputy Minister of Regional and Local Government, Housing and Rural Development had the Floor and I now call on the Honourable Deputy Minister to take the Floor.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you, Honourable Deputy Speaker, I will try to be brief in order to give a chance to others.

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I will now look at the economic pressures. Honourable Deputy Speaker, I agree with the Mover of the Motion that this Motion needs to be further investigated by the relevant Parliamentary Committees. I agree hundred percent with that because the economic pressures that young people are facing are enormous. Some of the youngsters and I am not saying that these youngsters are the ones throwing away babies, but the reality is the pressures.

Some of these youngsters are migrants and perhaps that word is not appropriate, but in developmental studies it is still relevant, migrants from one town to another town, from the rural area to urban areas and these youngsters sometimes find themselves in economic conditions that are forcing them to find themselves in unwanted pregnancies.

Some of the privileged men – and even our AIDS campaigners will attest to this, because some of the privileged fellows with money will tell these youngsters of poor economic background and even those from strong economic foundations, that *“I am engaged to you, I do not need to use a condom and these are the realities.* Some of these are youngsters who are assertive and they find themselves engaging the gentleman because she is economically dependent on this gentleman and sometimes this gentleman is a married person or may be a person with four girlfriends and he then says, *“if you keep this baby, I will not support you further.”* Then this poor lady – in some cases – will be forced to dump the baby in order to maintain the relationship.

Some of them are afraid of what to tell their parents back home, so there are many factors that are also contributing to this situation. We know very well that some of the youngsters are going out with sugar daddies, although it is also true that there are some young gentlemen who are going with sugar mommies because of economic hardship. These are the situations that need to be investigated.

The reality of our situation is also environmental. If you look at the situation where some of these colleagues are coming from, we are talking about culture and the environment. Sometimes the environment is divorced totally from the reality, especially in urban areas. For example, if you can compare in terms of order, if you can compare Windhoek where we are around Pioneers Park, Khomasdal, Hochland Park, Klein Windhoek and then you compare it with the environment of suburbs like Katutura and then you talk of culture, where the majority of teenagers and youngsters are on the streets and every second house is a shebeen. Almost every second house in Katutura is a shebeen and I do not

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know what cultural influence this youngster is subjected to. Honestly, drinking and other activities are done there.

Once upon a time a senior politician and leader once told me that "*Kazenambo, you are on a course of self-destruction*", because sometimes we complain about the performance of our kids in terms of results and in terms of their behaviour, but if you sit down and analyse and compare ourselves to our white compatriots, he was telling me that if you go to Katutura, twenty-four hours around the clock the music is hard, cars are moving up and down, elders are drinking with kids. But if you come to the other parts of the city, people are with their kids and you do not find liquor outlets everywhere. You go to bottle stores that are orderly managed and have closing times, but in the area where the majority are living the impact is this type of behaviour, the negative effects of the behavioural order in some areas.

Under these circumstances the impact is that in Katutura, because of the environment or in some areas, it is very easy at my age to go out with a youngster because the environment is such and that is why we are saying in the areas my seniors have referred to, it was uncalled for, for me to go and stand at a school and wait for a kid who is coming from Augustineum and date her. But because of the environment, no order, some of us go to a shebeen and pick up a kid of the same age as your daughter. What do you expect this kid to do? She will be psychologically forced to dump my kid. I am not saying that in all instances it is like that.

When you are comparing our behaviour to culture, it takes two to tango. It is not only the youngsters who are at fault, but we the elders also sometimes abandon our responsibility.

With this I rest my case.

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Honourable Deputy Speaker. I would also like to add my voice to this important Debate on the dumping of babies introduced by Honourable Dienda of the CoD.

I wholeheartedly agree with all the previous speakers about our cultural norms and values which have been destroyed and I agree with all the previous speakers that we need to discipline our children at home. But I think the Namibian

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Constitution in Article 98 speaks of the principle of economic order and let me just quote: “The economic order of Namibia shall be based on the principles of a mixed economy with the objective of securing economic growth, prosperity and a life of human dignity for all Namibians. The economic growth shall be based, *inter alia*, on the following form of ownership: public, private, joint public private, cooperative, co-ownership, small scale, family.”

I however think we are very far from an ideal situation where we could say we have create a kind of social democratic order based on the Scandinavian model. What I see in Namibia is a real capitalist system, pure capitalist system and by the nature of the capitalist system it is inherently cruel and evil. That is why it generates all these socio-economic, cultural pressures as it was very well articulated here by Comrade Kazenambo and by its nature it also creates poverty. We should not hide all these pressures and all the problems we have today why the young ladies are dumping their children. It is because of all these pressures – economic, social, peer competition, competition for resources. The young girls want to enjoy, they want to get money and they resort to sugar daddies, as Comrade Kazenambo said and this is the society which creates the haves and the have-nots.

Now this pressure is equally felt at the family level. That is why when the parents are faced with that situation, everybody wants their children to excel in education and be productive citizens and so on, but there are all these serious pressures. How do we handle them?

This pressure forces these young little girls to do these kinds of anti-social behaviour. Therefore, it is important that we have to look at the system itself. Let us take stock, analyse the system and see how we can assist our young people. Of course, the dumping of children is unacceptable, it is deviant social behaviour and that is why we need to engage all the stakeholders, that is the parents, the children, the churches, the NGOs – although it seems that the NGOs are nowadays Political Parties, they are just involved in political sloganeering, insults, etcetera, instead of helping the community. When they go to Europe, they campaign for funds to help the communities, but instead they turn out to be sell-outs, what we call “*katangaras*”.

Yesterday my brother there recommended that we must read some books and I also want to tell Elma Dienda that you must also read “*Das Kapital*”, read things like “*Das Kapital*”, Fidel Castro, the journey to the overthrow of the evil Batista

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regime and you must also read Nujoma, “Where Others have Wavered.” Some of us were fortunate to have been in the struggle and exposed...(Intervention)

HON DIENDA: May I ask the Son of the Nation a question? Honourable Son of the Nation, the information I get from you is that I must read “*Where Others Wavered*”. Since things like the dumping of babies is coming a long way, is there information about dumping of babies in that book?

HON DEPUTY MINISTER OF JUSTICE: Honourable Dienda, when we were in the struggle, we were under-resourced, but you would never find a little baby dumped. Never, it never happened in the history of SWAPO. Our leaders were committed to make sure that we get the basic amenities and make sure that we educate our children, make sure that our children attend school and make sure that these little children become productive citizens.

As I am speaking now there are many examples. Go to the wildlife resorts, these young men who are driving the “*Turnaround Strategy*” at Namibia Wildlife Resorts are the products of SWAPO. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask a question? Comrade Uutoni, are you aware that even among some of us there are those who had doubts about this young Comrade leading the Turnaround Strategy, which was run by a doctor. Are you aware that there were even some who were doubting?

HON DEPUTY MINISTER OF JUSTICE: I agree with you, Honourable Ilonga, but the problem is that we do not believe in ourselves. We think that doctors, intellectuals and all those other people are the ones who can do it, but commitment to the country, commitment to your Nation is what counts.

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My dear sister, some of us were privileged to visit these socialist countries and had the opportunity to live there. I can tell you, I was watching news every day in Cuba, in Russia, in Germany....

HON SPEAKER: The House stands adjourned in terms of rule 90 until Tuesday, next week, 14:30.

HOUSE ADJOURNS AT 17:47 UNTIL 2007.10.16 AT 14:30

**ASSEMBLY CHAMBER
16 OCTOBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

HON SPEAKER took the Chair and read Prayers and the Affirmation.

ANNOUNCEMENT

HON SPEAKER: Honourable Members, I would like to inform the Members that the Parliament would be hosting the first Commonwealth Women Parliamentarians Conference on the 18th and 19th of October 2007 at the Windhoek Country Club Resort and Casino. The Conference will be convened under the theme, “*Beyond Numbers: Challenges Facing the Commonwealth Parliaments in Africa*”. About 60 delegates and observers from Commonwealth African countries are expected to attend. Our Parliament will be represented by the Deputy Speaker, Honourable Sioka, Honourable Hoffmann, Honourable Christian and Honourable Dienda. Other Members of Parliament who are interested are also encouraged to attend. All Honourable Members are invited to attend the opening ceremony on Thursday, 18 October 2007 at 08:00. The opening ceremony will be attended and addressed by the Right Honourable Prime Minister and the Speaker is expected to be in attendance.

HON SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Notice of Questions. Any Notices of Motions?

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NOTICE OF MOTIONS
HON VILJOEN / HON DR TJIRIANGE / !NARUSEB

NOTICE OF MOTIONS

HON VILJOEN: Honourable Speaker, I give Notice that on Wednesday, the 24th of October 2007, I shall Move –

That this Honourable discusses and considers the responsibility and accountability of the users of government buildings as far as general maintenance is concerned.

I further move that the Motion be referred to the applicable Parliamentary Standing Committee for possible recommendations.

HON SPEAKER: Will the Honourable Member table the Motion? Any further Notice of Motions? Dr Tjiriange.

HON MINISTER OF VETERAN AFFAIRS: Honourable Speaker, I give Notice that on Tuesday, the 23rd of October 2007, I shall Move –

That leave be given to introduce a Bill to define the responsibilities of the Minister in relation to Veterans Affairs; provide for the establishment of a Veterans Fund for the provision of assistance to veterans and dependents of deceased veterans; to provide for the registration of veterans and dependents of veterans; to provide for the establishment of projects for the benefit of and assistance to veterans and dependents of deceased veterans; to provide for the integration of pension benefits of veterans; to provide for the constitution and function of the Veterans Board and Veterans Appeal Board; and to provide for matters incidental to or connected with the foregoing.

HON SPEAKER: Will the Honourable Minister table the Motion? Any further Notices of Motions?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: I give Notice that tomorrow, Wednesday, the 17th of October 2007, I shall Move-

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**MOTOR VEHICLE ACCIDENT FUND BILL
HON MOONGO**

That this Assembly accedes to the International Convention for the Unification of certain Rules of Law relating to Bills of Lading 1924 and the Protocols of 1968 and 1979.

HON SPEAKER: Will the Honourable Minister table the Motion? Any further Notice of Motions? Any Ministerial Statements? The First Notice of a Motion is the one of Honourable Venaani. Does the Honourable Member move the Motion?

HON MOONGO: I would like to postpone it until tomorrow when Honourable Venaani will be present.

HON SPEAKER: The consideration is deferred until tomorrow afternoon. The Second Notice of Motion is the one of Honourable Kaura. Does the Honourable Member move the Motion?

HON MOONGO: I move that the Motion be considered on Thursday.

HON SPEAKER: The Motion is deferred until Thursday. The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING – MOTOR
VEHICLE ACCIDENT FUND BILL**

HON SPEAKER: When this Debate was adjourned on Wednesday, 10 October 2007, the Question before the Assembly was a Motion by the Honourable Minister of Finance, that the Bill be read a Second Time. Honourable Moongo adjourned the Debate.

HON MOONGO: Honourable Speaker, Honourable Members, allow me to congratulate the Minister and the staff members who managed the abovementioned Fund effectively and that at a later stage they realised the painful

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setback of the current Motor Vehicle Accident Fund, which excludes the majority of poor victims who were never allowed to claim.

Mr Speaker, Honourable Members, it was impossible for a passenger to command the vehicle after hiking, that “*you are driving fast*” or “*you are driving while intoxicated*” or that “*your vehicle is not roadworthy*” or “*your tires are not in a good condition.*” Also, when you are hitchhiking you cannot question as to whether the driver is qualified. Therefore, the person cannot claim, because this information is not available.

Mr Speaker, Honourable Members, many poor passengers suffer irreparable damages as they did not claim from the Fund and the orphans of the deceased suffered in the process and were forgotten. They were prevented to benefit from the Fund. The rules were made deliberately to benefit the companies only and victims lost all claim cases.

Mr Speaker, Honourable Members, allow me to remind all vehicle owners to prevent unnecessary accidents by taking the necessary precautions.

The vehicle must always be roadworthy, the drivers must obey rules and must not only think of earning money. Do not put your own life, that of the passengers and other road-users in danger. I call upon all road-users to make Namibian roads accident free and be not only a good example in SADC, but in Africa as a whole.

Mr Speaker, Honourable Members, since poor victims did not claim, will they be allowed to again claim in the current Motor Vehicle Accident Fund? Will the Motor Vehicle Accident Fund be decentralised to serve the whole country?

With this I support the Motion on the Table.

HON SPEAKER: Any further discussion? Honourable Manombe-Ncube.

HON MANOMBE-NCUBE: I move that the Debate be adjourned until tomorrow?

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**MOTION ON DUMPING OF BABIES
HON NUJOMA**

HON SPEAKER: Any objection? The Debate on this Motion stands adjourned until tomorrow. The Secretary will read the Second Order of the Day.

**RESUMPTION OF DEBATE ON THE DUMPING OF BABIES AND
WHAT IMPACT IT HAS ON THE SOCIETY**

HON SPEAKER: When this Debate was adjourned on Tuesday, 11 October 2007, the Question before the Assembly was a Motion by Honourable Dienda. The Deputy Minister of Justice adjourned the Debate.

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, for the Floor Comrade Speaker.

I was about to conclude my contribution when the House was adjourned, and as I mentioned earlier, we have inherited a capitalist system as our social and economic order which, as I said, creates these unacceptable economic, social, cultural, customary and religious pressures among our young children.

As the other speakers have mentioned, we have unfortunately also in the process inherited Shebeens. These Shebeens were brought about by the South African occupational forces during the war for Independence. We know that everybody was burning in the sun, they wanted to have a soft drink and as a result these shebeens sprang up and became widespread all over. Umkoomwe and all these and they were making money during that time.

It appears that these shebeens have become a kind of social norm and it seems as if we have accepted the shebeens as a normal way of life. I also think some of the pressures are coming from these shebeens, where you see young people going to these shebeens and the problem is being aided by the fact that almost every second house – as my Colleague Kazenambo has said – in Namibia is a shebeen. These young people do not sleep, they have no time to study, there is noise all over. (Intervention)

HON MOONGO: Is the Honourable Member aware that Umkoomwe was established before the South African Army came to Namibia that time of the Liberation? Are you also aware that traditionally the dumping of babies was a

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crime, but now, since SWAPO took over, there is no more a serious crime as a long time ago. Are you aware that when SWAPO came back, the dumping of babies increased?

HON DEPUTY MINISTER OF JUSTICE: You are one of the culprits, because you have encouraged people to create these shebeens. You are the mover of this shebeen philosophy, so you need to be condemned because you have created a social problem in Namibia.

Comrade Speaker, the Honourable Member mentioned SWAPO, but as I mentioned earlier, when we were in SWAPO, with the little resources we had at our disposal, with a huge population of some refugees, some freedom fighters, you never saw a single baby being dumped. We have looked after them. I told you earlier that some of them today are leaders, some are here, some of them are leading parastatals, as I gave you the example of the Namibia Wildlife Resorts.

Honourable Moongo, there was no philosophy of dumping babies in SWAPO. We went with our babies, we came back with them as young adults and they are today contributing to the economic and social development of this country. These things we came to learn from here and we are not blaming these people, as I mentioned earlier, but these are the pressures on society. Society does not help these young people and I gave you the example of Cuba where some of us grew up.

You can go through the length and breadth of a country like Cuba but you will never see a baby being dumped. You can go to the Soviet Union, go to all the former Socialist countries. What is however happening now is that we are emulating these bad practices generated by the capitalist system. (Interjection)

HON MEMBER: SWAPO Government!

HON DEPUTY MINISTER OF JUSTICE: No, it is not SWAPO Government.

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HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask a question? Honourable Nujoma, are you aware that before Independence the South African regime called Honourable Moongo back to Namibia. At that time the South Africans were organising Uukuumwe, they said he must come back, they are going to give him Uukuumwe and everything. Are you aware of that?

HON DEPUTY MINISTER OF JUSTICE: Yes, I am aware, Honourable Muharukua and I agree with you. That is why we say that we need to re-examine our whole existence, our social and economic and cultural aspects, review them, take note and maybe bring some statistics so that we can determine where the problem lies. (Intervention)

HON MOONGO: On a Point of Information. I would just like to inform the House that Uukumwe was established before the people went into exile. In 1974 it was already established and Uukumwe was used as the first office to advise people how to go to Angola and how to cross the border. I know the Honourable Deputy Minister was very young at that time, I would not know and the Colleague over there was also too young to know how to cross the border.

HON DEPUTY MINISTER OF JUSTICE: Honourable Moongo, when we left this country there were no shebeens here. In 1974 when we left for exile there were no shebeens in existence here. People were organising bazaars and it was a kind of coming together. When one family had a problem, the others would bake cookies and the others would come and support them and have a *braai*. That is what was happening here. This new phenomenon was just created by the South African Army to create havoc in our society. That is the reality of the situation.

In South Africa they have *stokvel* and that was the concept and it worked. When one family has a problem, the others would come and assist. That is why no babies were dumped because if a family has a problem, they would always ask the community to come and assist them. We never had that problem. That is the reality of the situation. Honourable Dienda, maybe you were a baby that time.

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Unfortunately, Namibia has the highest concentration of shebeens, the highest in the world and this is a serious problem which we need to address.

Therefore, in order to fight all these evils, we must strengthen the nuclear family. It is very important that we strengthen the nuclear family and encourage our young people to abstain from sex before marriage. Otherwise, if we do not encourage our young people to abstain, we will have this unbecoming, deviant social behaviour. We need to educate them. Education is the key. Once we reach those high literacy levels, people will be able to understand that this is wrong and this is right. That is why I agree and we must support the Government policy of making sure that we contribute in our Budget the biggest chunk to education and health.

The other issue is sexual education, reproductive health. All these are important things we need to do in order to educate our children. We also need to have statistics of babies who have been dumped and see whether the problem is serious. Maybe we should again go back to the drawing board and have a look at our abortion law, the right to choose and see whether abortion may alleviate the problem of dumping, because a young person will have a choice either to have the baby or not to have the baby. These are some of the things we need to consider. (Interjection).

The other Colleagues are saying I should not go into this territory, I will have problems with the churches, problems with the elder society, but these are some of the things we need to consider as a society when we are faced with these challenges.

Therefore, that was my small contribution to this Debate and I thank you.

HON VILJOEN: Honourable Speaker, I wish to support the Motion under discussion. I have listened intensively to the wisdom of some of the Senior Members. The Honourable Hoffmann referred to the value of inner-house family meetings and I agree that if these types of meetings are conducted at least once a week, problems between family members or other personal problems can be identified at an early stage. The Minister of Defence emphasised the value of communication between parents and children.

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I also listened carefully to the Honourable Deputy Minister of Justice and decided to present my contribution in a different form, a more realistic form, based on judicial principles and I wish to do it as follows:

Honourable Speaker, I want to tell this Honourable House about a pending court case in Namibia. The courtroom is Namibia, this country of ours.

The Plaintiffs are those girls who have dumped their babies in refuse bins or other places and those girls who have been mutilated and whose bodies are being strewn along the roads of Namibia.

There are the following Defendants in this court case: The First Defendant is the parents, the fathers and mothers of our Nation. The Second Defendant is the Parliament of the Republic of Namibia.

There is a long charge sheet which must be dealt with during the court case, but I am going to deal with a few. The first charge is against the fathers and mothers of Namibia and it reads as follows:

You, my father, you are always absent from home because you are very busy. Even if you are at home, you are absent because you are so busy with your own matters and thoughts that we do not communicate. You did not take us, your sons and daughters, to church on Sundays where we could get the necessary information to distinguish between what is right and what is wrong in life. You never use the Bible at home to give us the necessary guidance and equip us with the necessary moral values.

The second charge is mainly against our biological fathers who left the family home, sometimes before our birth and let our mothers, as single mothers, struggle to raise us under difficult circumstances. We are so busy to survive, because the breadwinner left.

We missed our father in the house and are looking on the streets for substitutes, icons, father-figures. There are many men who give us enough attention to let us feel happy about ourselves. They are willing to spend money on us and treat us on food and drinks. Unfortunately, it is too late when we realise that these culprits know every rule in the book. Consequently, we realise too late that we experience problems which are normally too big for us to handle.

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When we left home with indecent clothing, you as parents did not forbid us to go to the streets and night clubs where we encounter all the temptations of this world. You left us at home with the television on and allowed us to look at all the programmes of which some poisoned our souls and our spirits to make us believe that all the wrongs we see are normal human behaviour. Nobody told us about moral standards.

There is also a charge against Parliament, because some of your laws shifted the parameters for school and parental discipline very wide and left the teachers and parents in a state of uncertainty. Consequently, we, the children of this country, feel insecure due to the lack of discipline and guidance. And just as an afterthought, what has become of the idiom “spare the rod and spoil the child?”

We hope that when the gavel of the Judge comes down to find you guilty of these offences, you have enough time to think of acceptable excuses to qualify for mitigating circumstances. I thank you.

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Thank you Comrade Speaker, Honourable Members, I would also like to make my small contribution to the Motion that is asking us to debate the dumping of babies and what impact it has on our society. This issue of dumping babies is a new phenomenon in our society, simply because the people prepared the girls to give birth to the babies.

The Honourable Members who spoke before me talked at large on the causes, why the babies are being dumped. I would like to concentrate more on the impact and I have a list of six that I will address as the impact of the dumping of babies.

The first one, Comrade Speaker, is the loss of life and all that goes with it, be it social or economical, because in most cases the babies that are being dumped would be found dead and, therefore, the death of a human being, no matter how small he or she is, brings with it some social hardship as well as economical hardship. That is one of the impacts that the dumping of babies brings with in the society.

The other one is the psychological effects due to the condemnation of the girl by the family or probably by the society and that also includes the young mothers,

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their peers. Somebody in our society who dumped a baby is condemned simply because sometimes people do not know the reasons why that person resorted to dumping the baby, although there might be reasons, as enumerated, and the direction our society is heading to. Therefore, the person will suffer psychological effects because of this tendency of condemning the person.

The other one is the law. The person who is found to have dumped a baby normally is apprehended and taken to prison and prosecution would probably follow. After prosecution the person may be sentenced to many years behind bars and while the person is behind bars, the family who is left behind is hit very hard because this person was contributing to the family's livelihood and now that she sits in prison, it has an impact which the society has to carry. That is one of the impacts that the parents have to carry.

The other one is the loss of human resources that may have been needed for development. We could see that in some cases the young girls are those people who might have gone to either colleges, universities or polytechnics or who have gone to schools and some of them might have been working. While they are locked up in jail because of this act, the impact on our society is that we are losing the contribution they were supposed to make in the society.

If it so happens that this person had other kids before, it may also happen that the parents and other relatives who are left behind, would have to take care of the siblings of this person who is not doing her part as she is supposed to be doing.

Also, if the person was the elder sister, it means the parents were expecting this person, after completing school or university, to also contribute to the family economy, but now all the money went into her when she was going to school and now that she is supposed to start working, she sits in jail and, therefore, the siblings are suffering because of the loss of support of the elder sister.

The last one, Comrade Speaker, Honourable Members, is the trauma that the surviving dumped child will experience when he or she grows up, because at the beginning we had a tendency of not informing this person what has happened when he or she was young. As we however know, this information will in one way or the other leak out to this child and if the child happens to find written information about the mother and what has happened to him or her when he or she was young, I think that will psychologically affect this child and in some cases the child may even resort to disliking the mother, simply because he or she

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got the knowledge that the mother dumped her. This will create a society that is disentangled, because the family life of this child and her mother has been destroyed and this will lead to even more baby dumping. That is an impact that our society can actually not bear.

Therefore, I would agree with my Colleagues who have indicated that as a society we really need to look at ourselves, how we are bringing up our girls, how we are bringing up our sons, so that they do not impregnate one another, so that we minimise the impact that is brought about by the dumping of babies.

Comrade Speaker, I rest my case and I thank you for the attention.

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you very much, Honourable Speaker, Honourable Members. First of all, let me thank the Mover of this Motion for having brought this very important topic on the Table.

Having listened to the different speakers who spoke before me, I just wanted to tell two stories which I have encountered.

Within these five years I have come across two things: There was a story two years ago of a high school girl who went to a club with others, she left the dance floor for the bathroom and then she delivered a baby. She put the baby into the garbage and went back to the dance floor. (Intervention)

**HOUSE ADJOURNS AT 15:40
HOUSE RESUMES PURSUANT TO ADJOURNMENT AT 16:12**

HON DEPUTY SPEAKER: When we went for tea-break, the Honourable Deputy Minister of Youth had the Floor.

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Honourable Deputy Speaker, the case I have just narrated now tells us much and the most important thing that we have to think of, is why such incidents take place.

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The greatest contributing factor is what I will call drug abuse among our girls and boys. It is a fact that even in schools, especially schools with dormitories, alcohol and drug abuse is happening daily. Even if you go and ask teachers, they will tell you that, that it is happening, our learners today are being exposed to drugs and they abuse alcohol.

One day I visited one small town and I found police officers searching house to house, searching for a culprit who apparently raped a young girl. What happened is that the young girl went with her three friends to a club for the first time, she never drank before and at the club she was given alcohol. After that she got drunk, went outside and from there never knew what happened. In the morning she found herself in a wrong bed in a wrong house. She could not even say how she ended up in that house with a stranger. It was because of alcohol. These are incidents that happen and these are true stories.

When you look at these things happening, these are recorded stories. That tells us that we really need counselling at schools, people with counselling skills, especially in those schools with dormitories. Of course, we have matrons and superintendents, but they do not have the skills needed to take care of the psychological needs of the kids and that is why they end up doing all these things.

We need to look deeper into why this is happening. For instance, somebody gives birth and then abandons the child and continues with normal life without any misgivings. It mostly happens among the teenagers and one of the most important factors, as was alluded to by some of the speakers, is the economic factor, because they end up being impregnated by somebody and after that somebody is told he is the culprit, he denies being the one responsible. The poor girl will be in a state of confusion. On the one hand she is afraid of telling the parents, she is afraid of the pressure at home. Another one is embarrassed. Those are contributing factors why they abandon children and abandonment is increasing.

I know it is a crime if a person conceals birth, but we should come up with some programmes whereby we encourage women to surrender these babies at police stations, hospitals or anywhere in the community where these babies will be safe and the mothers not subjected to criminal prosecution. If we could look at how that could be done, it would really help us much, because what is happening now is that a child is born, abandoned and then die because it is exposed to the

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elements. Fortunately some of them are found alive, like the one recently in Swakop, but many of them die.

The solution now is not to implement punitive measures, but to ease the situation in order to encourage these women to surrender these babies. This would help us much not to experience some of these incidents.

Then also Education could look into employing social workers at especially schools with dormitories where there are superintendent and matrons with no skills, because these are children those persons are supposed to look up to. At least some skills are required to counsel these children. Instead of just employing a matron or superintended, that person should be required to have some kind of skills. I know it will have financial implications, but it will be better than having a person without skills who cannot counsel these children.

I do know we have a shortage of social workers, but it could help us much if we could start with those schools which have dormitories.

Lastly Deputy Speaker, let me, through you, seek the concurrence of the Mover of the Motion so that this very important Motion can be referred to the relevant Parliamentary Committee in order to do further research and get some information from the public, so that the Committee can report back to the House so that we find a solution to this.

With these few remarks, thank you very much.

HON TJOMBE: Thank you, Honourable Deputy Speaker, for allowing me to also make my humble contribution towards the Motion under discussion.

Honourable Deputy Speaker, let me acknowledge from the beginning that this issue, dumping of babies or abandonment of newborn babies or whatever term we may use to describe the situation, is a touching one to every living man or woman, because it is said in the words of a wise man, the former Secretary General of the United Nations, Mr Kofi Annan: *“When women are healthy, educated and free to take the opportunities life afford them, children thrive and countries flourish, reaping the double dividend for women and children.”* I do believe that this statement is clear and understandable, and when the opposite happens we all can imagine what can happen.

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Honourable Deputy Speaker, in some countries it is shocking, because people are attaching a colour to this problem, saying that *many of these are black babies with AIDS being thrown away in dumps around the Nation*. Well, that might be true, but I do not think that the same is true of Namibia.

Honourable Deputy Speaker, what is true from the researchers, is that the abandonment of babies is a world problem, not only in Africa, but it is an international problem.

In Europe, for example, the number of cases of babies being abandoned by their mothers has tripled in the last decade and efforts are made in those parts of the world to reduce the numbers of newborns who die as a result of abandonment. These efforts include that several states are considering or have even passed laws that legalise the anonymous abandonment of infants at predetermined drop centres. What it means is that the mothers could place their babies in a warm compartment, accessible from outside a building. Once she does this, an alarm would sound at a hospital next door and the baby is picked up within minutes. Babies would be kept for several weeks and if the mother does not come forward to retrieve her child by then, the baby would be put up for adoption.

For example, in Italy, an Italian children's charity is placing stickers on public rubbish bins, encouraging women not to abandon newborn babies, because they believe that rubbish bins are the most common form of dumping grounds, but babies have also been discovered in plastic bags and so on.

With these few examples, Honourable Deputy Speaker, I do not think that the above efforts are addressing the causes of abandonment, because babies are still found dead everywhere in those countries. I do not even believe that we want to try those kinds of remedies in Namibia. Honourable Deputy Speaker, in Africa, and particularly in Namibia, I think we firstly need to address the causes of abandonment. For example we need to ask ourselves why are our mothers abandoning their children or what causes them to take such a desperate step.

When asking these questions, my mind is taking me some years back where there were so many support services in our communities. When a teenager was discovered getting her first period of becoming a woman, the community members had to get together and they had a big festival. Such a girl was taken into a house where she was taught for days what this means and how she must

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behave, how to play with boys and everything which is sacred to a woman and then she grows, find a lover or if she is lucky enough, even got married.

And again, when that woman or teenager, for that matter, was discovered pregnant, that woman was referred to a well-known old lady in the community to be massaged. Such old lady was so committed and kind in her job, that even in cases you did not have an aunty in your family, that she would also assist you step by step what to expect on that big day, the day of delivery or how to care for a baby.

Honourable Deputy Speaker, Honourable Members, in African culture, children were blessings, they were gifts from God, and should be cared for, because it is not for every woman to become pregnant and to deliver a healthy baby. After going through these and many more processes, the baby was born in a hospital or at home with all the great assistance of the good old ladies and that was beautiful. Everyone concerned was aware and again there was another process which was followed.

To make a long story short, Honourable Deputy Speaker, I am pleading with the communities to get all our sound traditions and cultures back. Not everything was bad, as we are made to understand. There were many good things hidden in our traditions.

I would rather suggest that we look into the ways how to prevent unwanted pregnancies, or offer support to the women during pregnancy and afterwards. This would seem to be the real solution to the problem – a safe prevention. Furthermore, we can establish an organisation which can launch projects that can help prevent the abandonment of babies and would seriously help the communities.

Honourable Deputy Speaker, I believe that God is creating a human soul for a specific purpose, because if the Holy Mary had to abandon her Son Jesus Christ on the day of His birth or had an abortion, how would it have affected the human history or what impact could it have had on our societies.

Let us therefore join hands and support these mothers because, as it was pointed out by Honourable Katali, to send them to jail will never solve the problem.

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With these few remarks, let me support the Motion. I thank you.

HON TJIHUIKO: Thank you very much, Honourable Deputy Speaker. I believe that this topic has been extensively discussed and we have learnt a lot from the contributions made in this House. I believe that the dumping of children is a serious issue and it cannot be justified. You cannot justify it in one form or another by saying that because of a, b, c, ladies are doing that and that seems to be an acceptable way of doing things. Let me make it very clear that it is not acceptable, we should look at any other alternative, but not dumping babies.

Looking at that, I do not think that we as the lawmakers sitting in this House should start pointing fingers to the Government, that the Government is not doing enough or to individuals for that matter. What we need to do is to try to look for solutions and I believe that whoever is standing up should try to come up with the way forward, and say this is the way we should handle this.

Saying that *“Government is not doing enough, Government is not doing this, Tjihuiko should start,* is not solving the problem. Solving the problem is to look at yourself and ask, what is it that I can offer? It is only then that we will be able to come up with a solution. We have structures. The Ministry responsible for that is there. Let us go to the Ministry and offer our assistance. (Intervention)

HON DEPUTY MINISTER OF EDUCATION: May I ask the Honourable Member a question? What can you offer? Just right now tell us, *“This is what I can offer”*, so that we can take it from there and move on.

HON TJIHUIKO: I did not understand the English, could somebody translate it to Namlish? I will come to that, Deputy Minister.

What I am saying is, let us look at the contribution by the Honourable Minister of Justice. If you look at that contribution, looking at us as Africans. Looking at us from the communities which we come from, looking at what my community, the Hereros, used to do during that time without being ashamed of being pointed to be a tribalist, because we have referred to a specific tribe. These are the things that we have lost. We need to go back and say *“this is the way the Ndongas used*

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to do". Let us learn from that experience. Let us come with the experience of the Damaras, the Africans, the Afrikaners and on the basis of that we will be able to say, "yes, indeed, we will come up with something that has been developed out of us, out of our own culture, out of our own background."

By looking at what the Americans are doing, by looking at what the laws in South Africa are doing, we are not in South Africa, we have not yet explored our own rich cultures and traditions. (Intervention)

RT HON PRIME MINISTER: May I ask a question? Honourable Tjihuiko, do you really want a Ndonga solution on this issue? The Ndonga solution was to thatch and burn. Is that the solution you want?

HON TJIHUIKO: Right Honourable Prime Minister, I think in each and every community there were good and bad things. Let us look at the good ones. The way we used to treat women is one of the bad ones, but we have the good ones and I am saying, let us look at the good ones and out of the good ones develop what we think can address the issue on the Table.

I am not saying that we should take one tradition of Ndonga or Hereros and impose, what I am saying is that. Listening to what the Minister of Justice was saying and trying to convey what the Hereros were doing during that time, it is so close and these are the things which we have abandoned because we do not want to be what we are. We want to be more American, we are now blaming our kids, but we have become more American than the Americans themselves. In our own houses we speak English to our own kids. So these are the problems and I am not trying to point finger.

Honourable Deputy Minister of Education, these are the things I believe we need to do. Before we say that education is not doing enough, let us start at home and then and only then education will be able to build on what we have. (Intervention)

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Honourable Deputy Speaker, let me rise on a Point of Order. It is true, Honourable Tjihuiko, because even we in this House do not send our children to

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the community schools where they for the first year are taught in the mother-tongue. We do not send them there, we send our children to the English medium school from Grade 1 while the policy is that for the first four years a child must be taught in his own language. (Interjection)

HON MEMBER: Not all.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:

The majority of us do that, 99% I can tell you, and when you come up with the language issue, then people think you are a tribalist and you are referred to as a tribalist when you talk about the language issue. This is where the whole story begins. Therefore, I support you for the first time in my life on this one.

HON TJIHUIKO: Thank you, Honourable Minister, there will be a second chance.

Honourable Deputy Speaker, I was actually looking at what we used to do when we were young, when I was very young a couple of years ago. In school we had a subject which all of us did not like, a subject called Biblical Study. We did not like it because by then we believed that the churches are the ones who have brought all the misery to Africa. But looking at what we were taught through those systems, we had a system called *Sondagskool*, Sunday School and we had teachers like *Mitiri* Hipondoka, *Mitiri* Katangolo and these teachers were not coming there as priests, church leaders, they were coming there as teachers, telling us as the young ones what is good for us. These are some of the values that we really need to look at. We need to go back to the drawing board and see the good things that...(Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:

May I ask a question? Honourable Tjihuiko, you talk about your days. Are you aware that during those days the teachers made the students pregnant?

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HON TJIHUIKO: You see, you can compare the age of the kids by then. When I started with Sub A, I was round about twelve years and when you look at the kids who were at Augusteneum during that time, some of them were 26, 28 years old. We were in a different world at that particular moment, so the kids you are talking about could be a girl of 22 years but still at school. I think it is a different ballgame altogether.

Honourable Deputy Speaker, what I was trying to say, is that let us go back to the drawing board and look at the good things that happened in the past, look at our own way of life and the rich African cultures and let us bring these together. Then we refer the Motion to the Committee and these are the things the Committee should go and do. Do a proper study on what we as Africans used to do. We should not come with recommendations, telling us this is what they are doing in Canada. We are not Canadians. We have a different way of doing things.

Before I conclude, Honourable Deputy Speaker, there was a question of shebeens playing music all night long in Katutura. Yes indeed, we all agree and also with a lot of things we discussed in this Honourable House, but we should also remember that the people in Katutura, those ladies who are selling throughout the night, are not doing it for pleasure, they are doing it to send the very same kids to school. They are experiencing a difficult situation and they are doing it because they do not have a choice.

Therefore, when we are saying... (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask the Honourable Member a question? Honourable Tjihuiko, how do you reconcile the justification of those who are selling throughout the night to send these kids to school and also the impact of this activity on these kids who are being sent to school, who are also being affected by the very same situation. How do you balance the two? Are there no ways of trying to balance these conditions?

HON TJIHUIKO: Honourable Deputy Speaker, that is what we need to do as leaders, to balance the two. This is what we need to do. When we were looking

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at the issue of shebeens here, we were saying the shebeens can be given a time when to open and when to close.

I remember in Okakarara all the shebeens closed at twelve o'clock and there was no music. It therefore really depends on ourselves as leaders, not only to stand up and say the municipalities should do it, but let us consult, let us engage the municipalities and others.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:

Honourable Deputy Speaker, may I ask Honourable Tjihuiko a question? Honourable Tjihuiko, you are following in my footsteps, apparently we belong to the same school of thought when it comes to traditional matters. The question is, when we were dealing with the issue of shebeens, do you know that a human rights organisation protested vehemently to the extent of even going to high offices, fighting for the right for liquor to flow twenty-four hours around the clock. Do you remember that?

HON TJIHUIKO: Honourable Minister, I do remember that. Let us not look at the issue of the shebeens from a very negative point of view. We should understand the community which we are coming from. I am living in Pioneers Park, my kids have DSTV, they have big yard to play football in, they have a swimming pool. You are saying that the kids of Katutura are playing on the streets and you are comparing it to yourself and you do not see the conditions under which these kids are living. You are asking why they are not sitting in the house watching television. Which television do they have in the house? Now we are looking at ourselves and say I have everything. My kids have everything that they need, therefore all the kids must behave the way my kids are behaving and pointing a finger at the people in Katutura and saying the problem is with the selling of liquor, the problem is the kids playing on the streets. These are the issues that we need to address as leaders. (Intervention)

HON DIENDA: May I ask the Honourable Member a question? Just for clarity, who are the owners of these shebeens in Katutura? Is it not the people of Pioneers Park who have shebeens in Katutura?

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HON TJIHUIKO: Fortunately I do not have one. It is true, Honourable Member, that sometimes we are creating those conditions and then we are blaming the people of Katutura. We have created these conditions. If somebody applies to set up a shebeen in Pioneers Park or Klein Windhoek, everybody will complain about it and the Police and the Army will be called in. Therefore, do not blame them, let us try to help them. (Intervention)

HON NAMBAHU: On a Point of Information and probably also a question. As the Deputy Minister of Justice was contributing, you heard that there were some interjections when he was trying to go into a certain direction in terms of his arguments, when it comes to the church, please do not and we are said to be 99% Christian. Now, when it is like that and we have a problem, we are saying the Motion has to be referred to the Committee. When you make your investigations and you do not have that clear separation between what is purely scientific and social and you get it blurred by your beliefs, do you think we will really be able to get to a serious solution as far as this problem is concerned?

HON TJIHUIKO: I think the question could have been answered by the Deputy Minister of Justice. The Deputy Minister was talking about capitalism and socialism, so it is very unfortunate. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: The Honourable Tjiuiko mentioned something interesting and that is the issue of culture and he related it to the way we used to grow up. I grew up in Botswana and he grew up in *Omutjira*, but I am sure if we can relate the way we grew up, in many ways it will be the same.

Now I would like to hear from him what is the practical situation today in Namibia, the melt pot? Which culture are we going to follow at his house in Pioneers Park? I remember during our days the girls used to put on this *omutjira* and we used to look at them, admire them and what I am driving at is that Namibia is a multi-cultural society and when you say that we should not teach our kids the Canadian culture, I agree hundred percent, but the question is, how many times have you seen in Pioneers Park or in Windhoek some girls at a

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certain place *Aakuzu omuatje ingo ua tirua ondana po nambano ua țikuka, ua tirua ongombo* and now she is mature, ready to go into the market?

The girl used to mature and then *omutjira*, but when she reaches puberty.... Let the English person help me.

HON DEPUTY MINISTER OF EDUCATION: Basically what he is trying to get at is the initiation ceremony once you have become a woman. There used to be a slaughtering of the lamb and your friends will be invited. It was a celebration just like a wedding.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Exactly and that is also the process which the other Comrade has mentioned. How will we do it practically in Namibia today in order to reconcile and meet our cultures and not to copy the whites one?

HON TJIHUIKO: We should not give up. You will see kids coming from America for exposure here. We in this country have been segregated by apartheid and we have never seen kids taken from Okakarara to Oshakati to see how the people in that area are living. That is problem number one. We are promoting tribalism while pretending that we are fighting tribalism.

Secondly, I remember when after Independence we took a team of women to the North, from the South, from Okakarara, Otjinene to the North to see how the women in the North are organising themselves. I am telling you, it was war in Otjinene, "*How could you take my wife to Ovamboland?*" It was a war and when we came back and they started an *okapana*, they were saying, *Ovina imbyo ovina vio Vambo* "*This is not for us, this is for Owambos.*" Go to Otjinene today, everybody has started *okapana*, because of that exposure.

What I am saying is that we as parents and leaders have failed. We are looking beyond borders. Instead of taking kids to Botswana, we take them to the United States. Instead of taking them to the South, we tell them that no *Imbo Ovakwena*. Then we are happy to tell them to accept the Canadians or the Americans.

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Let us go back to the drawing board and ask ourselves what it is that we are doing wrong and only then we will be able to come up with a solution.

With these few remarks, I support the Motion.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:

Honourable Deputy Speaker, I will be very brief on this one.

Comrade Deputy Speaker, I have listened attentively to all those who spoke on this Motion on the dumping of babies and the impact thereof before me. Evidently we might cite some areas which might cause the ladies to abandon or throw away their babies, but one important factor I want to stress is the point brought by Comrade Uutoni Nujoma, the issue of our economic status as well as the issue of lifestyle.

The ladies want to live a normal life which they can enjoy and, therefore, they do not want to continue feeding these babies. A woman carries the baby nine months and decides to throw it away. I think what we need to do here is to call upon our young daughters to abstain, secondly to make sure that when she allows herself to go with a man, she should give that baby the same chance to live as she has been given by her parents. And if she cannot afford to bring the baby up, she can even *bring that baby to me*. I do not even want a person to talk about abortion. Why were we not aborted by our mothers?

Our parents came up with a solution. When this young ladies reached puberty, they take them to *Ohango*, like in my culture and that person became a woman without shame. That is what caused our parents to have us and not to abandon their children. And you know that they used to be burnt alive. (Intervention)

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: On a Point of Information. I think *Okakua* is not telling the whole truth. Our parents planned our coming on this earth, therefore they waited for the opportunity to be blessed by their parents and they were prepared psychologically, materially, everything to bring children on earth. Therefore, to say that how come our parents did not abort us, how can a parent abort a child she has planned for? We were planned, we were not mistakes.

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:

Thank you, that is information and I want to add to her information. She must not forget that the word *oshikumbu* resulted from ladies having babies while not yet given that right. They would be burnt alive. The meaning of *oshikumbu* is a person who falls pregnant while she is not yet ready. In our tradition they were sent to talk to God, they were sent to Ombalantu...(Intervention)

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:

I do not understand, because in my language they call them !ere-res I am coming in on a Point of very important Information. After God created Adam and Eve, the first command He gave them was, “*go and multiply*”. It had the full blessing from the Creator Himself.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:

The word *oshikumbu* is not a derogatory word, first the person is covered with thatch and burnt alive and it is because she fell pregnant, that is what it means. It is not a bad word. Then the word is derived from there. In our language we say *okukumba*, you thatch, that is what the word *oshikumbu* means.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:

May I ask the Honourable Member a question? Honourable Kovani, you talk about *oshikumbu*, that when you are a woman you are *oshikumbu*. What about men? What is the name for men?

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:

As you know, men were lucky all along, but the important point here is that we encourage ...(Intervention)

HON DEPUTY MINISTER OF LANDS AND RETTLEMENT:

May I ask the Honourable Member a question? Honourable Ekanda, you are saying *oshikumbu* is somebody who was thatched and burnt to death. I thought there are people who are still alive who would be called *oshikumbu*. How does it happen that a person who was supposed to have died, could still go around and be called by that name of *oshikumbu*?

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: You might find that some of our young daughters will go to that extreme to throw away their children because they are afraid to be called *oshikumbu*. (Intervention)

RT HON PRIME MINISTER: On a Point of Information. *Oshikumbu* means a woman who gets a child before initiation. Today *oshikumbu* means a loose woman.

HON HAMUTENYA: On a Point of Information. *Oshikumbu* does not mean somebody who had a baby before marriage. There is no word “widow” in our language and if the husband died, she becomes *oshikumbu*. (Interjections). If a woman divorces her husband she is *oshikumbu*, (Interjection) she is no longer married. That was the original connotation that *oshikumbu* means somebody who is not married, a young woman was with a man but was not married. Definitely that is what it means in my language. If you are not married, you are divorced, you are now *oshikumbu*.

HON MINISTER OF VETERAN AFFAIRS: On a Point of Order. I want to ask for guidance. I am looking at the Order Paper, but I fail to see where we are asked to discuss about *oshikumbu*. Why do we not come back to the topic and discuss the dumping of children?

HON DEPUTY SPEAKER Yes it is part of it, it is just information to explain the cause of dumping, trying to threaten the young ones to stop dumping kids. During your time they apparently burnt women.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:
The men are called *oshikumbas*!

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: On a Point of Order. I think we are veering into too long a time past. We are too young to recall the meanings of these words. *Oshikumbu* is a derivative word from

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okukumba. *Okukumba* is when you tie grass to something. The word came from there, when they were killing uninitiated pregnant girls in this fashion and then it was abolished. Those who happened to become pregnant before initiation were called that. You cannot call a divorcee or a widow *oshikumbu*. That woman will kill you. A woman who is widowed is *Omuserekadhi*. A woman who is divorced is *omudhike*, not *oshikumbu*. *Oshikumbo* is so derogatory that you cannot call a person that. Even if you know that a person is like that, you cannot call her that. Even when she knows that she is supposed to be called that, you cannot call her that.

HON DEPUTY SPEAKER: Honourable Minister, it means she is a prostitute?

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Not quite, it is a loose person, a loose woman, a person with no morals, not a prostitute. A prostitute is something else.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: I derailed from my speech to just indicate that in the history of mankind there were those stages which discouraged people to get pregnant while not authorised. (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask my Neighbour a small question? Now that we have advanced technology in determining the shade, we are using iron sheets, what are we calling these women now relating to this?

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: It is a difficult question. I just want to conclude by saying that what we really have to advise our youngsters, our young ladies, is that it is wrong if she allows herself to enter...(Intervention)

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HON TJIHUIKO: May I ask the Honourable Deputy Minister a question, please? Honourable Deputy Minister, I have listened to the contributions, but it has really become clear that from that time up to now the victims of the relationship between the two are always the women – up to today. If a girl becomes pregnant, she has to leave school and go to continue with her studies. Do you not think if the boys also start feeling the pain they would also start behaving? When we refer this Motion to a Committee, do you not think it would be better for us to look at the best way of making the two partners equally responsible and to suffer the consequences equally rather than only the woman always suffering?

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Just to conclude, I appeal to the ladies to deliver the babies and bring them to me. I will never charge her any cent, I will make sure that I will bring up that child.

To your question, I would advise that the partners who caused this pregnancy stand firm and be responsible. They must not allow this baby to be thrown away. That is the message, not that we want to punish them. (Intervention)

HON BASSON: May I ask a small question? My Brother, do you know that sometimes most of the babies are fatherless? Some of the women do not even know who are the fathers of the children. How can you make them responsible to pay for the baby?

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: I will become the father, as simple as that. That is why I said, instead of dumping because of the partner who did not want to assist or refused to accept that pregnancy, bring that baby to me and I will look after it.

HON /UI/O/OO: May I ask a question? I am extremely confused because the other day, after listening to my Neighbour here, one of the Senior Members, who is also a mother, said that even if there are five men, you will know who is the father. Could the Honourable Member help me there?

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: The message is clear and I say, let us encourage and not discourage our young ladies and if they fall pregnant, let us support them and not allow them to either abort or throw away the children.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: I rise on a Point of Support for my sweetheart there, because there was some gossiping by my male neighbours here on my right-hand side, asking: *“If you say bring them to me and the next morning you see five mothers sitting with children, what will you do?”* Now I want to give my support. For the information of the Honourable Member, Tate Ilonga has 20 women in Namibia and all of us will take care of them and I will also put up a big centre for the church to support.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you for that information. My last remark: I am a father and I am a grandfather. What I said to my daughters and I said it and they heard: I told you not to do this, but if you do it, do not tamper with that pregnancy and honestly speaking, my children had children and they come to my house, they are there, and they honoured what I told them.

Some of the parents are the problem, they are insulting the children. Today there is no need to shame these people, they need our love, they made a mistake and it is water under the bridge. You cannot now try to prevent them to do that in future.

This is the message I send to our parents, our fellow fathers and mothers: Let us assist our children, let us assist even those of our neighbours, to make sure that we encourage them. Therefore I pray, if you have that problem, bring that child, I will make sure that the life of that minor is taken care of. I thank you.

HON MINISTER OF VETERAN AFFAIRS: I will be extremely brief. I think the way that we are debating this Motion is not very helpful. It is not very helpful in the sense that we seem to be feeling so excited and I do not know why. At the end of the day I was closing my eyes and trying to think what we are going to achieve out of all this *hullabaloo*, talking and laughing and so on.

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The issue is very serious and the only way that we can solve this problem is to identify the real reasons why things are happening. There is nothing that happens without a reason and in this particular case, what forced the people to behave the way that they are doing?

Once we identified those reasons, the second step is how to eliminate the cause. Once you eliminate the cause, then you will get a solution.

Therefore, I have read here that it is going to a Committee and we have to dig more into the social problems, social conditions that bring about this behaviour, because there must be social problems, social reasons that make the people do what they are doing and the moment that we identify that and eliminate that cause, is the only time that we can think that we have addressed the issue.

What comes to mind immediately to me, without getting into a deep analysis of the situation, are basically two issues. One is the question of poverty. You do not have to say it is good to dump children because of that, but there is a reason of poverty. Wrongly or rightly, a person dumps the child because of that reason and you have to eliminate that. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: I am sorry to interrupt a Senior, but I just want to ask my Senior a tiny question. You mentioned one of the facts which cause our daughters to throw away the children is poverty. What is the difference between poverty and the system? Is the capital system not the one which is creating poverty?

HON MINISTER OF VETERAN AFFAIRS: I think if we listen to each other, we will probably at the end of the day conclude whether we are talking about the same thing or not. It may be the same, because poverty itself is also caused by something and maybe it is where we are saying, what system has brought the poverty? It may be the same because poverty itself also has its own reasons, why there is poverty, not the other way around. I did not go into the reasons as to why there is poverty. Once you identified it, if you want to eliminate it, you also have to look at the reasons that brought about poverty and try to attend to that.

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Poverty is a phenomenon and as much as it should not be a justification it can cause certain things to happen, including these ones. Therefore we have to address that issue to eliminate that. That is easy, because we have programmes set deliberately aside to attack that problem.

The second one is moral decay and that is even more difficult. Where do you start and where do you end to purify, so to say, the society from moral decay? That is even more difficult because you do not see it, you do not touch it but it is there. Where did it start? Who brought it? Where does it end? It is a very difficult task, but it is there and we are talking about shebeens, sugar daddies, that is moral decay, but where do you start, where do you attack particularly that one?

At most you can have programmes by the Government to eradicate poverty, spend money on things to promote a good life for the people, but how do you eradicate moral decay? It is a problem.

But I am not intending here to get solutions to this. There may be other reasons and at the end of the day when this Motion goes to the Committee, the Committee must dig deeper into the reasons why these things are happening and come back with well-articulated methods to eliminate it. That is the only way we can go about solving this problem. I thank you.

HON MOONGO: Honourable Deputy Speaker, mine will be brief. This problem only started to be a serious one around 1990, because when I was young, there was a traditional punishment called *onkwele*. Somebody who dumped a baby had to be punished by the Chief of that area and now people changed that punishment. Now we have a problem and the people are given condoms to prevent AIDS and now sex is regarded as a normal thing. But in the old time the parents, when a lady became mature, used to have a method to prevent any pregnancy. But that method has changed again.

Colleagues, this is serious, our forefathers made an attempt a long time ago and they succeeded. It was not as bad as now. Now it is a chronic problem and the Government must establish a fund. Why did they establish a fund to assist the victims of HIV/AIDS and the orphans? Why do they not create a fund to prevent the dumping of children?

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The Government must encourage and empower the Traditional Authorities so that in every family there is always somebody who will help in a year of drought or whenever you have a problem with your children there will be somebody who is regarded as a Messiah. All of a sudden SWAPO came and destroyed everything and came up with condoms only and the traditional methods were thrown away. Let us empower the traditional set-up. (Intervention)

HON DEPUTY PRIME MINISTER: May I ask the Honourable Member a very tiny question? I have heard many times of traditional method, traditional method. Can you explain to us what that traditional method was?

HON MOONGO: As I said, there are now condoms and not only that. There are pills to prevent pregnancy, but people are ignorant. The families had a special method which could not fail. In every family there was a certain member who was an expert on that. If they beat one of your daughters, she will never get pregnant until they resolve it. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order. The traditional Headman talks about condoms and you know the traditional leaders had a problem with condoms. *When I wear a condom my energy dies*, now you are talking about condoms. Which condoms are you talking about here?

HON MOONGO: If we should really empower the families to find one person in every family to assist, you would find that babies are not dumped anymore. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask Honourable Moongo a question? Honourable Moongo, you say all families, are you sure that all families know *okutsirika*?

HON MOONGO: It is a very good question. If I said “*all*”, I am mistaken, it is not all. In some families there are some experts who can really do it and once

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they treat your young daughter, she will never get pregnant until she is released, I can tell you. (Intervention)

HON /UI/O/OO: Honourable Chief, can you give us two traditional ways of preventing this which are better than using condoms?

HON MOONGO: The word is *Okutsirika* and somebody can interpret it and many of you here, those who are over 60, know it but you do not want to assist and help the families do that. (Intervention)

HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES: The Honourable Member has a problem with condoms. Do you know what is the work of condoms? Why are there condoms?

HON MOONGO: I said condoms makes people to have more sex and it is worse now. Sometimes it functions, sometimes they get pregnant and from there they go and dump the children. Then they use tablets to prevent pregnancy, it again fails and they dump the babies. (Intervention)

HON DIENDA: On a Point of Information. The Honourable Member is talking about more sex, but during our visit to the Otjozondjupa Region the men in that Region complained about the same condoms he is talking about. I do not know who now enjoys and who does not enjoy. They say the condom is too small for some and for others too big. But he is talking about enjoying, so where does the enjoyment come in?

HON MOONGO: I want to appeal to the Government to initiate a fund in order to help poor women and their babies. (Intervention)

HON MINISTER OF VETERAN AFFAIRS: He mentioned something I want to get clarity on and I am very serious about this. Honourable Member, as you were talking about the cause of all these problems and you mentioned – and it is

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there in the HANSARD – that things were okay but they were now spoiled by SWAPO. That is what you said. You did not elaborate how did SWAPO spoil these things in order to lead to the situation as it is.

You mentioned something about traditional remedies that you did not elaborate on. By implication you want to say that SWAPO has stopped people to practise their traditional remedies that you talked about and brought about condoms, that is why the tragedy. That is what you want to say, is it not? Why did you bring SWAPO in here, what did they do?

HON MOONGO: It is a good question, but I do not want to politicise it. The point is that the people are taught to respect only SWAPO and your wife is not your wife, she is a SWAPO person. (Intervention)

RT HON PRIME MINISTER: On a Point of Information. The Honourable Member is confused, perhaps because he does not understand how social change came about. The traditional methods you talked about were based on two things: One, fear, the fear of being burnt alive. Secondly, shame, the fear to shame your family for creating a child before marriage and because of those fears, young girls had to abstain and wait for the *rights of passage*. They were able to postpone and wait for (*Ohango*) because of that fear and shame.

What happened now, especially in urban Namibia, when *Shongola* Khan came there, he took away from the Chiefs that punishment of death, of burning people alive and once he took that away, fear was also taken away and that led to other social changes. This SWAPO name you are bringing in is just cheap politicking, it has nothing to do with that.

HON MOONGO: That is why I was saying that when SWAPO came, it neutralised all those fears and that shame. As long as SWAPO is your Party, it is your future, it is your husband. There is no longer fear and now people are misbehaving too much. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point

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**MOTION ON DUMPING OF BABIES
HON MOONGO**

of Information. Honourable Moongo is a Member of Parliament, he is a Senior Traditional Leader, Vice-President of the DTA, so what I want to say in a nutshell is that Honourable Moongo is a man of influence in his own right and the statements that he is making here will influence certain people, I believe. Although not the majority, but some will be influenced and his statements are attacking the Government programme on HIV/AIDS and condoms and we know very well that HIV/AIDS is a serious issue in the world today, and it cannot be simplified for cheap politicking. Families are affected, money is being pumped into these programmes and for Honourable Moongo to simplify this matter for cheap politicking has to be rejected with the contempt it deserves.

With regard to traditional matters, all of us have our traditional norms and values and constitutionally Namibians are allowed to practise their cultures and cultural norms but within the bounds of the law. The point of information is that Honourable Moongo is simplifying and it is not allowed and it should be rejected.

HON DEPUTY SPEAKER: Let us not mislead the people, there is no Party which marries women outside. It is persons who are marrying, not Parties.

HON MOONGO: I would like to conclude by saying, Colleagues, let the Government come up with a fund and let us empower the families to cater for those who cannot afford to bring up the babies.

With this, I thank you very much.

HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES: I move that the Debate be adjourned until tomorrow afternoon.

HON DEPUTY SPEAKER: The Debate stands adjourned until tomorrow afternoon. The Secretary will read the Third Order of the Day.

**RESUMPTION OF DEBATE ON THE CURRENT DISCREPANCIES
CONTAINED IN THE MEMBERS OF PARLIAMENT AND OTHER
OFFICE-BEARERS PENSION FUND ACT, 1990 (ACT 20 OF 1990)**

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**MOTION ON MEMBERS' PENSION FUND
HON P MUSHELENGA**

HON DEPUTY SPEAKER: When this Debate was adjourned on Wednesday, the 26th of September 2007, the Question before the Assembly was a Motion by the Honourable Venaani. Honourable Mr Mushelenga adjourned the Debate and he now has the Floor.

HON P MUSHELENGA: Thank you very much, Deputy Speaker. Last time I spoke exactly at this time, but I can assure you today I will finish in two minutes and no further postponements.

That day when I was debating this Motion by Honourable Venaani I was saying these current discrepancies discourage young people from joining politics because the question will be: *"Now after that, what will I do, I will have to wait until I am fifty-five in order to get my pension."* But the idea is that people get their pension when they leave their term, whether they are below fifty-five or not, in order to go and create their own self-employment opportunities. Otherwise we will have some people that may be able to come to the House and they will say they do not want to come.

With these few words, Honourable Deputy Speaker, I support the Motion.

HON DEPUTY SPEAKER: Thank you very much. Any further discussion? I recognise Honourable Gertze.

HON GERTZE: Honourable Deputy Speaker, I move that the Debate be postpone until tomorrow.

HON DEPUTY SPEAKER: The Motion stands adjourned until tomorrow. On that note, in terms of Rule 90 of our Standing Rules and Orders, the House stands adjourned until tomorrow 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2007.10.17 AT 14:30

**ASSEMBLY CHAMBER
17 OCTOBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

HON SPEAKER Took the Chair and read Prayers and the Affirmation.

ANNOUNCEMENTS

HON SPEAKER: Honourable Members, I have two announcements to make. All Members are invited by the Minister of Agriculture, Water and Forestry to participate in the Worldwide Candlelight Vigil on World Food Day tele-food, global event for the fight against hunger, ensuring food security for all and raising public awareness about hunger and poverty in the world. This event will take place at the Independence Arena in Windhoek at 18:00 on Monday, 22nd October 2007 and I encourage all Members to attend the event. The proposed programme will be handed to all Members.

The second announcement, I would want Honourable Members to pay due attention to: It is good for you, it is good for the House. I have received complaints from the transcription services, that is the HANSARD contractor, that some Members do not return the scripts given to them for correcting. We make the statements, they go and print them and they are brought back here for us to correct them, of course not to add things that we have not said, but to correct them for what has been left out that you intended to be included.

As the HANSARD records are very important research material and also for our own future reference, we would like to ensure that they reflect the proceedings and statements made correctly. All Members are therefore urged to kindly return, after correction, versions of the transcripts to the messengers who will pass them on to the contractor for insertion in the HANSARD records of the Assembly. Your cooperation in this regard is highly appreciated. Otherwise there will be blanks where you should have expected your wonderful speeches to be recorded.

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**NOTICE OF QUESTIONS
HON ULENGA**

HON SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Notice of Questions.

NOTICE OF QUESTIONS

QUESTION 118:

HON ULENGA: Thank you, Honourable Speaker. I give Notice that on Thursday, the 25th of October 2007, I shall ask the Minister of Works, Transport and Communication, Honourable Kaapanda, alternatively the Minister of Education, Honourable Mbumba, the following questions;

1. Mr Minister are you aware, , that the hostel of the Usiel Ndjavera Primary School at Otjinene is in an extremely dilapidated condition, to the extent that the beds where the children are supposed to sleep are totally broken down and have unravelled, with huge gaping holes in them?
2. Are you further aware, that as a result of this the children have to sleep on the cold cement floor and have done so through this whole past winter?
3. Are you further aware that this former cement floor is no longer a cement floor as it itself is crumbling and is filled with holes just like the beds?
4. Why has this dilapidation been allowed to continue?
5. When last did the Government and your Ministry budget for the renovation or upgrading of the hostel at Usiel Ndjavera Senior Primary School?
6. When can we expect the hostel to be renovated?
7. Are you aware Mr Minister, that the girls' dormitories of the same hostel, where girls between eight and sixteen years of age are accommodated are without doors, leaving the children totally unprotected and with no means whatsoever of stopping intruders to enter the girls' dormitories at night?

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HON VENAANI**

8. Mr Minister, are you aware that just such an incident occurred recently when a drunken man entered the hostel at night and molested the girls?
9. In the light of the prevailing situation, why are there no security guards at Usiel Ndjavera Senior Primary School and hostel?
10. When can the school, the community, this House and the Nation at large expect you, Mr Minister, to act to protect these children as you should and to stop this intolerable situation from continuing?

HON SPEAKER: Will the Member table the Questions? Any further Notices of Questions? Any Notices of Motions? Any Ministerial Statements? The first Notice of Motion is the one of the Honourable Venaani. Does the Honourable Member move the Motion? Who seconds? Any objection? Agreed to. Honourable Venaani has the Floor.

**RESUMPTION OF DEBATE ON CURRENT PREVAILING PROBLEMS
EXPERIENCED BY MARRIED COUPLES UNDER COMMON LAW
AND THE JUDGMENTS BY COURTS.**

HON VENAANI: Thank you, Honourable Speaker, Honourable Members, for allowing me to motivate a subject that is not so much popularly discussed in the domain of politics, but however a topic that is very relevant to our modern society in which we find modern Namibia today and modern society elsewhere in the world.

Honourable Speaker, I want to start with a French proverb that says: *“In love there is always one who kisses and there is always one who offers the cheek to be kissed.”*

Honourable Speaker, before I motivate this important subject matter, as sensitive as it is, I want to raise few footnotes in us debating this important issue and that is

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that the current leadership in our country, meaning people born in the forties, coming to the sixties, have seen in our cultures a very different marriage ritual, a marriage that was so much based on the love for parents, the love for each other and there was genuineness in marriages and I do not want to contest today that today's marriage have no genuineness.

I however want to state as a matter of fact that our modern marriage are experiencing a lot of problems and the female partners in most instances are the ones that are suffering under some of these loopholes. (Interjections). I am a politician who speaks on behalf of others. I stand here to speak on behalf of others, I did not come here to speak on my own behalf. I speak on behalf of others as you do.

Honourable Speaker, the economics of marriage have changed over time. Historically in many cultures the family of the bride had to pay a man for marrying their daughter and the social status of the couple was supposed to be equal. After the marriage the entire property, then called "*fortune*", was supposed to go to the wife and in many African cultures the inheritance went to the cousins and never to the wives.

In other cultures the family of the groom had to pay a bride price to the bride's family for the right to marry their daughter. In some cultures up to today bride prices are still demanded. In both cases the financial transactions take place between the groom's family and the bride's family. The bride has no part in the transaction and often no choice in whether to participate in the marriage.

In many modern legal systems, two people who marry have the choice between keeping their property separate or combining their property. In the latter case, called community of property, when the marriage ends by divorce, each partner owns half; if one partner dies the surviving partner owns half and inheritance rules apply to the other half. In many legal jurisdictions, laws related to property and inheritance provide by default for property to pass upon the death of one party in a marriage to the spouse first and secondarily to the children. Wills and trusts can make alternative provisions for property succession.

In some legal systems the partners in a marriage are jointly liable for the debts of the marriage. This has a basis in a traditional legal notion called the "*doctrine of necessities*", whereby a husband was responsible to provide necessary things for his wife. Where this is the case, one partner may be sued to collect a debt for

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which they did not expressly contract. Critics of this practice note that debt collection agencies can abuse this by claiming an unreasonably wide range of debts to be expenses of the marriage. The cost of defence and the burden of proof is often placed on the non-contracting party to prove that the expense is not a debt of the family. The respective maintenance obligations, both during and eventually after a marriage, are regulated in most jurisdictions.

Honourable Speaker, our own legal system operates in the very same fashion as highlighted above. However, in our case we lack the absence of a law that governs our status of marriage and because of the precedents our common law has created through judgments of cases to; allow the embarrassment of couples to be asked to divorce, if they willingly and interchangeably wish to amend their matrimonial property regime. Unless the Legislature expresses itself on the matter, the situation shall remain unchanged and thus it is our duty to play a catalyst role in providing a law that would modernise our system to allow our married people to exercise their rights if they willingly so wish without any embarrassment.

Honourable Speaker, various reasons exist why many couples wish to change their status and common amongst many are the following:

- Partners who at their initiation did not know the implications of marrying under common law or traditionally, would be construed as having married in community of property.

This is one of the major problems in many of our societies. If you go and you marry your *Otjiramue*, many people are not aware that when you marry your *Otjiramue* traditionally under a tree at the village, that that would be construed to be married in community of property and even these church weddings are also construed to be married in community of property and it is a serious problem.

- The different categories were never clarified to the couple;
- The rich widows and widowers are exploited by their partners only marrying for the assets.

This practice is so common in our current society, that when the wife of a rich gentleman passes away, the young ones would come or the young guys (charmners) would run to the widow and charm her to get into this marriage

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traditionally. The purpose of this marriage was however not to love the partner, but to make sure that you are also going to have a share in the farm of the Right Honourable Prime Minister or his house.

This person who got married under this common law would want to ask the court and say, *“I love this fellow but I do not want him to own my assets”* or *“I do not want this lady to own my assets, I only want to love her.”* Then the Court will tell you to divorce if you want to change your matrimonial property regime and I think that is not necessary. (Interjections). I define love as unconditional, but there should not be conditions of assets.

The other issue that is quite common is that in any relationship you have risk-takers, business people who want to venture into a particular business. Now, the partner trusts the instinct that this person will do good business, but it is not all the time that all business people are successful, and sometimes these business people would bond the assets of this small family to a point that if this company goes bankrupt, the whole family is left with nothing. I really think we need to legislate to allow people to have those choices. If your partner is going hay-way with business, then you should be given the right to change whatever you have to change in order to protect what you have.

We as a Nation must intervene and legislate the following to our opinion that is important to reform this matrimonial property regime system.

In order for the parties to change their matrimonial property system, the following requirements must be considered:

The courts must be satisfied that there are sound reasons for the proposed change. Sufficient notice of the proposed change must be given to all creditors of the spouses so that all the creditors would know that A owes Standard Bank so much money, and he is changing his matrimonial property regime either from community of property to ante-nuptial.

Honourable Speaker, lastly, the court must be satisfied that no other person will be prejudiced by the proposed change.

Only with these reforms would we allow our citizenry to live with modern times and laws that suit modernity, rather than the backward requirements that are cumbersome and frustrating.

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HON DR TJIRIANGE**

I thus plead for the relevant Standing Committee to consult the public and come up with an informed proposal on the subject matter in the interest of our citizenry.

Honourable Speaker, I thank you.

HON SPEAKER: I thank the Honourable Member for his statement. Any further discussion? Honourable Minister of Veterans Affairs.

HON MINISTER OF VETERANS AFFAIRS: Thank you Comrade Speaker. I rise to support the Motion which to me makes a lot of sense as there are a lot of problems around this issue, particularly that when you are in there, there is no exit and things do change. Life is not static, it is dialectic and in the process things that were obvious yesterday may not necessarily be obvious today and things may have changed in the process, but once you are in, you are in. You have no exit.

Having said that, there is one thing which is even more serious, namely when this concept is extended to one's pension (Laughter). You share your money and your pension. I understand the logic is that when living together you must have been putting things together, etcetera, but when it comes to pension, I accumulated that myself. Why should the pension be shared at the end of the day? Even when you want to access your pension, somebody else must have a say in doing so. I think that is very serious.

Therefore, I agree with you that the Committee probably does not only have to look at property, but also at this problem that I am raising, when somebody has to benefit from your pension. Your pension is individual, it is me who is working for it. It is not that I get a pension and then we have to share. Maybe you were putting together with the salaries, but what about the pension?

All these things have to be looked at. (Intervention)

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RT HON ANGULA**

HON DEPUTY MINISTER OF JUSTICE: May I ask my Senior a tiny question? Honourable Member, are you aware that our Bible says – and we have our philosopher here, namely Honourable Mungunda – *what God has put together, no man can put asunder*. That is one of the quotations and I think matrimonial unions are based on that principle of shared values, shared properties, shared everything and only God has the right to put asunder. We thus have no right to divorce. The Bible says we need to keep the matrimonial union, we need to look after our children, we need to look after our grandchildren. Do you agree with those values?

HON MINISTER OF VETERANS AFFAIRS: Comrade Nujoma, if the law applies only to those who believe in God, let it be. There are others who do not believe, why should they be forced to go by the Bible. Do not bring the Bible because there are those who may not believe in the Bible and if you say since God said so, those who believe in that must remain in the regime without quarrelling. Let the others also have the right to think otherwise if they are not under an obligation to respect the Bible.

I brought in the pension in addition to what Honourable Venaani has said and maybe there are other issues also. Hence the need for the Committee to go a bit further and look at all the aspects and maybe come with a solution that we can come and discuss here. I thank you.

HON SPEAKER: I thank the Honourable Minister for his contribution. Honourable Prime Minister.

RT HON PRIME MINISTER: Comrade Speaker, I declare my neutrality on this Motion, but I have issues to raise.

The one issue I have to raise is that our Constitution endorses customary law in Article 66. Article 66 reads: *“Both the customary law and the common law of Namibia in force on the date of Independence shall remain valid to the extent to which such customary or common law does not conflict with the Constitution or*

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any other statutory law.”

Some of our customary laws define the property relations in families. It is well defined but of course, sometimes it is abused, and there was a reason for doing that because for those of us who are matrilineal, your mother is your relative and you cannot doubt, your mother is your mother despite what was said here yesterday. Therefore your lineage follows your mother, your mother's brother is your uncle, your mother's sister is your mother, it follows that way and the property relations also follow that line.

Just imagine you are all boys, and you go and get married and at death you have to share your property with another clan. Then your clan will become impoverished and you are enriching another clan in the process. Therefore, there is a conflict in our law somewhere which needs to be addressed somehow. Otherwise those clans with a lot of women will become richer and the clans with a lot of men will become poorer because of this inheritance regime we have.

However, I have an Amendment to Honourable Venaani's Motion, that in the event you find a sympathetic ear in Parliament, an Amendment could be moved to regularise the situation as we are requiring. I think at that point in time, since you were married in community of property, you must first divide your income 50-50 and after that you can now go your ways because you agreed it is going to be no community of property. Therefore, you can only start out of community of property after you have agreed to divide and mind you, age is catching, you are about to retire. (Intervention)

HON NAMBINGA: May I ask the Honourable Prime Minister a question? Comrade Prime Minister, on that very point you are making that those married in community of property must first divide fifty-fifty and thereafter perhaps do what they want to do, normally when people get married – love is blind and some of them agree to marry in community of property without having properly analysed what it means and they get into that situation.

You get a situation where before marriage A has already accumulated wealth already and B has nothing at all. They get married today in community of property and after a year or two they get divorced. Would it be fair for this

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couple to divide fifty-fifty or must the division be made on the basis of what they had before marriage?

RT HON PRIME MINISTER: Yes, you have a point and you do not have a point. The point you do not have is that ignorance of the law is not a good defence. You were supposed to inform yourself. However, the point you have is that it is true, I have inherited thousands from my uncle and then when I enter into matrimonial union, I bring all those cattle to my new home and they multiply and I buy fodder. She may not even buy fodder and I am selling and saving.

I feel it is at the point where you come together to form a family that you have to count your properties, that I brought this. (Intervention)

HON MINISTER OF ENVIRONMENT AND TOURISM: Mr Speaker, may I pose a question to the Right Honourable Prime Minister? Right Honourable Prime Minister, would you agree with me that nowadays, in particular when it comes to the solemnisation of the marriages, three persons are involved, that is the couple and the marriage officer, sometimes a church officer designated by the Government and it is at that point that this aspect of community or outside community of property is made clear. It even has to be registered in the marriage register whether the two people are marrying with or without ante-nuptial contract. This has to be made clear and registered, unless people are married under customary law which is something different. When it however comes to the legal and church marriage, there is a condition that it must be explained to people. Even in the case of a widow or widower, that has to be declared and even a copy of the death certificate of the late one has to be attached and handed in to Home Affairs. Do you perhaps know about that?

RT HON PRIME MINISTER: Yes you are correct. I am tempted to ask the Colleagues who speak African languages whether the concept of community of property exists in their languages. The reality is that you are told this in English and you do not know the implications, that the cattle you inherited from your uncle becomes the cattle of another clan.

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Africans are organised in clans, the Clan of Cattle, the Clan of Snakes, the Clan of Lions, the clan of something else – totems. (Intervention)

HON TJIHUIKO: May I ask the Honourable Member a question? I think we are fully aware of the fact that when a couple in certain communities get married, there is a situation that you get married to a young lady who does not have much at that particular moment. Then you go and work at CDM (Namdeb), she is staying at the village, looking after your cattle and all these things until you reach the point where you become well-off, but she has been on the ground, looking after your cattle, making sure that they are growing, they are not being stolen. When it comes to sharing, would you consider that she has not brought in anything or how would you now determine the percentage of her labour in the agreement, to the point where you are today.

RT HON PRIME MINISTER: Honourable Tjihuiko, there are two issues we have to look at. One issue is this, and I want you to listen very carefully. African societies have a system whereby as a parent, when your child is growing up, you assign a heifer to your child. You have already paid *lobola* for your wife, so you assign a heifer and that heifer will start to multiply, depending on droughts and other things, so each child you would have assigned something already and when they are looking after these cattle, they are also looking after their own cattle. It is thus not only that they are looking after your cattle, they are also looking after their own cattle and they have access to milk all the time and your wife has access to manure for the land to be fertile. So it is a win-win situation.

However, the story of CDM, you might also go to CDM and get a bonus diamond and sell it, you also bring something to the table. (Interjection). No, I am saying you are getting your pension, you worked very hard and you are going to be given something in return. You therefore also bring something back. It is not that you went to CDM and when you come back home you have nothing. You bring something back. It is a win-win situation. (Intervention)

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HON DEPUTY MINISTER OF JUSTICE: On a Point of Order. I am really sorry to disrupt the Honourable Prime Minister, but he mentioned something which prompted me to ask a small question. My question is, you stated that with the customary law marriages our forefathers used to give cattle to children so that they can also start to have their own properties. It is still continuing nowadays, but the problem with that system is that nowadays the relatives of the father do not care anymore, maybe because of this capitalist system which has crept into our thinking. The issue is that the mother is chased from the homestead when the breadwinner dies and the children are told to go to their family.

When the father was in Oranjemund and they were looking after the cattle, while they were ploughing the fields, they have been working there, maintaining this economy, the small economy of the home.

Unfortunately, if you take the statistics, all these children are chased from the homestead. You are told overnight that you are no more family, go where you came from and there she packs and go with the children and the uncles divide the property among themselves. That is the problem and that also needs to be looked at, the rightful share of the children.

RT HON PRIME MINISTER: You have a point, there are unscrupulous clans, I know that very well. They are very vicious, it happens and I am not doubting what Honourable Uutoni is saying, it does happen.

The point I am however trying to make is that even marrying in community of property does not prevent that. They will go there with witchcraft. They use all sorts of things to harass the woman to leave the homestead. That is a problem and we have to take it as a problem.

What I am saying as a parent, when you have children, you have to prepare them for adulthood. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Prime Minister, if you could allow me on that issue of witchcraft to inform the

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Honourable Members. On a Point of Information. When I was the Minister of Justice I came across that case whereby a widow was being harassed by the male relatives to hand over the cash of the late husband while in fact the woman was more hardworking, bringing in more income than the husband. When we heard about that, we went to her rescue and we won the court case.

Now the problem is that the father-in-law told this poor woman if she did not hand over the money before sunset, she would be dead through witchcraft. You were right on that one.

RT HON PRIME MINISTER: Yes, we are talking about cash and property and a bit of tradition. But the root cause is this transferring of property from one clan to another. That is the root cause.

Honourable Venaani, I wish you well on your Motion, but I am quite sure that you are going to fight an uphill battle. (Intervention)

HON DIENDA: On a Point of Information. I just want to ask, before this law will be implemented we must first form a trade union for housewives, because it seems to me that we are employed by our husbands and a trade union will fight for our protection.

RT HON PRIME MINISTER: Yes, I wish that could happen but it is not likely to happen. Actually people who push are the sisters of the husband because they know that their own children will benefit. (Intervention)

HON DR ANKAMA: Thank you, Honourable Speaker. May I ask the Right Honourable Prime Minister a question? Comrade Prime Minister, what would you say on the situation where women, particularly in these modern times

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where they get and in fact they go sniffing around the guy with the biggest pocket and then whether by chance or whether by crook, many of these men die – by witchcraft or whatever – and when these men die, then the women and particularly the sisters of the married woman try to divide and grab all these properties, forgetting the in-laws, meaning the in-laws of the woman whose husband has passed away.

At the same time, if such a woman's husband dies and she inherits, then she has a brother who is married to another woman and her husband passes away. This very woman would instigate her sisters to go and grab the other woman's supposedly inheritance. What would you say about that, Honourable Prime Minister?

RT HON PRIME MINISTER: The fact of life, Honourable Ankama, is that nobody wants to marry a poor and lazy person, neither husband or wife. (Intervention)

HON RIRUAKO: Mr Speaker, the Prime Minister knows this is happening in the North. After the husband dies, his sisters grabs your property without any decision by any law. (Intervention)

**HOUSE ADJOURNS AT 15:40
HOUSE RESUMES PURSUANT TO ADJOURNMENT AT 16:10**

HON RIRUAKO: Mr Speaker, we have hearsay from the North that sisters take over after their brother died. This happens in the North and we have the same culture. Why deviate from what we have, all of us together? There is a certain arrangement in the North that the sisters are supposed to take over from their brother and they take everything, the house, the cattle, the money, everything and even goes to the extent of beating the wife. What is that? They do not live in Jerusalem, they live here and we have been tolerant not to

intervene, but now enough has become enough, we cannot be tolerant anymore. We have the same culture and background, the same code of conduct. Where does it come from? How did it happen? One has to really explain to us, are we really deviating from the real culture to something else? Let us solve that for once and all. And if we deviate from the so-called modern culture or modern law, this Parliament ought to know. Where are we now? I want to hear from him.

RT HON PRIME MINISTER: Honourable Chief, I want you to listen very carefully. The Oshiwambo traditional culture is based upon agro-pastoralism – agriculture and animals. In that culture marriage was basically based upon two things – reproduction and production. Are you following? The wife is supposed to meet those criteria or the husband. I am talking about traditional criteria.

The family is supposed to be able to reproduce itself and also to produce food.
(Intervention)

HON RIRUAKO: Mr Speaker, the women in Oshiwambo, you kill them, you do not even employ them. They must pound the Omahangu whilst you sit down on the chairs, waiting for the food and to be fed. The woman is the person who is the mahangu creator. (Interjections). Let me finish. She carries the wood and everything on her shoulder. I do not want crying, I saw this, it is part of my culture and I hate the way you treat your wives. Let me be honest with you now. And above that, your sister comes along again to punish that woman who has been punished and they produced more than any of you did.

RT HON PRIME MINISTER: Honourable Chief, like any traditional society there was division of labour. When you went to find your own family, your father gives you an axe, a hoe, bow and arrow and fire and one or two cattle and seeds. Now you have to go and clear a field where you are going to cultivate. That is your job as a man. You have to build up your homestead, it is your job as a man. You have to dig a well, it is your job as a man and you have to go to the cattle post. The woman's job is to take care of food, including cultivation and of course, the stamping of mahangu. That is the traditional division of labour. It might have been unfair in terms of labour distribution, but I also understand that

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something which does not happen in Oshiwambo, women in Otjiherero are the ones who are milking cattle. What if they are kicked by the cattle? Milking is supposed to be a boy's job. (Interjection)

HON MEMBER: It is an insult!

RT HON PRIME MINISTER: It is an insult to tell a woman to go there and sit like this and do milking. It is a job for a boy, but I am not disputing that, that was the division of labour and the point I am trying to make is that because of the nature of the society in its organisation, you have these clans, the Clan of the Lion, the Clan of the Hyena, the Clan of the Cattle, the Clan of the Snake – totems. There are these totems and your lineage follows a totem and that clan has its own properties. This property belongs to the cattle totem and when you get married to a hyena totem, you are supposed to transfer that property from the cattle totem to the hyena totem. You are supposed to do that, that is the tradition, but since we are now talking about equal division of labour, we now have what Honourable Venaani is complaining about, this marriage in community of property. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: I am sorry to interrupt the Prime Minister, but I want to inform this Honourable House, because I am one coming from the inherited people, because our women do not inherit their husbands' properties, but when somebody is married, living in a house which was built by that man, after two days the woman will be chasing her sister's children and the children of her husband who were born before. We are chasing them away.

When it comes to inheritance, women inherit from the late husband. If the woman passes away, then our men inherit our things. What is our law according to the legislature, because when we are talking about equality, there must be equal rights for all of us. I thank you.

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RT HON PRIME MINISTER: That is a rhetorical one. I assume that you are all married ...(Intervention)

HON RIRUAKO: On a Point of Order. You jump over matrilineal and patrilineal and you jump over and you just do it to please yourself, but not the culture as a whole.

RT HON PRIME MINISTER: I told you a long time ago that the Oshiwambo culture is matrilineal because you cannot doubt that your mother is your mother, so you follow your mother's line. That is your totem, your mother's line. Your mother is your mother, you do not question about your father.

Now let me ask you a question, Chief. You are all married. The second mouthful is coming. How many of you have been able to live with your mothers in the same house and your wife? I am asking a question. (Intervention)

HON RIRUAKO: My mother and my father were not in an old-aged home – never, ever. I gave them full respect and my father was a very stubborn old man of 96 years old and he was commanding. How many of you are commanded by your father of that age?

HON SPEAKER: Honourable Chief, you will have an opportunity, you do not have the Floor.

RT HON PRIME MINISTER: I am concluding now. I want to congratulate the Chief that his wife or wives were able to tolerate his mother and his father in his house. It does not usually happen. I am congratulating you that your father and mother lived in your house and your wife or wives tolerated them. It does not usually happen in African society.

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Honourable Venaani, I was saying that I am neutral this is because I was married in the district of Manhattan in New York and the problem you are raising does not exist there. Thank you.

HON RIRUAKO: My father remarried another woman and after the death of my father that woman is still in my homestead. She is still my mother until she dies. You chase them away. It never happened in our culture. Your mother is your mother and she is the centre of the whole estate. My wife has to listen to her. But at the same time my wife has the right, because we do not marry in community of property, we marry from descendents, we come from totems and that must be respected. You cannot disobey my wife, even after my death. She is my own uncle's daughter and the others too, I cannot just let them go after my death. (Interjection)

HON MEMBER: That is a new breeding.

HON RIRUAKO: It is not a new breeding, it is your culture and you deviate from that. You brought a culture from Angola and you said this is our culture.

I am going to Ongwediva and they said this culture is not our property, come over here, let us know, let us compare our notes and I want you to be there too. I do not want to go behind your back. I want to see you in the class there and we will argue on the matter, but some of the people sitting here pretend they are coming from certain people but without a culture themselves. I am saying what we have been doing is uncultured – no totem, no background. It never happened before.

The Owambo culture comes from the matrilineal background. In Kaokoland, their sister was married to Mwala of Uukwaludhi and the nephew of Liswani inherited the property in Kaokoland, but he divided it accordingly to the line and they waited for him to come over from Owamboland to Kaokoland. That is

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supposed to be the line and, you have composed your own new culture which I do not know.

HON DEPUTY PRIME MINISTER: Thank you, Honourable Speaker, Honourable Members. After listening to the Chief, somehow you get confused as to where to start. I will try and base my discussions on the Motion.

Before I say what I want to say, I know this is a very sensitive topic which needs to be dealt with by this House. When you stand up to speak, your relatives, your friends think, "*now she is talking about me.*" Please, I am calling on my relatives and my friends that I am not talking about them, I am talking generally about what is happening in the country. Since we come from the same cultural background, things happen the same way among all of us.

As mothers we start with protecting our daughters, because as it is known, women are the ones who are suffering. Both sides are suffering, but let me start with the women.

Many time our children, the extended family's children, our own children get blue-eyed by these young men who pretend to love them, because as they are driving through Windhoek they see, "*ooh, that is her mother's house*". This daughter of yours is so confused, she thinks the man is so much in love with her.

I had an experience at a wedding of a friend's daughter and when the priest asked under which system are you getting married because he had nothing in writing, are you marrying in community of property, this young daughter of mine looked at the man, he is a handsome boy, she said "*yes*", and I knew that this young man came just with his jacket (*ombaikihia*), that is all he came with – polished shoes and I am not even sure whether he bought the ring. Now, what is the meaning of this?

This person has inherited and then this young man came there only with his jacket and she is saying, *yes in community of property*. What does that mean? Only a few days after the marriage he boxed her. What kind of a marriage is this? Now they are divorced.

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If you divorce right there, you have married in community of property, fifty-fifty (sharing of property 50% each) honey, whether the guy came with a jacket or he came with a car, it is fifty-fifty. I think that is a situation we as parents must be aware of.

Let me give you my secret. When I wrote my will – a lot of you do not have wills because you are afraid to write them, you think you are going to die tomorrow – I made sure that my children, my grandchildren, the property I am leaving are not to be shared by their spouses whether they are married in community of property or not. Whatever they inherit from me belongs to them, whether it is a girl or a boy. I think we have to do that to protect our own children.

This question of community of property nowadays, I think Honourable Venaani is right in a way and I am not disputing love as such, but I think the love of these days is a business love. The other day I watched an 82 year old woman getting married to a 28 year old young man. We saw it on television. I mean, what is that? It also happens vice versa.

I remember a young woman getting married to an 82 years old man, a very rich one. When the old man dies the children will dispute because he was so bowled over by this young lady. You will find the old man has changed his will and when the kids come, they get nothing.

The other time an old lady died and left US\$6 million to her dog. She took all her children away, grandchildren and I do not blame her because maybe her children were ill-treating her, so she just thought, let them go, I will give it to my dog. That is another story.

The other thing is that young girls also get married and it is real. We are married, it is called “binne”, “*we are married in binne and if he misbehaves he must give me the second or third farm.*” This poor thing came in with only her skirt and now she wants a farm and I think there are a lot of unhappy marriages in Namibia for the reason of not wanting to share your property. Marriages are suffering, people sleep in different rooms, they must be seen to be married because they do not want to share fifty-fifty.

I feel the law must really look into this whole question and I would like to advise the young women who are professionals not to bother getting into this *binne*

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story. Have your thing, let him have his thing. You can share on an equal basis what you have worked for together, but you were found with your farm, you house, your Mercedes – like me, that is what I have.

A young man comes and takes you to Geneva and, *good Lord, this person loves me*” and then you get married and the next day he is sitting in your Mercedes.

One day an old friend of mine came to my house and he said, “*your house is so beautiful, but be careful, do not bring somebody in here because the first thing he will do is wanting to change that chair, that chair must not stand there, I would love it there.*” It is however not his house, he comes to change the inside of your house. He is testing you. If you allow him to do that, then he now wants to change the Mercedes, why can we not buy an Isuzu? Then you allow that and then you are in for the high jump. You will find him poisoning you with arsenic, a drug which is not found in the blood. You just become weaker and weaker. You must watch Discovery Channel, you will see some of these things there. All of a sudden this poor wife is remembering that last week he gave me milk and there was something dark in there. The other day he brought me tea with breakfast and when I looked into this tea, I felt weak – slow poisoning. These things are happening.

It is going to be an uphill battle to avoid that. The law must be flexible. It is not only the law of what we are talking about, but even when you want to divorce they want the dirtiest story of the house. You cannot say I want to divorce because we are incompatible. No, they want to know what does that mean. Then you must say that my husband ill-treated me and then some of you will say my wife left me alone and she did a lot of things. Some things happened here, I am not going to name them. Then you wash your dirty linen and even if there is no dirty linen, you must say something dirty about your partner in order to get a divorce. Yes, this is the law in Namibia. You cannot just say I want to divorce because we have agreed to divorce, we do not agree anymore. No, dirty linen must come out, with the result that the man will say anything because he has the power and then the divorce takes place.

Some of these laws are outdated and there should be some flexibility. It is also important to come up with ante-nuptial agreements, which means mine is mine, his is his, ours is ours when we work together. (Intervention)

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HON NAMBINGA: May I ask my Colleague a question? Comrade Doctor, these laws you are talking about, have we made these laws ourselves or have we just copied them from somewhere? Honestly speaking, when you are outside, it appears that the majority of the lawmakers are bitter about the laws. Now you ask yourself a question, if we are lawmakers and yet we are bitter about these laws, have we made these laws ourselves or have we just copied them?

HON DEPUTY PRIME MINISTER: If I can say it that way, some of the laws we inherited, a lot of laws we changed as we were going along and we are coming to this one now. I do not think we in this House made that law, maybe I was not there, so we must have inherited it from the colonial system. Therefore, with time we arrived at this and we found out that this one does not work and then we must change. I think we are now at the stage where we should have a good look at this law, so that we can protect our community.

A lot of murders are taking place because you do not want to divorce for fear of loosing property and I am so pained to hear that this man took his wife to the bush to go and strangle her. What nonsense is that? Maybe it is because of property. Anyway, let us not get to that one.

Finally, on the question of the widows and widowers, I am lucky to have been the first Minister of Local Government and Housing and I was dealing with traditional leaders and we struggled to stop this law in the North and make it unlawful to get the widows out of the homestead after the death of the husband. The first traditional leader who agreed to this law and made it law was Chief Elifas Kauluma. But as it was said here, that law is illegal in the North and if you are found, you can be arrested. But as it was said, people are brought up with this witchcraft thing in their heads and they are scared and before the woman knows, the family has come to take the property.

I also know of a very sad story where a very prominent person died, his sisters were running to Angola to go and find witchcraft and things like that. This witchcraft is also deep in the villages and people are suffering through this harassment that we are going to poison you traditionally and people hand over the properties to us, they are scared.

Finally, I also come from a society where, if somebody visits your house, it is

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asked, *Hapo otjihavero ihi otjaune?* “whose chair is this one, whose television is this”, with the idea that when my brother dies, I know that television belongs to my brother, if he dies I will take it. You also know of incidents where people were at the funeral and the family of the husband came and divided the things in the house, including the car of the woman. We know about stories like that. The woman bought the car but they think it is their brother’s car. These things are happening and they are illegal.

Coming back to the Motion, I support the Motion, I think we must move forward and look into these laws which are not applicable today. Maybe yesterday they were. Thank you very much, Honourable Venaani, for bringing up this Motion. We can debate it and perhaps it can go to the Committee. It is a general problem, everybody has a problem with these laws of ours, within and out of community of property and being asked to divorce to change this.

Thank you very much, that was my small contribution.

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you very much, Honourable Speaker. I want to thank the Mover of the Motion, it is a very important Motion which has come at the right time.

Having listened to many speakers who have spoken before me, you could see that this is not only an emotional topic, but also that many people have been touched by this by being in marriage, entering into a union without enough information and after a few days finding out that the person wants to pull out. Now that is a *cul-de-sac*, a one-way.

Our marital law is more based on religion and once you have signed it is done, but pulling out costs you so much and so many years. That is why some people get frustrated and do so many things. If maybe one day you could relax the law a bit and give people a grace period of thirty days to make a public announcement for those who wants to pull out of the marriage should do so, I think in that month the courts will be full. You pull out without any consequences and without any formal procedures. I think the courts will be full. Why?

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Some people are in marriage not because they want to be there, it is because they entered it especially with regard to patrimonial issues, with regard to these issues of property. Some are forced to enter marriage in community of property not because of their own will, but because of excitement. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask my young brother a small question? Thank you Honourable Shifeta, for accepting my question. My question is, if we make this marital regime so simple and flexible as you are mentioning now that you enter willingly and when you have reached that stage of what we call irretrievable breakdown, it should also be easy for you to get out, do you not think that by making this marital regime so simple, we are creating another *Pandora's box*, that people will now easily divorce and you will see that the divorce rate will suddenly rise? We should also be careful. As the Honourable Deputy Prime Minister just mentioned that normally when people go to church, the preacher asks many questions. He asks, are you ready, are you sure, this rib is going to be part of your body, do you accept and the consequences are explained. That is why I think those who made those laws thought it would be good to have some problems in getting out of something to which you have committed yourself. I think we should be careful and not make it as easy as going into a shebeen and asking for a glass of tombo. That is my question.

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I think I was giving an example, that if you do that, you would see that so many people will be queuing for that mercy. But that is not what I am praying for, I am just reiterating that so many people enter into marriage without being well-informed about the in community and out of community issues and some do not even know that there is an ante-nuptial contract a person has to sign beforehand.

Of course, there are also options which people do not know about, that you can have an accrual system afterwards and they only find out when they are there already.

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HON RIRUAKO: On a Point of Order. Mr Speaker, the ante-nuptial contract ought to be signed between the two and your property can be divided according to that new contract which we call the ante-nuptial contract. You cannot undo it after it was signed and even if it is out of community of property, there must be a contract. The *ante-nuptial* contract must be signed if you are out of community of property. Then whether you want a divorce, you cannot get away with murder. This precaution must be taken. You cannot just go, this law is there, the ante-nuptial contract. That prevents you to do what you want to do on your own without the other party. The two parties must enter into a contract and that contract must be upheld until the final day. I thank you.

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Yes, I think I understand the Honourable Chief. There are two things there. You enter into marriage out of community with or without an accrual system. You have an option where you talk about fifty-fifty. You come and declare what you have and your partner declares what she has and then it starts from there. Whatever you had before remains separate estates, but from there accrual can only work after divorce.

The problem here is – and I want to emphasise this – that many people do that because they enter into marriage in community of property and some not out of their own free will, but when people come together out of excitement, the other partner says no, if you want to marry in of community of property it means that you do not love me. Then a person will be forced to accept. (Intervention)

HON TJIHUIKO: May I ask the Honourable Deputy Minister a question, please? Honourable Deputy Minister, being a young person, not younger than me, do you not think that when young people come together, live together and decide to get married, the first thing that comes to their mind is love and that relationship that has developed and there is nothing else that they think about at that moment. Both of you are young, at university, both of you do not have anything and the only thing that binds you together is love. Perhaps in the process one of you start gaining more assets and if that is the case, do you not think that the Motion by Honourable Venaani was meant to try not to encourage people to divorce, but to make it easier for the loved ones to live together in the

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event where you think that the way my partner is going about could cause the whole family a disaster, including the kids that we intended to bring up in love in a better house. It is not a question of the resources and riches, but perhaps the idea is to bring people together.

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I think in that configuration, in that arrangement and even in community of property there is also a way of protecting the other partner's estate, because if one of the partners becomes extravagant and squanders the money, that would lead to the insolvency of the two, there is protection that a partner can take some remedies.

Of course, it is true that at first it is a question of love and in 70% of cases you are right, they never thought of anything like community of property when they enter into marriage, except those who are fortunate to be informed or who know a bit of law, but many people do not know this, they only hear that when they come to the ceremony when the official asks whether they possess an ante-nuptial contract. It is only then when they come to hear about it.

I am thinking that apart from making arrangements, because that is now also cumbersome, making arrangements to allow people to after marriage make arrangements for their status, that would be another thing that will have consequences. First, a person can mess up and then when he wants to escape from any property attachment he can definitely do so and he can shift everything to the other partner and be left without anything because at the end of the day they will have separate estates. We need to think about that one, but the other arrangement that can be done for now is the counselling part which is lacking. Even those officials, whether magistrates or pastors who have the capacity to confirm marriages, do not even make an effort to first counsel these couples and then send them home for a week or two to go and think about these arrangements when you enter into marriage. We have this system and if you take this system, this is the consequence; if you take that system, this is the consequence, go and think about it and when you come back, you know what road you want to take, but in the absence of this we will continue to have many problems of people entering into marriage out of excitement and later on to find that they are bound and they cannot get out. (Intervention)

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HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: May I ask Honourable Shifeta a question? Honourable Shifeta, you are making the point that the youngsters or the new couples need to be given two weeks or so. Even if you give them two weeks when they have not experienced marriage, are they really going to come up with a solution? Would it not probably be better, as Honourable Venaani is asking, that if people experience some problems while they are already in the marriage, that it is made easier for them to come and say they are experiencing this problem and therefore they want to change to the one they feel will be better. Is that probably not a better solution?

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I do not differ from that but it would require a bit of thought before you take that road, because what I am afraid of is that people could easily make arrangements to escape their liabilities. We have to be careful about that if we are to take that road.

However the counselling part is very important, because many people come without even knowing what it is all about and they only realise afterwards. If they are given information, they will probably be able to take an optional way of entering into marriage and choose a system they would like to pursue, rather than coming there, only to find out they do not have anything and the only way is now to marry in community of property. That is a disaster. Therefore they must have information beforehand and they must think about it before the ceremony is conducted.

With this contribution I really support the Motion, that the committee has to look into it and come up with proper information and then we have to see how we can change our marital law because it is true that this marital law is based on the Roman Dutch law and as a modern society we need to look into this and come up with a flexible law, but not to allow chaos to enter into it. Thank you.

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you very much, Comrade Speaker, for the opportunity to make a small contribution. I would venture to make a contribution from a different perspective.

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The Motion is seeking to see whether it cannot be possible for changing one's contract to another contract without levelling the playing field to go back to where it was before.

The Motion is not trying to dispute that people are getting married for various reasons, it is not questioning those. It is also not trying to seek ways in which people are properly guided, but it is simply asking for a system that allows the married couple to change from one contract to another one.

Many of the speakers said marriage is a form of a contract. I am also trying to simplify, going back and saying, let us assume you are the owner of property in a society – and this is just hypothetical – where one is just allowed to have one property and if you want another property, you first have to get rid of the first property to have the second one. Now we go back to the practical ways that are applicable in many of the laws that we have, not only in Namibia but elsewhere.

The laws make provision for certain things to happen, they make provision for people to marry and enter into some contract, they make provision for divorce, breaking this contract. All the other laws are over time being reviewed and if people want to improve or take something out, then they say in this one we want to bring something new or we want to take out what was there and replace it with something new, simply calling it Amendment.

When you make Amendment, you bring what you want to put in and you express yourself on whether it will be just an addition or whether this new ones that you are bringing are to replace an existing one. If it is to replace an existing one, then you have to take out the current one before you can replace it. The system is just like that, you are not asked to do away with the whole law, just that portion that you want to improve on to bring something new or you replace the current one in terms of that section or paragraph.

Then you debate, you give reasons, you motivate, you emphasise why it is needed and why it needs to change and after you have agreed, you find that that is how it should read as from now.

This particular Motion is however highlighting something that possibly is not usual. It is saying, when a couple realises that the contract that they have is not the preferred contract, the legal people are advising that you can address it if you divorce and come back again and I think people are fearing what the

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consequences will be. They are now saying well, if one has divorced, then you will not be bound to come back without expressing that willingness again to say we want to enter. I think the fear is there.

I do not think the fear is about divorcing *per se*, because people are divorcing from time to time, but the question is whether after the divorce there will still be that willingness to re-enter into marriage. This is where the fear is.

Now let us take this scenario: If this Amendment could be made to say yes, it should be possible, we cannot just simply take it that it should be made possible, but we should also look at the consequences that would come with it. Will it encourage people that are really, genuinely thinking that they have entered into a wrong contract and they want to change, will they change or will it just cause chaos in the society? There are a lot of contracts that can change some of the issues that you were raising. The willingness should be there between the married couple to aspire to go to a different contract. I honestly believe what Honourable Venaani has brought is the reality that is happening, but I also think to a large extent it is there because we are venturing into things which are unfamiliar to us. Maybe as the years go we will become more familiar with them.

Somebody was saying that possibly the churches are not explaining, but I have also heard the argument of people saying it is not the responsibility of the church, because it is not the church which is getting married, it is the couple that are getting married. So, the preparation must be done by the couple, not the church, the church is just to confirm what you have agreed to do, what you are prepared to undergo and undertake.

In the society that we live in there are very few, if at all, institutions that are advising the would be married couple on the consequences of joining this or that contract....(Intervention)

HON MINISTER OF ENVIRONMENT AND TOURISM: Comrade Speaker, on a Point of Order, may I give information? I may not auger well to generalise all the churches, churches may differ, but I know about churches – particularly if I can speak from experience – the one that I am serving in where it is part of the pastoral responsibility of the church to

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give that counselling before marriage. Then they are given lessons and it is stipulated that a month before the solemnisation of the marriage the couple should be counselled, get lessons and be guided not only on the spiritual side, but also on the legal side. This is where these different contracts are explained by the marriage officers and that is why even church marriage officers have to write an examination in the Ministry of Home Affairs and pass an examination for him or her to be able to solemnise marriages on behalf of the church and on behalf of the Government. Therefore, some churches do give that advice. If need be, I can bring documents to prove to that effect. Thank you.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much for the information, which information I am also aware of, but we must ask ourselves the question: If today in this august House we are told that there is something that we Parliamentarians are doing and we are advised to do it differently, but next time when we come around, it is observed that we are still doing it the old way, the question will then be whether it was effective information that was understood.

It cannot be said that all the people who are mentioning these things are mentioning things that have happened and one presumes that if they have gone through that training and education, these things possibly could have had some other reasons why it could not have been adhered to.

The point I was trying to drive at is just to indicate that we are contemplating to amend, but we should also...(Intervention)

HON NAMBAHU: May I ask my Senior just a small question? Comrade Pandeni, are you maybe suggesting that there must be a kind of follow-up or evaluation, an impact assessment as to whether the information that we are giving is really effective and the information as passed by the different role-players is really effective and do a survey to find out the impact of what we are giving as church ministers. Are you suggesting that maybe there must also be follow-ups

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to evaluate whether what we are dishing out as information is really having the desired effect or we need to improve somewhere? Is that what you are suggesting, Comrade Minister?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much. I know in whatever has been passed on in the form of training or education, there is always evaluating, assessing the impact and I believe possibly it is done.

The question I am really trying to drive at is whether we are not discussing an item that is more broader and we are not narrowing it down to exactly what Amendment we would like to see. Because as I said, laws provide for an opportunity to amend and we have been amending. There is provision for divorce, there is provision to enter into this contract, now what is it that we are asking? Are we again asking for a provision for divorce, which is already covered? Are we asking for a provision to say no, a contract should just be left, nothing should be done to that contract and we should just go over to a second contract? I am only trying to sensitise. That is why I am saying I might be approaching from a different...(Intervention)

HON TJIHUIKO: May I ask the Honourable Minister a question? Honourable Minister, I think I was caught by what you are saying. Do you not think that what we are perhaps looking for is to see from the experience, the implementation of the law and through the implementation a need has arrived that we need to revisit. What we thought is that this Act will solve this problem and it seems not to be solving the problem. I think the Motion is that, let us look at it and redefine it in such a way that it meets today's modern thinking of our people? Do you not think we should try to look at that as opposed to changing the laws?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much for your contribution. If I may just continue, because I want to keep with the direction of points I want to bring across.

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I am saying that Amendment are allowed in laws. Every law makes provision for Amendments, but inasmuch as this provision is there in the various laws that we have enacted, the Motion seems to be making a point to say it appears this one is not making that type of provision that addresses the type of activity that we are seeing, the type of situation that we are encountering in real life, and that is when people have entered into a contract, how they can shift from this contract to the other one without having to nullify or do away with the first contract.

I also believe that if we can come closer to proposing exactly how we envisage this Amendment to address those types of things, but the question that is arising every time is, how do we want to shift from one contract to the other one? (Intervention)

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: On a Point of Information. Comrade Pandeni, I just want to come closer to what the Motion is asking. Currently the situation is that you can either marry in community of property or out of community of property. But now, if you want to change from one to the other, first you have to divorce and that is the divorce that people feel is unnecessary. You can still remain in the marriage, but what should change is only the contract, either in or out. In that way I think we are now closer to what we want to be changed. The current law should be changed to allow people to change their contracts without first having to divorce. I think we are closer now.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much. (Intervention)

HON VENAANI: On a Point of Information. Honourable Speaker, as a matter of fact, there is no law, written law currently as we are speaking that legislates for the Amendment of the matrimonial property regime. What is currently there under common law is precedent judgment cases where courts have ruled in

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previous years that in a situation where you want to amend your property regime either from out of community of property to community of property or vice versa, the court has ruled that you must first divorce if you want to do that. There is no law, it is the precedents.

Unless the legislature expresses itself literally on the matter, the precedent shall take effect and the situation would remain as such. That is why I am saying the Motion says “*discusses the current prevailing problem experienced by married couples under common law and the judgment precedents by our courts in relation to the following*” and under point 2 I am saying, “*to allow the enactment of a flexible legislation that would protect the marriages.*” There is currently no law, there are just precedent judgments and we need to legislate for us to have a law. I thank you.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:**

Thank you very much. Comrade Speaker, Honourable Members, I believe and I am together with the remarks that are being made, even if there was a decision emanating from our courts, whether it is now these courts that we have currently after Independence or whether the is previous courts, these things become law. They are just laws like these Acts that we are passing in this House and I am referring to both.

People want to change because they have realised that the contract that they have entered into is not the preferred one and they now want to change to the other one and they do not only want to change, but they also want to make sure that the other ones that they prefer are taking care of things that might happen in future, like death and what will happen after death with regard to the properties. (Intervention)

HON DIENDA: May I ask the Minister a question, please? Honourable Minister, are you aware that you do not even receive a copy of the contract that you signed when you got married. The only thing which we receive is a marriage certificate and on that certificate is not even my signature. Are you aware of it?

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much. Yes, these are the various situations that are known to us. But Honourable Dienda, I am also aware that there are also marriages that are today termed marriages in community of property, but there are no contracts. In the certificate it is included, “*marriage in community of property*” but there is no contract.

When you realise this is when a situation is arising where you now want to rely on this married in community of property. You go there, “*are you married in community of property?*” “Yes. “*Can you bring your proof?*”

You go back home, you collect your marriage certificate and they ask for the contract. There is no contract and they say despite the fact that this certificate is saying married in community of property, indeed without a contract it cannot be legally considered as having married in community of property. (Intervention)

**HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT
AND CULTURE:** On a Point of Information. When the couple comes for the ceremony and they do not have an ante-nuptial contract, that means it is automatically in community of property. They do not have a contract, that is what the law says and when you come there without a contract, you are married in community of property. That is what the current law says.

HON RIRUAKO: The point is quite clear, even if it is in community of property they do not say that in that contract. It is out of community but still in community. The difference comes with the ante-nuptial contract arranged by the two parties, that divides that you have fifty-fifty. But now we cannot talk about one issue several times. Once you are married in community of property, in common law it is in community of property, but for you to survive your principles, it has to be a signed contract on both sides. If we change from in community of property to ante-nuptial contract, then you have to do that without divorce – simple.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, I was just trying to make that small contribution in sensitising whether we are very specific in terms of what we are proposing and in which we are also looking at the consequences, that still after we have done that, the society will still be coercive, it will not be a chaotic society.

It is not that possibly I have an answer, but I was trying to cross-question some of the things that maybe need to come into play when we are talking about this Motion.

With this, Comrade Speaker, I am done. Thank you.

HON KAURA: Thank you, Honourable Speaker. I just want to echo what was said by the Honourable Deputy Minister, that when you are married and you get your marriage certificate, it is contemplated that it is in community of property unless you sign a separate ante-nuptial contract. Then it is out of community of property. But if it is just that marriage certificate, it is understood as being in community of property.

The Motion is very simple, the Motion is dealing with security in marriage. If one partner contemplates participating in a risky business, there is no security blanket by which they can split their property, because if the risky business fails or the walls of Jericho come crumbling down. (Intervention)

RT HON PRIME MINISTER: Honourable Kaura is following a very interesting line, I did not understand it that way but it is very interesting and I want to ask a small question. You are saying it is a question of security against risk, that as a couple I think the business you get in is risky, I have an option not to sign. I can just say I will not sign that because it may happen that we lose this house. Do we need an Amendment of the law?

HON KAURA: Then the business will not take off unless both partners sign. What I am trying to say is this: After having been married for 40 years now

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and I want to get into the transport business, which is more than 50% risky, my request is that I should be allowed, me and my wife Vicky, to sit down and say, let us change our status. You take fifty percent of what we own and I take fifty percent of what I own. If my transport business fails, you have your security, I am the only one who would run the risk.

What the law now requires – wait a second, let me explain, let me finish please. My son, let me finish, I will give you a chance. What the law now provides is that after forty years of marriage, even if you do not have any intention of divorcing, in order to change our status to provide that security blanket, we must divorce. It must be in newspapers, our children must read it that we are divorcing, our grandchildren must read that their grandparents are divorcing because they want to enter into some kind of a business which is risky. This is the problem and we have to go through this shameful exercise even if we do not want to divorce. You have to go through that shameful exercise and that is what the Motion is asking, that we do not have to do it, we can only go to court and change the status. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: I just want to ask a question. Does the Motion request this House to enact flexible legislation for one to enter into business or to say that if you are married in community of property, you feel it is good for us if we can be married outside community of property, so let us change this understanding. My question is, what does it have to do with business, because the business just asks you to sign if you are married in community of property. If you are not married in community of property, then definitely each one will sign, but if you are married in community of property and you want to start a business, that is not a problem, unless there is one of the couple who wants to cheat the other.

HON KAURA: What I am saying is this, I do not want to divorce Vicky after 40 years, but I want to get into transport business and there is a more than 50% chance of failing and if it fails, both of us are going to go bankrupt. I do not want that risk, I want her to have a security blanket so that if my part of the business fails, my portion is at risk but her portion is not at risk, she is safe on her own. Now the provision is that I must divorce her first, have it advertised in

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newspapers and everywhere and everybody must read it. Then we can divorce and split our property and after it is split, if we want we can remarry again and sign an ante-nuptial contract. That is the problem. (Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** May I ask Honourable Kaura a small question? Honourable Member, are you concerned that a married couple, married for the past forty years, who intend to provide security before they enter into a risky business – I am trying to check whether what you are suggesting should be practical. If you provide this security, if you go bankrupt, you will take 50%, I will take 50% and I believe that is what you are saying should be allowed. My question is, does it need a law or we can just agree and sign, say this is what is happening and even if somebody tomorrow takes us to court, take me to court, in court you will be able to show that that is what you have entered into.

HON KAURA: To do that right now you need a law. The only legal way which is available is divorce. You have to divorce first, split your property fifty-fifty and then the other one can go into that risky business, the other one is safe. If this business goes bankrupt, only one partner goes bankrupt, the other one does not go bankrupt. As it is now, both will go bankrupt and that is the problem. (Intervention)

HON RIRUAKO: On a Point of Order. It is not a protection of your wife alone or yourself, it is a protection of your right. The law firms enjoy this privilege to make a law to be very difficult for you not to have what you want, otherwise you have to divorce, making it embarrassing for you. For that matter, this issue must be neutralised. That is the point. We have to have that right, but not to be made difficult by a law designed for law firms and not the people who are supposed to be engaged in this law. That privilege is given to a law firm, which is wrong. We must be able to do what we want at our level.

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HON SPEAKER: Honourable Members, as one who sits and listens, I am not quite sure whether you are really addressing the Motion or whether you are interpreting the contributions made by different Honourable Members. The Motion says there is a problem, let us look at it. Nobody wants to divorce, people who are married want to continue doing what they do but they want to ensure that they would continue to remain in marriage and also do the things that they want to do. I think you were reacting to what Honourable Members who contributed were saying, that they want this or the other. Just read the Motion again and we will come back tomorrow and do a better job.

HOUSE ADJOURNS AT 17:48 UNTIL 2007.10.18 AT 14:30

**ASSEMBLY CHAMBER
18 OCTOBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

HON SPEAKER Honourable Members, in terms of Rule 17(b) of our Standing Rules and Orders, this House stands adjourned until Tuesday, next week.

HOUSE ADJOURNS AT 15:05 UNTIL 2007.10.23 AT 14:30

**ASSEMBLY CHAMBER
23 OCTOBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

HON SPEAKER took the Chair and read Prayers and the Affirmation.

ANNOUNCEMENTS

HON SPEAKER: Honourable Members, I have two announcements and one Ruling.

The first announcement has to do with the organisation of work of the House for the remainder of this session's sitting. In accordance with a decision taken by the Committee on Standing Rules and Orders for the arrangements and organisation of the annual session of this House, I would like to remind Members of the procedure as follows:

To meet all the Constitutional arrangements in promulgating legislation and, likewise, to enable parliamentary staff to take their annual leave, as well as allowing the National Council to review Bills in time, Bills should be tabled not later than the 1st of November every year, provided that the House may upon a Motion move and resolve to extend this time limit in the event of matter of urgency. That is the first announcement.

The second announcement is as follows: I would like to announce in terms of Rule 16 of the Standing Rules and Orders that the sitting of this House on Thursday, 25 October 2007, will be, in terms of Rule 18(b) a morning session starting at 09:00 until 14:30. This arrangement is deemed necessary in order to allow the President of the Republic of Angola, His Excellency José Eduardo Dos Santos to address a Joint Session of Parliament on that day at 11:00. Those are the two announcements.

**RULING ON RULE 17 OF THE
STANDING RULES AND ORDERS**

Now I would like to give my reasoning and ruling. It is in connection with Rule 17.

Rule 17 establishes the basis whether the House sits or adjourns. The rest follows from this one way or another. Subsection (a) follows the Constitution and requires the presence of 37 Members to start the business of the House. This is rather straightforward. On the other hand, when there is no quorum, subsection (b) is invoked, especially its second half. The requirement in this case is actually to suspend all the subsections and proceed with adjournment at once.

As can be seen from the foregoing, subsections (a) and (b) as mutually exclusive, application of one nullifies the other. Subsection (e) is the one which includes roll call and recording of names of Members, those present and those absent. This requirement is not a part of Subsection (b) as indicated above. The sequence of the subsections is deliberate and self-explanatory. Without the House having started the business of the day, Subsection (e) cannot be invoked. It works only when quorum is lost during deliberations and not before. In other words, the House cannot conduct official business without a quorum. Roll call and recording of names of Members is part and parcel of official business. This seems to be the area why misunderstanding comes in. The point is, subsections (b) and (e) cannot co-exist. If the drafters of Rule 17 wanted roll call and recording as part of Subsection (b), they would have provided in appropriate language to that effect, as they did under Subsection (e). The drafters wisely avoided a serious contradiction.

We cannot, therefore, by a threat of improvisation conduct unlawful business in the House, such as counting and recording with the Speaker in the Chair. Twenty minutes of a no-event defies good judgment. Subsection (b), its second part in particular, is really provided for to ensure an eloquent way to have the House adjourn, there being no quorum, in a dignified way without doing anything else that may be *ultra vires*. That is my Ruling.

HON SPEAKER: Any Petitions? Reports of Standing or Select Committees?
Other Reports and Papers?

TABLING: REPORTS OF AUDITOR GENERAL

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**REPORTS AND PAPERS
HON KONJORE**

HON MINISTER OF ENVIRONMENT AND TOURISM: Comrade Speaker, may I on behalf of the Minister of Finance, lay upon the Table, Reports of the Auditor General on the accounts of –

- The Ministry of Labour and Social Welfare for the Financial Year ended 31st March 2006; and
- The Village Council of Koës for the Financial Years ended 30th June 2004 and 2005.

HON SPEAKER: Will the Honourable Minister table the Reports? Any further Reports and Papers? Any Notice of Questions?

NOTICE OF QUESTIONS

QUESTION 119:

HON MOONGO: Honourable Speaker, I give Notice that on Thursday, the 25th of October 2007, I shall ask the Minister of Works, Transport and Communication the following:

1. Is it true that the Government projects which improves and tar National roads are allocated on a discriminatory basis? What is the reason
2. And when are the roads; Omitara to Otjinene, Gobabis to Aminuis, Drimiopsis to Epukiro, Grootfontein to Gam and Khorixas to Anker going to be tarred?

HON SPEAKER: Will the Honourable Member table the Questions? Honourable Mbai?

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**NOTICE OF QUESTIONS
HON MBAI**

QUESTION 120:

HON MBAI: Honourable Speaker, I give Notice that on Thursday, the 1st of November, I shall ask the Honourable Minister of Agriculture, Water and Forestry the following question:

Honourable Minister, it is no secret that economies of all the industrialised countries around the world are based on a sound and well-developed agricultural sector. Namibia is no exception. Agriculture is the backbone of our economy. 70% of our inhabitants depend on the sector for their survival.

My question Honourable Minister:

1. Is it true that the budgetary allocation to agricultural development is round about 3,6%?
2. If the answer is in the affirmative, is this not directly in conflict with the Maputo Declaration of 2003 that at least 10 percent of our continent's national budget should be allocated to agricultural development in order to address poverty and food security?
3. What are the current strategies and mechanisms that our Government in general, and in particular the Ministry of Agriculture, Water and Forestry intend to undertake to address the situation?

I so Move.

HON SPEAKER: Will the Honourable Member table the Question? Any further Notice of Questions? Any Notice of Motions? Right Honourable Prime Minister.

NOTICES OF MOTIONS

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**NOTICE OF MOTIONS
RT HON ANGULA / HON NGHIDINWA**

RT HON PRIME MINISTER: Honourable Speaker, I give Notice that tomorrow, Wednesday, the 24th of October 2007, I shall Move –

That the Assembly, in terms of Article 112(3) of the Constitution. “*the Public Service Commission shall consist of a chairperson, no fewer than three and no more than six other members nominated by the President and appointed by the National Assembly by resolution*”. Additionally the Public Service Commission Act of 1990, (Act No 2 of 2990) stipulates that, “*every member appointed shall be entitled to hold office for a period of five years and upon expiry of his or her term of office, be eligible to be reappointed.*”

In this regard, His Excellency the President has nominated Mr Markus Kampungu and Ms Teckla Nandjira Lameck for reappointment. I, therefore, will be requesting this august House to reappoint Mr Markus Kampungu and Ms Teckla Nandjira Lameck as members of the Public Service Commission by resolution.

I so move, Honourable Speaker.

HON SPEAKER: Will the Honourable Member table the Motion? Minister of Home Affairs and Immigration.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: Honourable Speaker, I give Notice that tomorrow, Wednesday, the 24th of October 2007, I shall Move –

That this Assembly ratifies the Agreement between the Government of the Republic of Mauritius and the Government of the Republic of Namibia for Mutual Exemption of Visa Requirements.

I so Move

HON SPEAKER: Will the Honourable Minister table the Motion? Any further Notice of Motions? Any Ministerial Statements?

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**VETERANS BILL
HON DR TJIRIANGE**

The first Notice of Motion is the one of the Honourable Minister of Veterans Affairs. Does the Honourable Minister move that the Bill be now introduced?

**INTRODUCTION
AND FIRST READING : VETERANS BILL**

HON MINISTER OF VETERAN AFFAIRS: Honourable Speaker, I so Move.

HON SPEAKER: Who seconds the Motion? Any objection. Agreed to. Will the Honourable Minister please table the Bill? The Secretary will now read the Bill a First Time.

SECOND READING VETERANS BILL

HON SPEAKER: Does the Honourable Minister of Veterans Affairs move that the Bill be now read a Second Time? Who seconds? Objections? Agreed to. The Minister has the Floor.

HON MINISTER OF VETERAN AFFAIRS: Honourable Speaker, Honourable Members, it is a well-known historical fact that the Independence of the Republic of Namibia did not come about all by peaceful means, but by people of Namibia and their allies under the leadership of SWAPO engaging in military struggle, political and diplomatic offensive and legal activities for the liberation of the country from colonial subjugation, racism and ethnic divisiveness.

The Independence of Namibia on 21 March 1990 closed the dark chapters of

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**VETERANS BILL
HON DR TJIRIANGE**

racial and colonial oppression and heralded the era of democracy and freedom for the Namibian people. It is in that context and background that the Veterans Bill - 2007, is formulated and should be considered and passed by this august House. The Bill affirms the State's recognition of the important roles veterans played in the attainment of the Independence of Namibia and the State's acceptance of its special responsibility to take care of the welfare of veterans and dependents of veterans.

It is important to point out that the Bill cannot cover all the people and all the actions that contributed to the Independence of Namibia. The fact that some people who directly or indirectly contributed in the struggle for the Independence of Namibia may not be included in the definition of "*veteran*" does not mean that their roles are not recognised. Every activity that contributed to the Independence of Namibia is recognised and appreciated.

We now stand at the threshold where we should define who is a veteran and having done that, find out the number of veterans.

It is a historical fact that the fight against colonial rule and for the liberation of our country took a prolonged period that resulted in many old and young people being displaced from their homes and traumatised. The Bill acknowledges this and provides a process of integration and rehabilitation of veterans and dependents of veterans into the Namibian community through financial assistance and funding of economic projects and schemes.

The establishment of the Ministry of Veterans Affairs in 2006 is not with national significance. The Ministry's role, among many others, is to coordinate the affairs pertaining to veterans and dependents of veterans. This includes the gathering of information or data about the number of veterans and dependents of veterans in the country. That will be achieved through systematic registration throughout the country.

Following the registration of the veterans and dependents of veterans, assistance will be given to those who qualify for such assistance or of funding of projects. The registration and provision of assistance and funding of projects will require a substantial amount of money being provided by the Government for those purposes.

The Ministry of Veterans Affairs' mandate is to facilitate and coordinate the

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administration of the affairs and welfare of veterans and dependents of veterans and their integration into the Namibian community.

The Veterans Bill before Honourable Members of this House provides a legal framework for the administration of veteran affairs and facilitates the provision of assistance to the veterans and dependents of veterans.

The main objectives of the Bill are to provide for –

- (a) A definition of “a veteran”; and
- (b) The establishment of a Veterans Fund from which –
 - Financial assistance is provided to veterans and dependents of veterans; and
 - Financial assistance is available to enable veterans and dependents of veterans to engage in economic projects.

Definition of a “*veteran*”:

The prolonged fight against colonial rule in our country culminated in the formation of many groups of people and individual fighters against colonialism that fought at different levels and places. These include –

- Combatants of the national liberation army, composed of those who dedicated their lives fighting against colonial forces for the cause of liberation;
- Combatants and others who provided political, diplomatic, auxiliary services and support;
- Compatriots in the country who actively supported the armed forces, politically and diplomatically.

The Bill takes account of all these categories of fighters and consequently defines a “*veteran*” as:

- (a) A member of the liberation forces;

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- (b) A person who consistently and persistently participated or engaged in any political, diplomatic or underground activity in the furtherance of the liberation struggle; and
- (c) A person who owing to his or her participation in the liberation struggle was convicted, whether in Namibia or elsewhere, for any offence closely connected to the struggle and sentenced to imprisonment.

This definition recognises the importance and unquestionable roles that diverse armed and unarmed people played at diverse stages and places in the liberation struggle. The definition further takes cognisance of the fact that although there was one liberation, there were several liberation battles fought at many battle fronts – political, diplomatic and legal grounds and at grassroots levels in and outside Namibia.

Veterans who served in the armed forces of the liberation struggle constitute the first category in the definition of “*veteran*”. Some of the veterans who are in the second category underwent military training before they were deployed in political, educational and diplomatic services or other roles. The definition, however, focuses on the salient fact that persons who qualify as veterans are those who played a role in the liberation of Namibia.

It is acknowledged that it is not possible to include every person who contributed to the liberation of Namibia in the definition of “*veteran*”. I am certain that this wide, though not all-embracing, definition of “*veteran*” will receive the support of the Honourable Members of the National Assembly.

The Veterans Fund and financial assistance:

In order to alleviate the social, welfare and economic plight of veterans and dependents of veterans, the Bill establishes a Fund from which they may receive financial assistance. There will be a board to administer the Fund.

Registration of veterans and dependents of veterans:

One of the major tasks of the Ministry and the board is the registration of veterans and dependents of veterans who are scattered throughout the breadth and length of Namibia. The number of persons who may qualify as veterans and dependents of veterans as defined in the Bill is not known. It is expected that these will be in

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thousands. It is important, however, to point out that financial assistance and funding of projects will be given only to *bona fide* veterans or dependents of veterans as verified and approved by the board.

In order to ensure that the old and handicapped persons in particular, and the others, in general, register as veterans within the reach of their residential places, the registration process will be decentralised and carried out in all the Regions.

That will require additional personnel to those already provided for in the establishment of the Ministry of Veterans Affairs. Consequently, the Bill provides that persons in addition to staff members of the Ministry may be appointed by the Ministry on such conditions of service and such remuneration as may be determined by the Ministry and the State-owned Enterprises Governance Council in concurrence with the Public Service Commission.

Accrual of pension benefits:

The Bill provides that in the determination of accrual of pension benefits, a veteran who joined the employment or service of any public body should be credited for the period or years he or she actively spent participating in the liberation struggle. Public bodies include the Government. There are nearly forty state-owned enterprises. The implementation of the accrual of pension benefit schemes will require the prescription of regulations. The regulations will be made by the Ministry of Veterans Affairs in consultation with relevant Government Ministries and public bodies.

You are aware of the fact that when numerous Namibians returned from exile, those who have been working, particularly those who are no longer in this country, but were working there, went to their offices and got pension and came back and joined us to again get pension, while those who have been fighting did not benefit from this.

Funding of projects for veterans and dependents of veterans:

The Bill provides for funding of projects for veterans and dependents of veterans to enable them to engage in income generating enterprises. Such enterprises or projects will go a long way in facilitating the rehabilitation and integration of veterans into the Namibian community. This is a complex subject to be adequately covered in a general Bill on veterans affairs.

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HON DR TJIRIANGE**

The projects will be identified by the Government or the veterans themselves or jointly by the Government and the veterans. These may include projects in such fields as agriculture, carpentry, metal works, fishing, plumbing and commercial enterprises. The projects should aim at creating self-sustenance and integration of veterans and dependents of veterans into the mainstream of the Namibian economic activities.

Organisation for veterans:

The Bill embodies the principle of Government support for the establishment and recognition of an organisation representing the interests of veterans and dependents of veterans. In this regard, the Bill provides for the Minister of Veterans Affairs recognising such an organisation and for the appointment of two representatives of the organisation to sit on the board of the Fund.

The introduction of this Bill in the National Assembly and its subsequent debate and enactment into law, evidences the Government's recognition of the role veterans played in the liberation of Namibia and the role veterans are playing in the peaceful development of the country after Independence. The Bill is a catalyst for peace and security. Peace and security are priceless in the political and economic development of our country.

I am certain that Honourable Members of the National Assembly, being conscious of the State's responsibility for the welfare of veterans and development of dependents of veterans, appreciate the provisions of the Veterans Bill, 2007 as the workable basis of peaceful management of the affairs of veterans in our country and peaceful rehabilitation and integration of veterans into the Namibian community.

I beg your support. Thank you.

HON SPEAKER: I thank the Honourable Minister for his elaborate motivation. Any further discussion? Honourable Venaani.

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**MOTION ON TAXATION: PENSION PAYOUTS
HON GERTZE**

HON VENAANI: Honourable Speaker, I beg the indulgence of the House to adjourn the Debate until next week, Thursday for further scrutiny of the Bill.

HON SPEAKER: The Debate on this Motion stands adjourned until Thursday next week. The second Notice of a Motion is the one of the Honourable Minister of Works, Transport and Communication. Does the Honourable Minister move the Motion?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: I beg for the indulgence of the Honourable Members of the august House to postpone this Motion until next week, Tuesday.

HON SPEAKER: Any objection? The Motion stands adjourned until Tuesday, next week. The third Notice of a Motion is the one of Honourable Gertze. Does the Honourable Member move the Motion? Who seconds? Any objection? Honourable Gertze has the Floor.

**RESUMPTION OF DEBATE ON THE CURRENT DISCREPANCIES
CONTAINED IN THE MEMBERS OF PARLIAMENT AND OTHER
OFFICE-BEARERS PENSION FUND ACT**

HON GERTZE: Thank you very much, Honourable Speaker. This Motion was introduced already in March this year and has lapsed whilst it was awaiting its reply. Henceforth again table it with some other issues in consideration.

Honourable Speaker, Inland Revenue, in general, is a very important pillar for the economic sustenance of any country. This in itself calls for efficient and salient organisation in any country. Direct taxation by way of Pay As You Earn (PAYE) is the key source of revenue from the citizens of the country. In other countries where the population is economically enabled, Government revenue is derived

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from company taxes and other levies. Payment of tax is a duty of every citizen and should therefore be taken as a legal responsibility by every citizen.

Namibia is said to be a rich country, but there is a big difference between country and people, with the latter being among the poorest of the world. The haves are pounded heavily and in return, they pass the buck to the have-nots and that is how we maintain this unhealthy situation of the few haves and many have-nots.

The Government must derive its income from mineral wealth and should therewith sustain the country's economy. We on our part as citizens must pay for services rendered to us through taxation and these services must be commensurate to what we pay. I do not have to go into the details about the quality of these services, which include education, health and you name the rest.

In Namibia's case, Government income is rather through PAYE as we, the citizens of the country, mainly survive on employment. The realities are that Namibia's tax base is very small and statistics show that it will further shrink now that the Income Tax Act of 1981 is going to be amended by which, as one thing, the threshold of non-taxable earnings is to be increased from N\$24,000 per year to N\$36,000 per year. This is a welcome relief, of course, for citizens in that income tax bracket. Thanks should certainly go to the Minister of Finance for this category of people.

A sad thing is that in the end higher income working people are thrust to an extent that they are likened to earn a net income as those in the below N\$36,000 bracket. What would have been the need to have studied for a higher income and this I say because we as people from poor homes could only invest in our own education if we would want to lift our standard of living.

Honourable Speaker, we have dealt with this Motion previously and what in principle it seeks to address is to plead for relaxation on the taxation regime currently being used against pension payouts.

Last time I also had to deal with the issue of taxation in general and I would only like to say here that yes, indeed, we need to accelerate the process of tax assessment. The process of assessment of tax returns is the basis on which we can provide proper taxation and tax collection, but I seriously doubt if whoever is responsible for the issuing of PAYE 5 (LBS) forms if some of the large

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employment providers have issued their forms only last month and see how late it is already in the year. This is why the Minister of Finance and I were not able to find common ground with regard to the statistics I have cited last time, but I do not also want to make an issue about that in terms of the focus of the Motion.

Honourable Speaker, Honourable Members, let me therefore deal with the major point of discomfort in the application of the country's current taxation regime against pension payouts.

When one has worked for 35 to 45 years in one's life and is obliged to retire between the ages of 55 and 65 or 60, it is hard to imagine what one would have set aside for retirement in the first place. This is similar to the scenario we face every month when we read our gross earnings on the salary slips and compare that with the amount at the bottom, obviously depending on the income bracket and to see what we remain with.

At retirement and when accumulated pension monies are read out to us, the sum is so attractive that you can actually dream and feel that it was worth working for years on end. Honourable Speaker, for all working citizens, be they in the non-taxable threshold or not, we are all affected by taxation on pension payouts and this is across salary scales and this because of the accumulated amounts that exceed the threshold of non-taxable earnings.

For those non-taxable earners there is also no mercy, because the cumulated pension deductions exceed the threshold of non-taxable bracket. As a result of that they become taxable.

Honourable Members, throughout our working days our lives are such that we hardly at our retirement can say that we own a house or even a usable vehicle or even lasting furniture. I do not even want to talk of savings. We all know what life is like with savings at banks. Life policies are only for times when we have either died, in which case we do not even see our money, or when we are disabled and not able to really enjoy the fruits of our work.

After deductions of tax, what is due to us as pension is next to nothing. We can hardly settle any immovable or movable property, let alone spoiling oneself by travelling and seeing other parts of the world or going for studies at that age. We can hardly continue to maintain what had all along been. The only way we access our accumulated pension monies is by embarrassing ourselves – and this is

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what is happening – by resigning for a while from our posts and this even happens to those beyond the age of 55. They are spared at least a cent at that moment in their lives when they do that, because when they see that their money is there and you also do so while you know that you are able to use your money.

I appeal to all stakeholders, both in Government and in the Insurance Industry – and this I say, knowing that pension payouts can be influenced by Insurance Companies and the way we are being taxed has close common grounds. I am asking them to at least reach a common ground on a gradual or progressive reduction of taxation on pension payouts in accordance with age at the point of retirement or at the point of resignation.

It does not help to fix tax indiscriminately at amounts, for example, when a young person at 45 or 35 retires after having worked for 15 to 20 years with high earnings, gets the payout and gets taxed at 35% and still has the chance to continue working again, whereas the senior citizen retires at the age 60 will get taxed in the same way after having worked for 40 years with, in some cases, even non-taxable earnings and in others with taxable earnings. They get the payout, get taxed at higher as a result of the accumulated amount that exceeds the threshold and has no more chance to work again.

The worst is that the remaining portion is entirely subjected to another 15% VAT levy and charges of up to at least 5% or more on the infamous handling fees by the Financial Institutions. What would be the worth of having worked for years and in the case where we have nothing else than the pension money? For sure, life has always been mean to us from year to year when we were still youth and all we as citizens are left with is to consistently succumb to poverty.

Honourable Speaker, as a yearly expectation all interest on prime rates and prices of commodities have gone up significantly. Homeowners are selling off their properties and they do so because there is no way in which they will be able to afford another. We are now forced to sell off our assets because we cannot afford to keep abreast any longer under the current economic pressure and this pressure comes from everywhere – insurance companies, banks, tax and so on.

In my last motivation I mentioned that in some cases, some Government employees are said to be taxed on pension contributions on a monthly basis and when they retire from work, they get taxed again on their pension payouts,

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resulting in double taxation. I am not very sure about this, but it needs to be double-checked.

Honourable Speaker, Honourable Members, the only agent and representative of ourselves is Government and if Government cannot bring relief to our plight, who else will? And I want to be emphatic here that this Motion not be seen as a mere critic or at worst, a lack of understanding on my part as a Member of Parliament about how things work, but that as a Member of Parliament I also have a duty to say “*eina*” when the pain pinches.

We cannot continue to live under the current pressure where everything we earn is pruned for taxes, handling fees, interest, levies and so on, until we are left with nothing, yet public services are not adequate in most important sectors. If our taxes are for Government to renew and modernise vehicle fleets and infrastructure, it can only bring efficiency to public service without necessarily putting bread on our tables.

I would, therefore, like that this House debates on this Motion and once found reasonable, to refer this Motion to the Parliamentary Standing Committee on Economics and Natural Resources and Public Administration so that we can bring on board for consultations all the stakeholders in the insurance and tax area. I thank you.

HON SPEAKER: I thank the Honourable Member. Any further discussion?
Dr Tjiriange.

HON MINISTER OF VETERAN AFFAIRS: If there is nobody who wants to take the Floor right now, I would like to adjourn this Debate until Tuesday next week.

HON SPEAKER: Any further discussion? The Debate on this Motion stands adjourned until Tuesday, next week. The fourth Notice of a Motion is the one of the Honourable Kaura. Who seconds the Motion?

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**MOTOR VEHICLE ACCIDENT FUND BILL
HON MANOMBE-NCUBE**

HON MOONGO: I want to appeal to the House to adjourn it until next week, Tuesday, because he is on an official mission outside the country.

HON SPEAKER: The Debate on this Motion stands adjourned until Tuesday next week. The Secretary will read the First Order of the Day.

**RESUMPTION OF SECOND READING : MOTOR VEHICLE
ACCIDENT FUND BILL**

HON SPEAKER: When this Debate was adjourned on Tuesday, 16 October 2007, the Question before the Assembly was a Motion by the Honourable Minister of Finance that the Bill be read a Second Time. Honourable Ncube adjourned the Debate and she now has the Floor.

HON MANOMBE-NCUBE: Thank you, Honourable Speaker. I would just like to give my humble contribution to this Debate and I wholeheartedly render my support to the Bill tabled by the Honourable Minister of Finance, Comrade Saara Kuugongelwa-Amadhila.

It is a fact that we witness rather too frequently in Namibia, that a great part of our population lose their lives on our roads. While even a greater number suffer horrendous injuries, many of which occasion on our population preventable disabilities. Because many in our Nation take able bodiedness for granted. Sudden disablement which arises from motor vehicle accidents, become major disasters for the affected persons and their families.

Honourable Speaker, Honourable Members, as much as accidents are regrettable, they nevertheless remind us that the risk of disablement do accompany our lives everyday. While we remain ill prepared to deal with the consequences of such disablement. Such preparedness is not and should not be limited to only finding support for victims and their dependants. We should be able to offer tiny and

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often crucial counselling to accidents victims to deal with the sudden and immediate trauma's that stems from loss of limbs. Spinal injuries which often leads to paralysis and head injuries, all of which may change a person's life for ever. (Intervention)

**HOUSE ADJOURNS AT 15:40
HOUSE RESUMES AT 16:10 PURSUANT TO ADJOURNMENT**

HON MANOMBE-NCUBE: Honourable Speaker, rehabilitation support, which enables retraining and possible job placement, is a crucial part of the process which this important Bill envisages.

Honourable Speaker, Honourable Members, concerning Section 17, Subsection (2), Clause (a) on the Committee of the Board, I recommend that consideration be made by the Minister to appoint one person with disability who has experience and knowledge of rehabilitation matters to assist the Fund in its function to render appropriate support to accident victims.

On Section 16, Subsection (2), Clause (a), I would like to offer advice to the Minister to ensure that in the interpretation and application of that Clause concerning incapacity of a member to efficiently and effectively discharge their functions as a result of a physical or mental illness, that declaring a member unable or unfit on such grounds is done in a way that avoids discrimination of any person on grounds of disability. To this end, I suggest that disability also not be confused with illness.

Honourable Speaker, I compliment the Minister for coming up with this Bill to replace the existing law and I do support its adoption by this august House. I thank you.

HON P MUSHELENGA: I Move that the Debate be adjourned until tomorrow afternoon.

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HON SPEAKER: The Debate stands adjourned until tomorrow afternoon. The Secretary will read the Second Order of the Day.

**RESUMPTION OF DEBATE ON NATIONAL RECONCILIATION WITH
A VIEW TO DEVELOP GUIDELINES FOR A POLICY THEREON**

HON SPEAKER: When this Debate was adjourned on Tuesday, the 9th of October 2007, the Question before the Assembly was a Motion by the Honourable Mr Tsudao Gurirab. The Honourable Minister of Presidential Affairs adjourned the Debate and I now give him the Floor.

HON MINISTER OF PRESIDENTIAL AFFAIRS: Thank you very much, Honourable Speaker. Honourable Speaker, I rise to join my Comrades who have contributed to the Motion before this august House.

First and foremost, allow me to congratulate you, Comrade Speaker, for having been nominated as the sole African Union candidate for the presidency of the Inter-Parliamentary Union. I have no doubt that the Nation is solidly behind you and wish you good luck in your campaign.

In its ordinary meaning "*reconciliation*" may be defined as an act of restoring harmony between persons that have been in conflict. Although I did not listen to all Honourable Members who had contributed to the Motion, I am aware that those who contributed during my presence concentrated more on political reconciliation at the expense of economic reconciliation.

The purpose of my contribution, therefore, is to balance these two views. Before I do so, however, allow me to address certain aspects of political reconciliation.

As I have stated in the past, I believe that there is no race that has been more historically abused on earth than the African people. Today the people of Africa are found in almost every country on the American continent. This was due to three hundred years of slavery which resulted in hundreds of millions of Africans

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being removed from the African continent with a view to economically develop other continents, especially the Americas. It is for this reason that nearly half of Brazil's population today, the largest country in South America, consists of people of African descent.

In the United States of America more than 20% of Americans are African-Americans. As a result of this unfortunate historical fact, the African continent that was previously the centre of civilisation and the origin of humankind, was reduced to ruins. Fellow Africans who were removed from the continent became movable property belonging to private owners. In this context, human rights were not enjoyed by the slaves; indeed, at the time it constituted a violation of human rights of slave owners to free the African slaves because just like our Article 16 of the Namibian Constitution which guarantees private property, African slaves were private property of slave owners.

Africa was left destitute, deprived of young people and best talent who could have technologically developed the continent. This paved the way for colonisation and exploitation of the colonies by metropolitan countries.

Those who offered resistance to colonialism were brutally suppressed by the oppressor and branded as savages or terrorists. The crime of the oppressed people of Africa was to reclaim what lawfully belonged to their forefathers and mothers, what lawfully belonged to their ancestors, namely their natural resources, which included land.

In the case of Namibia many communities lost their land. Our Herero brothers and sisters were dispossessed of both movable and immovable property, such as cattle and land by decree. As if this was not enough, the crime of genocide was committed by the coloniser against the Herero and Nama-speaking Namibians.

I wish to point out that those who were at the forefront of committing such heinous crimes were awarded the status of a hero. Their prisoners-of-war were mainly defenceless women and children. Today we still look at those revolting pictures of women and children who were reduced to human skeletons.

Honourable Speaker, I went to the statue of Von Trotha to obtain more information regarding the German-Herero/Nama War of 1903 to 1907. This includes what was termed then the *Kalahari Expedition of 1908*. I was able to collect the following information regarding the casualties of

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the German Army.

On the side of the Germany Army infantry, 100 officers died during the period; 254 non-commissioned officers including private soldiers died and 1 180 army personnel on horseback died. On the navy side, seven officers died, thirteen non-commissioned officers died and 72 private soldiers died. On the civilian side, 119 men died, but only four women died and indeed, only one child during the whole period died.

Honourable Members, compare this figure with the Herero and Nama civilians who died, especially defenceless women and children. Compare the Herero's who were reduced from about 80,000 to 15,000, the overwhelming majority of whom were defenceless women and children. Compare the Namas whose population was reduced by about 60 percent, the overwhelming majority of whom were defenceless women and children.

The perpetrators of such heinous and genocidal crimes were bestowed the status of a hero. Those Herero and Nama fighters who spared the lives of German women and children were branded as terrorists and their communities were declared unfit to own movable or immovable property in the then German South West Africa, today's Namibia.

The Namibian people took a vow never to perpetuate colonial oppression. When all attempts to peaceful resolution were undermined by the colonial oppressor, we had no choice but to take up arms. During the process our citizens were roasted alive, our freedom fighters were injected with poison. Others were thrown into the Atlantic Ocean. Some of those who committed such heinous crimes are not only living peacefully in Namibia today, but some of them have become richer since Namibia's Independence.

Genuine human rights advocates should have highlighted these issues instead of trying to cause instability in our country by vilifying the heroes of our liberation struggle. It is accepted that the struggle of the Namibian people against apartheid colonial oppression was a collective national enterprise. For some of us who were in exile under the banner of SWAPO, we do not hesitate to single out the remarkable record of two Namibians, namely His Excellency the Founding Father of the Namibian Nation, Dr Sam Nujoma, and His Excellency Hifikepunye Pohamba, President of the Republic of Namibia. These comrades devoted their entire lives to the cause of liberation. They invested in the education of many

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Namibians, some of whom obtained their education at university level. They committed themselves to the education of others at the expense of their own. This was done due to their unwavering commitment to the cause of our liberation.

Therefore, it pains some of us when we read in some of our print media that, “*Namibia needs educated and sophisticated leaders.*” We regard this is an insult not only to those living heroes, but also to this Nation and to our country. We needed their services for the liberation of our country at the time when Namibia needed patriotic Namibians of courage and determination.

Today some lost souls are heaping all sorts of insults and name-calling on these patriotic leaders. What a shame! After all, since its inception, the SWAPO Party adopted the principle of collective leadership.

Honourable Speaker, the SWAPO Party Government has a mission, the mission to restore pride, hope and economic emancipation to the previously disadvantaged Namibians through the policy of economic reconciliation.

Honourable Speaker, today the overwhelming majority of our people live a hand-to-mouth existence and yet, in terms of per capita income, we are told that Namibia is a rich country which is ranked as low-middle income. Namibia is known for its skewed income distribution. It is accepted that it is the worst in the world.

I, therefore, submit that the economic concept of per capita income that is used to determine the wealth of our people should be revisited because it distributes wealth to the poor which they do not own.

As Honourable Kaura pointed out in this august House the other day, it is like putting honey on somebody’s tongue, but at the same time prohibiting such a person from tasting the honey because it is somebody else’s private property. Today we speak of squatter camps, politely referred to as informal settlements. Today we speak of the rural poor, these are the best examples of skewed income distribution in our country which need urgent attention through the policy of economic reconciliation. It is a fact that in most cases these unfortunate citizens have no proper sanitation, they have no power, they do not have adequate provision of safe drinking water, they do not have proper roads. Simply stated, they lead a hand-to-mouth existence.

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We have a high incidence of youth and women unemployment. These social problems need our urgent attention through the policy of economic reconciliation.

Given the historical background I sketched above, those who are concerned about genuine fundamental human rights and freedoms, should assist our SWAPO Party Government to address poverty in our country. To the overwhelming majority of these unfortunate citizens, democracy is meaningless if those who were rich yesterday before Namibia's Independence are getting richer, while those who were at the receiving end of apartheid colonialism are getting poorer.

I believe that this country can only achieve lasting peace, security and stability if we address poverty. I believe that poverty is the greatest threat to peace, security and stability in our country. The mission and vision of our SWAPO Party Government should give top priority to addressing poverty in our country. The policy of national reconciliation should, therefore, include, economic reconciliation. We need to address the issue of land redistribution, we need to address the issue of ownership of the means of production and the ownership of our natural resources. Indeed, in order to enjoy democracy and fundamental human rights and freedoms, this issue should occupy centre stage.

There are reactionary forces in our country...(Intervention)

HON TJIHUIKO: Honourable Speaker, may I ask the Honourable Minister a question, please? Honourable Minister, you have listed all these things that you alluded to economic reconciliation. These are things that you are mentioning today after seventeen years of SWAPO rule. The question is, do you not think that it will be advisable to you to put this issue of economic reconciliation on the congress agenda of SWAPO so that it can be debated there and you report back that you have failed and now you get directives from congress?

HON MINISTER OF PRESIDENTIAL AFFAIRS: Thank you, Honourable Speaker, I wish to inform the Honourable Member that one of our policies, the policy of the SWAPO Party Government, is reflected in the annual budgets that we present here as pro-poor and this is the agenda we want to pursue without anybody derailing our agenda. We have a goal to achieve, we have a vision to achieve. Therefore the Honourable Member must listen and listen carefully to

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my speech, because those issues find expression in the Election Manifesto of the SWAPO Party. They do find expression in the NDPs that we have adopted since Namibia's Independence. They do find expression in our policy, particularly Vision 2030. That is my response to the Honourable Member.

Honourable Speaker, there are reactionary forces in our country who want to divert our focus on these issues. We should not allow them to succeed. The mandate of the SWAPO Party is clear, the mandate of the SWAPO Party Government is also clear. It is to provide shelter, quality health care, quality education, create employment, provide safe drinking water with special emphasis on rural areas, to economically empower previously disadvantaged Namibians and to undertake a fair land redistribution. In short, to address the injustices of the colonial past.

The precious blood of our heroes and heroines was shed so that all surviving Namibians should enjoy the fruits of Independence. This is the slogan of our heroes and heroines, such as Hendrik Witbooi, Samuel Maharero, Nicodemus Kahimemua, Mandume ya Ndemufayo, Ipumbu Ya Tshilongo, Jacob Marenga, Nehale Iya Mpingana and many others who initiated and spearheaded the anti-colonial resistance against foreign occupation of our motherland. This is the slogan of the Founding Father of the Namibian Nation, His Excellency Comrade Dr Sam Nujoma. This is the slogan of His Excellency Hifikepunye Pohamba, President of the Republic of Namibia. This is the slogan of both the SWAPO Party and the SWAPO Party Government. These heroes and heroines fought heroic battles against the colonial forces that invaded our country with the aim of pillaging our natural resources, confiscating our land and subjugating our people. (Intervention)

HON MUDGE: Honourable Speaker, I am very sorry that I have to interrupt Honourable Dr Kawana, but there is something that I have been wondering about a long time and maybe we can get some clarity now. Who are these reactionary forces that you are talking about? Because I hear of these *reactionary forces*, but who are they? Can you be more specific?

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HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, I am really surprised because when the Honourable Member joined politics, he was supposed to know what is the meaning of “*reactionary forces*” and who are those reactionary forces when he decided to join politics.

Honourable Speaker, these heroes and heroines fought heroic battles against colonial forces that invaded our country with the aim of pillaging our natural resources, confiscating our land and subjugating our people.

It is for this reason that the policy of national reconciliation should address these injustices of the colonial past. Economic reconciliation, which includes land redistribution, is part of fundamental human rights and freedoms aimed at reversing the injustices of the past. Our people cannot eat political slogans. Therefore, those who care about democracy and human rights must support us to achieve these noble objectives. They should refrain from vilifying our heroes and heroines, the leaders of our revolution, in the name of the so-called democracy and human rights, and yet we know their true agenda.

Forward with economic reconciliation, forward with political reconciliation, forward with land redistribution, forward with fair and equitable distribution of the economic wealth of our Nation, forward with our principled SWAPO Party leaders. I thank you.

HON SPEAKER: I thank the Honourable Minister for his contribution and thank him for his encouraging words. Dr Tjiriange.

HON MINISTER OF VETERANS AFFAIRS: Thank you, Comrade Speaker. The Right Honourable Prime Minister has the other day gone through the history of events that shaped the process of the adoption of the policy of National Reconciliation. It was a brilliant performance.

Although I would not like to repeat what he said, I however feel that there are certain aspects, particularly when it comes to SWAPO, and facts that need to be added to what the Right Honourable Prime Minister has said and to look again at the historical perspective to understand why SWAPO decided on national reconciliation.

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In order to appreciate what SWAPO was and is serious about the policy of national reconciliation...(Intervention)

HON MOONGO: May I ask the Honourable Minister a question? Having been part of the liberation struggle myself, I would like to know where the Honourable Minister was that time when we were fighting in the war. I did not see him there?

HON MINISTER OF VETERANS AFFAIRS: How could you see me if you ran away from the struggle? There are many ways of fighting. Some people fight by confronting the enemy, some are fighting by running away. You were one of those. (Interjection). Yes, he did! He did! I was in Kenya and other places, where were you?

In order to appreciate that SWAPO was and is serious about the policy of national reconciliation, one has to look at difficulties and deliberate obstacles that were put in the way of the process of Independence of Namibia by South Africa.

Irrespective of all obstacles and considered provocations of the South African colonial regime during the struggle and particularly the period immediately before the implementation of UN Security Council Resolution 435, SWAPO nevertheless opted for the policy of National Reconciliation for the sake of bringing about lasting peace to our country.

First and foremost, let us recall that the UN plan for the decolonisation of Namibia, as contained in Resolution 435, was adopted in 1978. However, by that time South Africa released that there was no strong opposition to SWAPO in Namibia. Therefore, South Africa needed time to organise a Party that it hoped will challenge SWAPO if there would be Independence elections in Namibia. Therefore, South Africa decided to disrupt the process by bombing Cassinga in that year during the time when we were busy negotiating for the implementation of the UN Plan with the Group of Five. You were not there, the Speaker, Honourable Hamutenya and myself were there, negotiating in New York.

Since then, South Africa obstructed the implementation of the Plan for ten years,

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the time it needed to strengthen DTA and turn it into a significant rival to SWAPO. In other words, the main objective of South Africa was to prevent SWAPO from winning elections and create a strong collaborative Party which will rule the country on its behalf. That is a fact.

To achieve this, South Africa grouped several parties into allies which had little in common in order to maximise their chances of winning the elections. It was during this time that a number of murderous and dangerous groups and units were created and strengthened. (Intervention)

HON MOONGO: On a Point of Information. I would like to inform the Colleagues that some of the Colleagues on that side were not part and parcel of liberation. The only faces I can remember is that of Honourable Hamutenya, Honourable Nahas and Honourable Tshirumbu and another two or three. But the majority were only in the hotels and they were enjoying the world. Therefore, I do not know why the House has to be misled by this. That is why they demanded to form a Government in exile because they did not have hope to come back.

HON MINISTER OF VETERANS AFFAIRS: My wife works in the psychiatric hospital and she used to tell me stories, and it resembles certain things here.

Many lives were lost and properties destroyed by these murderous groups. The notorious Koevoet counter-insurgency police units were deployed in the country to terrorise, intimidate and murder the defenceless population of the country. These are facts. Detention without trial continued and, indeed, intensified. Notorious detention camps, such as the one at Osire, Mariental and Oshakati, were filled to capacity. Torture became the order of the day. For example, at the Okave torture chambers in Oshakati, victims used to be put in front of a microphone so that the population can hear from far how they scream from the unbearable pain. This was done with the intention of terrorising the people and calm them into submission.

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Dead bodies of persons were tied to Casspirs and paraded in the villages and streets in the North. Hundreds of people disappeared from their homes and were killed by Koevoet and some thrown into the ocean from helicopters. Some people were fried over charcoal alive, for example in the village of Masida in Caprivi. In fact, after Independence I went and put a monument at the spot where these people were fried alive for the generations to come to remember the hell through which they have gone.

Notwithstanding all these difficult challenges, SWAPO fought heroically against the strong South African Army of occupation and its counter-insurgency groups, such as Koevoet. At last, at the end of 1988, South Africa was forced, through tri-partite talks with Angola and Cuba, to implement the UN Plan as contained in UN Resolution 435.

The agreement came as a result of the defeat of the South African military in Angola and unprecedented economic and political crisis which faced the Pretoria regime.

Honourable Members, as you will remember, while the UN was to supervise the elections, the South African Administrator-General retained his authority and the colonial police force was to maintain law and order in this country. Therefore, it was obvious that the South African colonial administration had organised everything in such a way to prevent SWAPO from winning the elections and to promote the chances of winning for the favoured collaborating Parties.

For example, though PLAN had observed unilateral ceasefire since September 1988, in the first three months of 1989 South Africa continued its repression in Namibia by among other things, detaining SWAPO members and putting them on trial and unleashing terror through Koevoet.

By the end of April 1989, South Africa has killed hundreds of people, some of them civilians. Most of those killed were stripped naked and buried in mass graves. In fact, Koevoet continued to operate in armoured vehicles in violation of the UN Plan until October, until they were disbanded under pressure from the UN and other complainants. The situation was not favourable to SWAPO during the election process because some South African soldiers were still present in Namibia and white civilians who were hostile to SWAPO, retained their weapons, ending up even in murdering Anton Lubowski.

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The release of SWAPO members held by South Africa was delayed in violation of the UN Plan and a good number of repressive laws were still in force. SWAPO members were always harassed by South African forces and DTA members. We had laid complaints of violation and intimidation to UNTAG. These included cases where Koevoet had opened fire on SWAPO supporters, in cases of assault when people displaying SWAPO colours and slogans both by South African forces and DTA supporters.

However, all these notwithstanding, throughout the entire election campaign SWAPO advocated and stressed the need for national unity and national reconciliation. In fact, the Election Manifesto of SWAPO had put the tone for national reconciliation. I think it was the only political manifesto which had as its theme national reconciliation. It must be remembered that the SWAPO draft constitution, which I as the then SWAPO Secretary for Legal Affairs tabled in the Constituent Assembly, was accepted and became the basis and working document of the Constituent Assembly.

Therefore, if you look at both documents, that is the SWAPO political manifesto of that time and the Draft Constitution of SWAPO advocated for and was serious about the policy of national reconciliation. That is notwithstanding the fact that we in SWAPO were even at that final stage being undermined, targeted and harassed.

For example, my own mother and grandmother, old women, were harassed because of me right there in Okakarara by the DTA members. I know them, they are still alive.

Therefore, for us in SWAPO the policy of national reconciliation is fundamental and sacred. (Intervention)

HON VENAANI: Honourable Speaker, may I ask the Minister a question? Honourable Tjiriange, in your very first accident between Otjiwarongo and Okahandja where your mother was involved, who were the people that rescued you that night?

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HON MINISTER OF VETERANS AFFAIRS: It is good that you asked. That was very interesting. We had an accident, I was with my mother, I overturned the car and what did I have? I had a radio, a big radio like this in the car. Here comes people, they help me, it was his father. I even said, "*it is good that you have come to help me*", it was an accident, they helped me. What did they do? They took the radio and some other things, went to the newspaper, printed and made an issue out of it the next day in the newspaper. It is there, go to the newspaper. (Interjection). Why did you go to your Party with the radio? (Interjection). I did say thank you that day.

Therefore, for us in SWAPO the policy of National Reconciliation is fundamental and sacred. The future of the policy of National Reconciliation depends entirely on all of us. If we want national reconciliation we should be serious about it. There is no need to witch-hunt each other when we are talking about national reconciliation. (Intervention)

HON MOONGO: Is it allowed in this House to mislead the House by giving the wrong information? While SWAPO has a very bad record in human rights, people disappeared and they cannot be found and now they are heroes. They are talking about the veterans and heroes.

HON MINISTER OF VETERANS AFFAIRS: I think SWAPO is great, but even those who collaborated, those we could witch-hunt, are the ones who are witch-hunting us today. It is not fair. Some of the people who are speaking – I am not talking about the young men there, but from this side a bit ... (Intervention)

HON VENAANI: Do you want your radio?

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HON MINISTER OF VETERANS AFFAIRS: No, they brought it back. They do not have it, they brought it back. They only went to get a picture and they brought it back.

Honourable Moongo, you must please give credit where it is due. We have liberated you to come and say the things that you are saying now. Where were you? Now you are sitting there, you are a free man because of us. Go ahead, enjoy the Independence.

I am saying, national reconciliation depends on us. Do not witch-hunt other people. Once we talk about national reconciliation we are saying there is no need for anyone to witch-hunt another person. We had a lot of articles here, Phil Ya Nangolo and whatever about witch-hunting. That is not good for national reconciliation. We must be serious about national reconciliation if we really want to keep national reconciliation alive in this country.

I say all these things that I have said to prove to you that irrespective of all those difficulties, provocations through which we went, we were committed to National Reconciliation and we did not see our way clear to retaliate at the end of the day. Through our two documents that I have quoted we were steadfast on the issue of national reconciliation and it has formed the basis of our policy up to today.

Therefore, Honourable Members, I am glad to conclude and say that, first and foremost, everything must be secondary, let us live together in peace and reconciliation. This is the most important thing and I thank you.

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Comrade Speaker. I also wish to make a few comments on the Debate, but before I do so, I would also like to wish you, Comrade Speaker, every success in our campaign for President of the Inter-Parliamentary Union. Good luck, Comrade Speaker and be assured of our unwavering support.

I would also like to thank the Right Honourable Prime Minister, Comrade Jerry Ekandjo, Comrade Kazenambo, better known as KK, for their comments and the Secretary-General and Comrade Kawana for putting the record straight as far as the SWAPO policy of National Reconciliation is concerned.

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On the 18th of September 2007, as Comrade Jerry Ekandjo was making his contribution to the debate, I realised that the 19th of September marked the tenth anniversary of the death of Comrade Moses Garoëb, our former Secretary-General, a SWAPO hero and a steadfast unwavering leader of the Namibian revolution. May his soul rest in internal peace.

Comrade Speaker, it is true that the national liberation movements, SWAPO and those from the region, such as ZANU-Patriotic Front, the ANC, MPLA are under attack. In fact, there is a war of total onslaught on the soul, character, personality and legitimacy of the national liberation movements. Their impeccable liberation credentials are being questioned. Its leaders are demonised, ridiculed, insulted, primarily to weaken its trust and legitimacy among its own people.

The attack on the Father of the Nation, Dr Sam Nujoma, is a well-known orchestrated attempt to weaken the strong support that SWAPO is enjoying because of the victory of this heroic struggle which led to the defeat of the strongest white military machine on the African continent. This defeat the white colonial army cannot stomach and therefore, we are not surprised by the lies and comments of the defeated apartheid army, led by General Magnus Malan. You have read his book.

The so-called CIA exposé of the Oshiwambo criminal Phil Ya Nangolo of the so-called National Society for Human Rights, has created a conducive environment for what we call the Third Force to design a perfect launching pad for misinformation and disinformation campaign and to flourish in this country. This force is a collusion of reactionary civil society organisations, the white-owned media houses such as the Windhoek Observer and others, who formed an alliance to bombard and poison our people with false information and to cause confusion in their minds with the hope of reducing the overwhelming support that SWAPO is enjoying among the Namibian people.

Honourable Speaker, Honourable Members, the steadfast uncompromising and unwavering stand by our leaders on issues such as the land, is considered a provocation by the powers-that-be. By taking over the land and the natural resources, you struck at the heart of the capitalist system and, therefore, all the resources at their disposal will be utilised to discredit and vilify you. What has happened to Kwame Nkrumah, Abdul Nasser, Patrice Lumumba and many others?

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It is, therefore, important to defend the gains of the African revolution. Our leaders are now potential targets of a well-orchestrated misinformation and disinformation campaign. This campaign, as we all know, is headed by certain Western countries and some of our former friends from the Nordic countries. (Interjection)

HON MEMBER: What do they want?

HON DEPUTY MINISTER OF JUSTICE: It is because we want to take over our natural resources, our land. You are the one who is propagating that the land must be returned. Our struggle was basically for the land.

The recent letter of Phil Ya Nangolo, exposed by *Namibia Today*, shows clearly how these countries are exploited by the lies of Phil Ya Nangolo and the likes of Joseph Diescho. Phil Ya Nangolo is the main recipient of generous support from these countries under the pretext that his organisation will promote what they call human rights, democracy, freedom of expression and other cultural and economic rights. Regrettably, these *de facto* political-cum-human rights organisations or failed politicians, renegades and deserters of the national liberation movement, use taxpayers' money from other countries to buy propaganda space in our media and national radio, NBC, and so on for their venomous lies and distortion of the rich and proud history of the resistance of the Namibian people.

They use this propaganda to instigate and torment instability, hatred, tribalism, disunity which is aimed at portraying these countries led by former liberation movements as failed States.

Comrade Speaker, the Iraq War, is a classic example of how the CIA and the Pentagon created a pretext that Iraq was in possession of weapons of mass destruction. Iraq was eventually attacked and the result of this false propaganda is the massive destruction of life and property which we see every day on television.

The destruction of the economic, social and cultural heritage of a once proud Nation, Iraq, is today in tatters. As I am speaking, civil war is raging in Iraq

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today. In other countries in Africa it is termed civil war, but in Iraq they prefer to call it sectarian violence.

We should be vigilant at all times, otherwise our beautiful Namibia will be destroyed by imperialist propaganda, spearheaded by the likes of Phil Ya Nangolo, Joe Diescho, the infamous prophet of doom. There is another one in the Nordic countries as well, Henning Melber, in Sweden and many others.

The false illusion created by this propaganda is that former liberation movements, now turned Political Parties, are regarded as undemocratic, intolerant and their followers are labelled as sycophants, praising of the so-called *Omusati clique* for merely expressing their democratic right of freedom of expression. I do not know why if other people are expressing themselves, they are labelled names, but if others are speaking then it is okay.

When we are expressing ourselves we are told you are creating the fear factor. Apparently freedom of expression is the preserve of only a few reactionaries and puppets in this country. While there is freedom of media in Namibia, these goes are undoubtedly with responsibilities as provided for in Article 21(2) of the Constitution which provides that "*there should be reasonable restrictions on freedom in so far as it is required in the interest of sovereignty and national security and integrity of Namibia.*"

The genocide in Rwanda was fuelled by the spreading of hate speech by the radio and irresponsible media houses. The Rwanda genocide is a vivid example of what the media can cause to small countries which are still underdeveloped.

Honourable Speaker, Honourable Members, when Honourable Gurirab of the faction of the CoD led by Ulenga was speaking, Honourable Ulenga attacked the *Namibia Today*, the SWAPO mouthpiece as insulting. He was not specific as to who was insulted. What Honourable Gurirab should know is that the *Namibia Today* newspaper derives its mandate from the silent majority who are deprived of objective and unbiased reporting exercise as it is currently exercised by the white-owned and controlled newspapers who do not express, nor represent the interests of the majority of the Namibian people.

In conclusion, Honourable Speaker, I urge this august House to support the Motion introduced in the National Council by Comrade Jhonny Hakaye, Councillor from Okalongo Constituency, on freedom of expression and I further

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urge this House to declare the National Society for Human Rights a threat to peace and stability in Namibia.

Therefore, Honourable Speaker, it is important to embrace the policy of national reconciliation. If this policy fails, the consequences, as Comrade Secretary General used to say, the consequences will be too ghastly to contemplate. It will be only us, the Namibian people, who will suffer as a result of civil strife. The others and their puppets will be quietly evacuated to safety by their kith and kin while we are killing ourselves.

Long live the policy of National Reconciliation. I thank you.

HON SPEAKER: I wanted to hear you through, Deputy Minister, because it was a very tight rope for the Speaker as to whether it was a discussion on national reconciliation, its current state in Namibia. There were certainly some aspects of it, that there are people who are provoking the situation, such that they make the efforts aimed at national reconciliation difficult. That was consistent with the debate on the good, the bad, the ugly of national reconciliation, but on the other hand, issues that were more of polemical nature, not quite in line with the Motion, but I gave you the benefit of the doubt to finish what you wanted to say. Honourable //Garoëb.

HON GAROËB: Mr Speaker, Sir, may I adjourn this Debate until tomorrow afternoon?

HON SPEAKER: If there is nobody else who wants to take the Floor, the Debate on this Motion stands adjourned until tomorrow afternoon. The Secretary will read the Third Order of the Day.

**RESUMPTION OF DEBATE ON THE DUMPING OF BABIES AND
WHAT IMPACT IT HAS ON THE SOCIETY**

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HON SPEAKER: When this Debate was adjourned on Tuesday, the 16th of October 2007, the Question before the Assembly was a Motion by the Honourable Ms Dienda. Honourable Deputy Minister of Health and Social Services adjourned the Debate and I now give her the Floor.

HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:

Honourable Speaker, Honourable Members, I rise to add my voice to the Motion under discussion in this august House on the dumping of babies and its impact on the society.

The issue of dumping of killing of newborn babies has become a disturbing phenomenon among the Namibian population. According to the reports, the majority in infanticide and baby dumping involves young females. At this moment there is no report of a study conducted on this specific issue. However, some speculations are that this might be the result of the following:

- Unwanted pregnancies
- Possible psychological/social problems of the mothers.

Honourable Speaker, I just want to inform Honourable Members, especially Honourable Moongo of the DTA, that on the issue of unwanted pregnancies the Ministry has formulated and adopted a family planning policy. The policy has recognised the right of every Namibian, individuals and couples, to plan and have children that they can afford and at the time they want to have them.

Family planning services are available at all our public health facilities for all who are sexual active, irrespective of their background. Therefore, those people who feel that they do not want to have babies or they are not ready yet, are free to use any family planning methods, including condoms.

Let me inform this august House that since the adoption of primary health care approach in Namibia, the reproductive health services have been focusing more on safe motherhood and family planning, targeting adults and neglecting the sexual reproductive health needs of young people. This has contributed to poor utilisation of health facilities by young people, such as STI, HIV-infection and unwanted pregnancy.

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Other contributing factors are the taboos and myths associated with sexuality and the limited communication between adults and young people and also young people themselves have on numerous occasions cited the unfriendliness of health workers as one of the major obstacles of the poor utilisation of health services by young people to seek appropriate information and services. Hence in 2001 a national policy on reproductive health was issued which recognised the need to focus more on young people's health issues and to introduce the adolescent-friendly health services approach in public health facilities to address adolescent sexual reproductive health and social determinants of ill-health.

These services are provided with the full involvement of young people themselves who are trained as peer counsellors. Health workers at these clinics and health facilities are also trained on how to assist young people when they are referred to them.

In some clinics, like Onderombapa and Leonardville and others there are specific space made for the youth to counsel each other, because we believe that peer counselling is so effective and we urge others to follow. To date, 19 health workers have introduced this friendly health services for the youth.

Honourable Speaker, Honourable Members, regarding the psycho-social related issue, the Ministry is in the process to intensify interventions, such as counselling services, especially for the young people who may find themselves pregnant. This is because at times when unwanted pregnancy occurs, nobody, even parents themselves, are ready for such a thing. Therefore, it creates tensions and many problems among those who are closely affected. This may also contribute to the negative outcome of these unwanted pregnancies, as we experience them today.

I want to urge all the girls of this Nation not to allow themselves to be used by so-called *sugar daddies* (Interjections) *Sugar mummies* can not impregnate a girl. We need to stop using our money to give to the young ones or cell phones or cars. I think as parents we need to encourage young ones to study hard and at the end of the day they will be self-reliant and ready to become responsible parents. Those who contribute to impregnating young girls for the enjoyment of sex which only lasts a few minutes and leaves these poor children to suffer a lifetime of consequences, these men and boys need to be brought to book for their immoral behaviour.

I want to call up these men who have sexual relations with these girls to prepare

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to bear the consequences and carry the blame and just to support the innocent baby and this girl, because if this phenomenon will continue at this pace, we will find children without fathers, because some men say “*do not mention my name.*” This is uncalled for an unacceptable in our society.

Honourable Members, I want to tell my fellow women that let us educate our girls and not insult them if something goes wrong, to explain to them the do’s of womanhood. I am aware the wish of every parent is to receive degrees and diplomas from the children. However, sometimes things go wrong.
(Intervention)

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: On a Point of Information. I would like to assist my Colleague there, that the problem of children without fathers is here in this society, Namibia. We have a problem at the Ministry of Home Affairs with many children who do not have birth certificates because the fathers refuse to give names to their children.

HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you very much for that information. It is true, it is happening. Whenever you go to the Regions, you will find this problem.

Honourable Speaker, I propose that the Ministry of Health and Social Services starts with an awareness campaign as related to the topic and provide the correct information through the media and existing forums of communication and also conduct an assessment so that our interventions are evidence-based.

Furthermore, I recommend that since this is a multi-sectoral issue, all these efforts be implemented with the full involvement of all of us. These problems are not only for one sector, but it needs active participation so that we can find a solution to this problem, including parents, partners, *sugar daddies*, *sugar mommies* and the community at large.

Honourable Speaker, Honourable Members, I would like to propose to the Committee that the following Line Ministries, in consultation with the relevant

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stakeholders, should play a very crucial leading role in addressing the issue. It is the Ministry of Health and Social Services, the Ministry of Gender Equality and Child Welfare, the Ministry of Education, Ministry of Youth, National Service, Sports and Culture, Ministry of Safety and Security and the Ministry of Justice and the Ministry of Health and Social Services will play a leading role to bring all the players together and to strategise further.

In conclusion, I am urging all the girls of this country that you have a lot to do to build this Nation. Please do not engage yourselves in this issue of getting unwanted pregnancy and we want to see you as responsible parents for this country. And please prevent becoming pregnant with unwanted pregnancies. This will stop the dumping and killing of innocent babies. Thank you.

HON SPEAKER: I thank the Honourable Deputy Minister for her contribution. Deputy Prime Minister.

HON DEPUTY PRIME MINISTER: Thank you, Honourable Speaker, Honourable Members, I will be very brief because I think we have exhausted this topic. We found the reasons why people are having unwanted pregnancies and why they want to either abort or dump the kids or involve themselves in killing the babies.

We said that the important thing was the fear of what the parents and the society will say when they find out that the daughter is pregnant and therefore, the kids felt that they cannot keep the babies.

The other thing mentioned was the regret of losing education for the girls, one was lack of parenting skills, the other one was abortion or a partner who opts out after finding out that the girl is pregnant and he denies the pregnancy. We also talked about peer pressure and failed contraceptives should also be part of it.

I actually rise to explain a little bit about the *post partem* depression we were talking about in this House, to explain what it is and when it happens.

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The *post partem* depression is the depression of a pregnant girl and it particularly starts at 8 months. It is a mental illness. 43% in the whole global experience shows that the younger woman, 19 to 20, 24 are actually the ones suffering *post partem* depression. The symptom of *post partem* depression is that the girl is persistently depressed. By the time she is 8 months pregnant she has mood-swings. Now she is happy, now she is angry and she can flare up, quarrelling with people for no reason. The other point is that they cry very easily because they feel that having a baby is a life-changing experience.

Psychological problems do happen, they do not bond with the baby and as soon as the baby is born, they do not want even to touch the baby and it is a psychological problem. Socially they feel left out because they feel that now they cannot go back to their school, they cannot go back and do anything else. Anything that is a happy event is a disaster to them.

In very serious cases they want to commit suicide. It is either that they commit suicide or they kill the baby. Therefore it is actually a mental disease which is treatable. It occurs at eight months of pregnancy, 24 hours after birth and sometimes six to eight months after the baby has been born they can continue to have a relapse of this depression. It is a treatable disease, but you must discover it early to know that this is a *post partem* question and not anything else. These ladies can easily kill the baby without any feelings and this is what we have to also study in Namibia.

As I am talking now I think this is the third baby which was found the other day at the coast. Some people should take up the study and do research as to what are the causes for the dumping of babies. Is it really the fear for the parents or is it the dumping of the boyfriend after pregnancy or is there some mental disease within that person? Therefore, I think we should not look at dumping of babies as just a phenomenon which happens. It is not planned, it is a disease.

How do we treat these people and of course, as I said, the symptoms are irritability, feelings of hopelessness, inability to enjoy good things. Other symptoms are depression, tiredness, headaches, heart palpitations. All these things you find among the depressed people.

I said it is treatable, you can use anti-depressive medicines, you can also use the electro convulsive therapy and this can be cured, but it relapses now and again.

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At a second pregnancy it can also relapse and once you see your family member has this problem, that person must be closely watched.

The final thing is that once this phenomenon occurs, we should not keep the baby with that mother, because it affects the baby and I think this is what was done, to remove the baby from the mother, otherwise the baby could have been affected because the baby does not get the love required.

Honourable Members, I actually raised to clear up what is this *post partem* depression we are talking about in medical terms. I thank you.

HON NAMBINGA: Thank you, Comrade Speaker, I will be very brief. I think much has already been said and I do not want to keep on repeating what other people have said, but still I feel I must just make a few remarks.

As the Honourable Amathila has indicated and many other speakers before me, I know one of the contributing factors to dumping is definitely fear, and I am speaking from experience, fear that when your small girl becomes pregnant, she will become an outcast by her friends, by the society at large and in addition, she feels the parents would feel betrayed by her, particularly those parents who are ever advising their children not to engage themselves in these immoral activities.

Worse still is when she is aware that the boyfriend is likely to refuse to take responsibility for such a child. I am saying it is an unfounded fear, because when she becomes pregnant, she does not know how the parents would react to her. Everything she thinks is just imagination. If the boyfriend is likely to refuse, then on the one hand she has become an outcast. The fear is, "*who will take responsibility for my child*", so the best is to dump.

Time and again we have been saying this, now one wonders as to when we as parents, particularly the mothers, are going to do something to address this situation, because we can speak from sunrise to sunset, January to December, but speaking alone will not necessarily mean anything.

I was thinking that perhaps as mothers ... (Interjections).

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And fathers, but I have a reason to start with mothers, because most children are closer to mothers than fathers, not necessarily because it's the mothers who know who the fathers are. No, it is just because they are closer to the mothers.
(Intervention)

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: May I ask the Honourable Member a question? Honourable Nambinga, are you aware that those girls who have enough fathering do not easily go out for boyfriends, which means your responsibility as a father plays a vital role in the girl's upbringing.

HON NAMBINGA: Thank you for the question, but times have changed, we are living in a totally different environment. There were those times yes, but times have now changed when our control over our children is not always as possible as it might have been twenty, thirty years ago.

Now you have a situation where children go to school, to UNAM and they will tell you today they have a morning session, afternoon or late in the evening, but you do not know whether that is true. In the end you will end up having a grandchild.

What I was saying is that I think perhaps it is high time for the parents, particularly the mothers to start something in their respective areas or constituencies. Unlike before Independence we have social workers, for example, we have capable people who assist us as parents to convene meetings with our young girls, to talk to them, to address them on issues of this nature. I think it will help. I may be wrong, but that is my personal conviction, that I think if we start something, this might really help us to address this situation. As for now, we come here to Parliament and talk, but from here we go back home...(Intervention)

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HON DEPUTY MINISTER OF HOME AFFAIRS: May I ask the Honourable Member a question? Honourable Nambinga, you are doing extremely well and I really appreciate the information which you share with us, but as we know, pregnancy which is causing the dumping of children is happening between two people. You are quite right that the mothers should start something and educate the girl child. Who will assist the boy child so that we have people who are of the same understanding and the same interest of having a society which is well-informed, responsible enough and accountable for their actions? Thank you.

HON NAMBINGA: Thank you, Comrade Deputy Minister, you are right, but I put emphasis on girls because these are the people who are dumping. The boys do not dump, they simply refuse responsibility.

When you have a daughter and a son, I must tell you that the more daughters you have, you must admit the more troubles as a parent you have, particularly with regard to the possibility of dumping. We as fathers can also talk to our sons, to advise them that they should be responsible, particularly if they are responsible for pregnancy they must not refuse, but we are talking more about dumping because that is where the life of a person is involved. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask a question? Honourable Nambinga, you say that only the girls have a problem and now I want to know from you, is pregnancy coming from heaven or coming from the boy? Who make that girl pregnant?

HON NAMBINGA: Comrade Speaker, there might have been a slight misunderstanding. I am not saying boys are not responsible, I am saying

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emphasis is on girls because these are the people who are dumping and that is where the lives of people are involved. Of course, I admitted that as fathers we must also speak to our sons.

Comrade Speaker, I said I was going to be brief. (Intervention)

RT HON PRIME MINISTER: May I ask you a small question? The usual life experience as a parent, when your daughter out of the blue is expecting and abandons school and when your son out of the blue brings a young girl to the house because he is responsible, what will be the parents' reaction to both situations?

HON NAMBINGA: Comrade Speaker, I think we are not turning this august Assembly into a classroom, because different parents will have different situations in their different houses. I therefore know how the Right Honourable Prime Minister feels and how I feel and how every parent feels, but let us reserve that for that time.

Comrade Speaker, I said I am going to be brief and I would just like to end with the following remark, and that is that our young daughters must be told that as parents there is no way we can dance to this. We do not like it but we are prepared to accept the situation.

Secondly, they must know that the boy who comes to say "*I love you*", has twenty to a hundred other girls if not two thousand. They must commit themselves to study, they must try to avoid being victims of persuasion and they must not unnecessarily do this dirty work of dumping children on the assumption that our parents will not take care of the children because that is completely unfounded. We will take care of the children, but we will not kneel and start dancing when your daughter becomes pregnant. These are two different issues. They must understand that we are not happy, this is not what we wanted them to be.

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With these few words, I think the parents, particularly the mothers, must try to do something. I thank you.

HON SPEAKER: The House shall adjourn under Rule 90(a), Automatic Adjournment until tomorrow 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2007.10.24 AT 14:30

**ASSEMBLY CHAMBER
24 OCTOBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

HON SPEAKER took the Chair and read Prayers and the Affirmation.

HON SPEAKER Any Petitions? Reports of Standing or Select Committees?

**TABLING: REPORT OF CPA NAMIBIA
BRANCH COMMITTEE**

HON SIOKA: Comrade Speaker, Sir, I lay upon the Table, the Report of the CPA Namibia Branch Committee on the 38th Commonwealth Parliament Association Africa Region Conference held in Cape Town, South Africa from the 21st to the 28th of July 2007. I so Move.

HON SPEAKER: Will the Honourable Deputy Speaker table the Report? Any further Reports of Standing or Select Committees? Other Reports and Papers? Honourable Minister of Labour.

**TABLING: ANNUAL REPORT OF
EMPLOYMENT EQUITY COMMISSION**

HON MINISTER OF LABOUR AND SOCIAL WELFARE: I lay upon the Table, the Employment Equity Commission's Annual Report for 2006/07.

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**NOTICE OF QUESTIONS
HON MOONGO**

HON SPEAKER: Will the Honourable Minister table the Report? Any further Reports or Papers. Any Notice of Questions? Honourable Moongo.

NOTICE OF QUESTIONS

QUESTION 121:

HON MOONGO: Mr Speaker, I give Notice that on Thursday, the 31st of October 2007, I shall ask the Honourable Minister of Safety and Security the following:

Is it true that ex-fighters were transferred from the Ministry of Works, Transport and Communication to the Ministry of Safety and Security in order to become employed as permanent police members during the time of Mr Ekandjo's term?

The ex-fighters have been unfairly changed to become Government security members. They have been made general labourers and are underpaid. Their salaries are not sufficient to support their families and they do not have benefits at all.

Is it true that only some were recruited in the Police Force? When will the others be recruited in the Police Force? Are there no vacant posts since 1999 to this date?

HON SPEAKER: Will the Honourable Member table the Question? Any further Notice of Questions? Any Notice of Motions? Any Ministerial Statements?

**MINISTERIAL STATEMENT:
PAN-AFRICAN PUBLIC SERVICE DAY**

HON DEPUTY PRIME MINISTER: Thank you, Honourable Speaker. Honourable Speaker, Honourable Members, I rise to inform this august House of

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**MINISTERIAL STATEMENT
HON DR AMATHILA**

the upcoming and important Pan-African Public Service Day meeting, scheduled to take place in Windhoek from the 25th to the 26th of October 2007.

Honourable Speaker, Honourable Members, as you are aware, the Namibian Government has since Independence been hard at work to reform, adapt and improve the public sector, with a view to enhancing service delivery to citizens. We have adopted the catchphrases of “*effective and efficient service delivery*” to reflect the justified expectations of citizens with regard to service delivery.

In this regard, we are aware that citizens, both in Namibia and in Africa, expect of their governments to provide the basic services to improve their conditions of life. To this effect, the skills and speed at which the public service implements policies and programmes, as well as the underlying value system that influences the work of public servants are important.

It is for this reason that the first Pan-African Conference of Ministers of Public and Civil Service, held in Tangiers, Morocco in 1994, decided to dedicate the 23rd of June every year as the Africa Public Service Day. The purpose behind this decision was to “*recognise the value and virtue of service to the community.*” This day serves as an important catalyst for the public service in Africa to debate, discuss, recast and refocus its work with the aim of improving service delivery to citizens. It is a valuable exercise indeed. This year, we are taking a further step by celebrating the first Continental Pan-African Public Service Day event. Namibia was elected as the host of this important event.

Honourable Speaker, among the reasons Namibia was elected to host this event is due to the successful coordination by Namibia of the SADC Africa Public Service Day on the 23rd of June 2006, where we had live interactive broadcasts which involved five SADC member states. Moreover, the 3rd Ministerial Bureau expressed its confidence in Namibia to rally African countries to participate in this event, as well as our capacity to coordinate an event of this magnitude.

Furthermore, Namibia was also elected to host this continental event out of the recognition that over the years we as a country, have made significant strides in public sector reform through a multitude of reform initiatives undertaken. We as a country must be very proud.

Honourable Speaker, the theme for the continental event is: “*Promoting Good Governance with an Emphasis on Anti-Corruption and Ethics.*” There are also

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three sub-themes:

- Enhancing transparency and good governance as tools for effective and efficient service delivery to citizens;
- Building public trust through zero tolerance to corrupt practices; and
- Promoting the highest level of integrity among public servants to serve citizens better.

The theme and the sub-themes are evidence of the contemporary challenges and concerns that confront the public sector in Africa. The drive to root out corruption and promote ethics is a key challenge that requires a proactive and consistent approach to achieve the desired outcome of a citizen-focused public service.

The purpose of the event is to further consolidate the fight against corruption and to emphasise ethical service delivery, to share experiences and setbacks in reform initiatives, as well as to express political commitment to improve service delivery continent wide. I am happy that the continent will be represented from the north, east, west and southern regions. Countries that are to attend include Nigeria, South Africa, Algeria, Comoros, Burundi, Burkina Faso, Sudan, Tanzania, Tunisia, Mozambique, Mauritius and Zimbabwe.

With these few remarks, Honourable Speaker, Honourable Members, I hereby extend an invitation to all Members of this august House to join the event at the Safari Hotel from tomorrow, the 25th of October until the 26th of October to see the work other countries are doing in reforming their public service and to benchmark ourselves better. The opening session will take place tomorrow at 14:30 at Safari Hotel. You are all invited to come and welcome your African brothers and sisters who are visiting us.

With these few words, you are invited tomorrow for the opening session. Thank you very much.

HON SPEAKER: I thank the Honourable Deputy Prime Minister. Any further Ministerial Statements? The first Notice of a Motion is the one of the

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**EXEMPTION OF VISA REQUIREMENTS
HON NGHIDINWA**

Minister of Home Affairs and Immigration. Does the Honourable Member move the Motion?

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: I so Move, Comrade Speaker.

HON SPEAKER: Who seconds? Any objection? Agreed to. The Honourable Minister has the Floor.

**AGREEMENT ON EXEMPTION OF
VISA REQUIREMENTS**

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: Honourable Speaker, Honourable Members of Parliament, I rise today to motivate the Agreement between the Governments of the Republic of Namibia and Mauritius on Mutual Exemption of Visa Requirements.

The Agreement was signed by His Excellency, Philemon Kambala, Namibian High Commissioner to the Republic of South Africa, representing the Namibian Government on the 14th of March 2007 in Pretoria, South Africa.

Since the current status quo requires Namibian citizens to have visas to enter Mauritius, the signing of this Agreement is a welcome move and is aimed at ensuring reciprocity with regard to visa exemptions between Namibia and Mauritius.

The Agreement is also aimed at developing friendly relations between the two countries as well as to promote trade and investment and to facilitate the movement of persons and goods from both countries.

The Agreement is further aimed at strengthening the bilateral cooperation between the two peoples and the Governments, simplifying the travel procedures

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of the citizens of our respective countries, the initiative which is in line with the SADC Protocol on the Facilitation of Movement of Persons and Goods.

Honourable Speaker, Honourable Members of Parliament, this Agreement shall be applicable to all citizens of both countries regardless of the types of passport they carry, whether ordinary, official or diplomatic. It, therefore, caters for accompanying persons who share similar passport of the holder and who intends to enter the territory of each other on holiday, visiting family members, conducting private business or official visit or on transit to other countries.

I would like to use this opportunity to inform this august House that an omission was made on the signed agreement on Article 1, both paragraph 1 in the second line and I quote: "*Citizens of Republic of Mauritius/Namibia who are holders of valid ordinary or diplomatic passports*", excluding official passport and it should read as follows: "*Citizens of the Republic of Mauritius/Namibia who are holders of valid ordinary, official or diplomatic passports.*"

It should be noted that both Governments will exchange samples of passports after the ratification, as stipulated in Article 8 of the Agreement.

Recommendations:

In view of the fact that this Agreement is aimed at developing friendly relations between the two countries, promote trade and investment, facilitate the movement of persons and good within the framework of the SADC Protocol on the Facilitation of Movement of Persons and Good and also towards strengthening bilateral cooperation between the two people and Governments, I recommend that the National Assembly expedites the ratification of this Agreement in accordance with Article 63(2)(e) of the Namibian Constitution as mandated by Cabinet Decision 13 of August 2007/012.

It is on this basis, Honourable Speaker, that I once again request this august House to ratify the Agreement between the Government of the Republic of Namibia and the Government of the Republic of Mauritius on Mutual Exemption of Visa Requirements.

I thank you very much for granting me the opportunity to motivate the way forward for the practical implementation of this Agreement. Thank you.

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RT HON ANGULA**

HON SPEAKER: I thank the Honourable Minister for her motivation. Any further contributions to this Motion? Does the Honourable Minister wish to reply?

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: I thank you, Honourable Speaker, for your understanding and your support. Thank you very much.

HON SPEAKER: I now put the Question that the Motion be adopted. Are there any objections? Agreed to.

The second Notice of a Motion is the one of the Honourable Prime Minister. Does the Right Honourable Prime Minister move the Motion? Who seconds? Any objection? None. Agreed to.

**REAPPOINTMENT : MEMBERS OF
PUBLIC SERVICE COMMISSION**

RT HON PRIME MINISTER: Honourable Speaker, Honourable Members, the Constitution of the Republic of Namibia in Chapter 13 provides for the establishment of the Public Service Commission.

The mentioned Chapter under Article 112 establishes the Public Service Commission, while Article 113 defines the functions of the Public Service Commission and provides for an Act of Parliament to legitimise this.

The Public Service Commission Act of 1990 (Act 2 of 1990) enacted the establishment of the Public Service Commission, consisting of a chairperson and not more than six and not less than three other members nominated by the President and appointed by the National Assembly by resolution.

Additionally, the Public Service Commission Act of 1990 stipulates that every member appointed shall be entitled to hold office for a period of five years and upon expiry of his or her term of office, be eligible for reappointment. The terms of office of commissioners Mr Max Kampungu and Ms Teckla Nandjira Lameck comes to an end on the 30th of November 2007 and the 20th of October 2007,

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RT HON ANGULA**

respectively. Therefore, in keeping with the provision of Article 112(3) of the Namibian Constitution, His Excellency President Hifikepunye Pohamba has nominated Mr Max Kampungu and Ms Teckla Lameck for reappointment as members of the Public Service Commission upon the expiry of their current terms of office.

However, due to the fact that the National Assembly was in recess, this Motion could not be tabled earlier. Therefore, as Ms Teckla Nandjira Lameck terms of office has expired on 20 October 2007, she be reappointed retrospectively as from the 20th of October 2007.

Honourable Speaker, I thus have the honour to request this august House to appoint by resolution Mr Max Kampungu and Ms Teckla Nandjira Lameck as commissioners of the Public Service Commission. The commissioners are respected personalities with a wealth of relevant experience in public management and administration and would provide continuity in the work of the Public Service Commission.

I thank you for your understanding and support.

HON SPEAKER: I thank the Honourable Prime Minister for his motivation statement. Any further discussion? Dr Tjiriange?

HON MINISTER OF VETERANS AFFAIRS: Comrade Speaker, I rise to support the submission by the Prime Minister. Surely we know the work being done by the Public Service Commission and it is just fair that we give it the support it deserves.

Having supported that, I only want to say that one or two Public Service Commissioners were in the habit of sometimes frustrating efforts of some of the new Ministries, like ours. Therefore, I hope that the Public Service Commission will not be a cemetery of our requests and make things more difficult. I do not

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HON VENAANI**

want to mention somebody's name here, but those who frustrated me know themselves.

I support the Motion.

HON VENAANI: Thank you very much, Honourable Speaker. I rise to submit our support on the reappointment of the two colleagues, but Honourable Speaker, in line with what the Honourable Minister of Veterans Affairs has just said, we have seen a very static Public Service Administration in this country and I think it is in line with the Rules of this House to address some issues that are inter-related to the reappointment of the colleagues.

One issue that comes to mind is the fact that when you have to succeed in a certain position in the Government bureaucracy, you cannot for instance easily jump from becoming a Deputy Director to an Under-Secretary and it is quite a frustrating process. At times you would have a qualified person with academic qualifications, fifteen years experience, but given the fact that this person has not been a Director at a particular time in his life or the Director before him or her has not done anything sinister to his own life and he is still intact, then this person would be kept in a position of Deputy Director for years without any promotion. Even if there is an Under-Secretary position available or Deputy Permanent Secretary position, it is only the Director that are also sometimes not very useful – to put it mildly. This is the person that is promoted, just because he was a Director, must now be taken to the top echelons of Government.

I think our Public Service Commission should really try to address some of these impediments that are hampering progress of certain individuals and of course, we have a lot of examples in companies all over the world, where a person like Bob Nardelli of Chrysler Motors, if I am not mistaken, in America came with an ordinary Bachelors degree and Chrysler Motors was being run down with people with M.A Degrees, but he came and turned around the figures of that company.

I think that we should not really put energetic staff through this process of just waiting for one person to die before they ascend in the future. I believe that the Public Service Commissioners should really address and overhaul some of these rules that are there and which are static and which are keeping people behind.

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HON DR KAWANA**

With these few remarks, Honourable Speaker, I support the reappointment of the colleagues.

HON MINISTER OF PRESIDENTIAL AFFAIRS: Thank you very much, Honourable Speaker. I rise to add my voice and support to the Motion by the Right Honourable Prime Minister. I know the colleagues involved, that they are people with the necessary academic and professional qualifications. I have no doubt that they will add value if this august House agrees to their appointment.

Allow me, Comrade Speaker, to maybe add to what my Young Brother, Honourable Venaani, said regarding promotion in the Public Service. Maybe I would like to depart slightly from what he said. My own plea in terms of the requirement not to jump any occupational class is with regard to affirmative action with special emphasis on gender.

Right Honourable Prime Minister, I hope that this issue will definitely be re-looked into because I feel that if the procedures are strictly adhered to, it will have the potential to discriminate against our female colleagues who were doubly discriminated against during the colonial period, particularly those of a certain colour and secondly, because of their gender. I think this issue must be looked into so that exceptions are made.

The second point is with regard to promotion to the management cadre level. I am made to understand that nobody can be promoted to management cadre unless such person possesses either a degree or maybe a diploma which is equivalent to a degree. Right Honourable Prime Minister, I think on this one we should also come up with an exception to the rule, particularly regarding marginalised communities. Otherwise they will never be fairly represented in the Public Service.

Otherwise this is a straightforward Motion and I would like to thank the Right Honourable Prime Minister and I move that this Motion be approved without any further debate. I thank you.

HON SPEAKER: I thank the Honourable Minister. Honourable De Waal.

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HON DE WAAL**

HON DE WAAL: Thank you, Honourable Speaker, I also want to support the Motion, but I also want to add one or two things.

First of all, this rule that nobody can be promoted to management cadre without having a degree I think is seriously problematic. We have had experiences here in Parliament where people have been doing the work for five, six, seven years with excellence, but they cannot be promoted because they do not have a degree. Honestly, Honourable Speaker, if I have to choose between somebody who is not enthusiastic, who is not hardworking who is not loyal, but has a degree and somebody who is loyal, enthusiastic, hardworking and can actually do the job, then I will pick that one without the degree.

I want to appeal to the Right Honourable Prime Minister, this is something that can also, unfortunately, be abused, but in cases where Members of Parliament make a recommendation that a certain person has been doing his work for five, six, seven years without any flaws, please promote this person so that he can continue, and that is rejected, then I really feel there is something wrong. You cannot make a rule and stick to it in hundred percent of the cases.

I would really like to ask the Right Honourable Prime Minister to ask the members of the Commission to listen to these kinds of requests. Sometimes you find people with a degree, but a degree is in any case not a guarantee to success. It is what you do with the degree that guarantees success. You can still be a *skoroskoro* with a degree and do nothing and just go shopping with your degree and then you get the salary.

Then the second issue I want to raise, Honourable Speaker, is that I have seen people in the civil service who have simply been appointed to positions which they are not qualified for, they cannot do the job. (Interjection)

HON MEMBERS: They are Comrades

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HON IILONGA**

HON DE WAAL: I do not mind if we have to do that in respect of affirmative action, maybe you have no other choice, you have to appoint the person, but at least if you appoint somebody that is not up to the job, appoint him, pay him the salary and send him away so that he can be trained to do the job, because really, if you look at some of these people sitting in offices in our Government, it is a disaster. I mean, it is a disaster, they are running the Government into the ground because they simply cannot do the job. By appointing somebody and giving him a good salary, you are not ensuring that the work will be done. Unless that person is capable of actually doing the work, it will not be done.

Honourable Speaker, a couple of years back we had a situation in Walvis Bay where the town planner was replaced. The first report that the new person did was to ask the Council to appoint a consultant to do his work. What are we doing now? We are now paying the guy a salary, but in addition you are paying double his salary to the consultant to do the job that he was supposed to do in the first place. That does not help. (Intervention)

HON TJIHUIKO: Honourable Speaker, may I ask Honourable De Waal a question? Honourable De Waal, are you aware that apart from appointing a consultant to help this Comrade, they are also appointing a consultant to make the work of the consultant readable?

HON DE WAAL: I do not know whether this person is actually a Comrade or not, so I will not comment on that.

Honourable Speaker, with these few words I support the Motion by the Honourable Prime Minister.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Honourable Speaker, I rise to support the Motion. I really want the Public Service Commission to look not only into the top structure of Director, Deputy Permanent Secretary and up. You have a factory inspector and then there is a

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HON NUJOMA**

post and he wants to apply, but because he/she has not reached a certain level, he/she cannot be taken.

Then in the same Government, in another Ministry, the same person who refused to be given this post, is going to be given that post and it is really one of the serious shortcomings we have in our administration.

I do not know whether the police are handled by the Public Service Commission, I speak under correction, but I just want to bring it up. A Minister is driven by a constable, but you have another high official in another field, saluting a Minister, but he is driven by an inspector or someone of higher rank. Now the Minister's driver who is supposed to give orders, cannot give orders to his senior. I speak under correction whether this also falls under the Public Service Commission or whether Safety and Security are just doing their things without advice by the Public Service Commission.

Those are some of the abnormalities we have seen in our administration. When you go to other countries, you are driven by very high-ranking officials, but when they come here, there are some who ask us not to reveal their ranks. If you are a constable, just say "I am a constable", do not hide it.

Honourable Prime Minister, through the Speaker, I do not know whether that is in line with the Public Service Commission or it is just directly under Safety and Security to look into those things. If it is not in their line you do not even need to respond, but we are going to address it during the Budget. Thank you, I support the Motion.

HON DEPUTY MINISTER OF JUSTICE: Thank you, Comrade Speaker, I rise to support the Motion introduced by the Right Honourable Prime Minister. I wanted to say something but it seems all the cardinal points I wanted to raise have already been mentioned, and in the spirit of the guided democracy, and as being advised by our Minister of Presidential Affairs that no further debate, I stick to that. Thank you.

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**REAPPOINTMENT: MEMBERS OF PSC
HON DR AMATHILA/HON MUTORWA**

HON DEPUTY PRIME MINISTER: Thank you. I was actually tempted by Mr De Waal and I support what he has said. As you know, I am dealing with communities who, not due to their fault, could not get education, but I have discovered that these people are so brilliant that they are trainable. The most important thing is that they are trainable and if you want to send them to a nurses school, you sometimes have to overlook Grade 12 and take them at Grade 10 as a special condition for these special people and you will be surprised that they will even surpass those with so-called Grade 12 when they study together.

I am very happy to announce – maybe it is not official – but the Ministry of Education has allowed us to bring some Grade 10 learners to the Teachers Training College and they are in Windhoek College right now and I am very pleased to announce here that they are actually so clever that the others with Grade 12 have red eyes when they see how these people perform.

I would also like to ask my Colleague in the Minister of Health and Social Services – I had done it some years ago – to also overlook Grade 12 and help us with nurses to be trained, particularly from Tsumkwe and now that I also have this *Ovatue* in Kaoko, to give special recognition of these people's problems and assist them as a special group. This is all I wanted to add and I thank Mr De Waal. It is right that one cannot say once you have a degree you can enter into everything. Even with a degree you need to be retrained. That is why we in the Prime Minister's Office are now setting up training for our Public Servants. We are opening an Institute for Public Servants to be trained. We blame our people but we have not trained them. We think because they have Grade 12 they know something or they have a degree, so they know something, but we need to encourage n-service training. I think we are also at fault.

Therefore, with these few words I support the two colleagues who will be re-employed and I hope, Comrade Tjiriange, they are not those two who are giving you hell. I will whisper to them that they have to treat some of these issues seriously. With these few words, I support the Motion. Thank you very much.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you, Comrade Speaker, Honourable Members, Comrade Prime Minister. I am rising in support of the Motion on the Table. The credentials and professional qualities of the two colleagues are definitely unquestionable. They have proved themselves. Whatever I am going to say, does

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not reflect negatively on the professional integrity and abilities of the two colleagues whose appointment we definitely support.

Comrade Speaker, I am rising just to add to what the other Colleagues have said, but specifically here, is the issue of experience. While raising the issue there is no accusing finger to the public service, but I think it is something that we need to reflect on.

Experience as a requirement, as it relates to the category of youth who have to enter Public Service Administration. I am not talking about academic qualifications. You find many young people who complete their university training, education, colleges, Polytechnic and they must now enter Public Service Administration, but one of the very serious stumbling blocks for these young people to enter Public Service Administration, is the issue of experience and I think the time has come for the Public Service Commission and us in Government, to look at this particular issue.

You have a Ministry responsible for Youth, but you find so few young people who are employed there on account of the fact that they cannot meet the requirement of experience to enter.

Comrade Prime Minister, I am raising this issue, not necessarily to ask a question, but as we are appointing the Public Service Commissioners, maybe it is high time that we need to look at this particular issue. Sometimes there ought to be a special consideration for some relaxation, with particular reference to experience as a requirement for young people. Thank you.

HON NAMBAHU: Thank you very much, Comrade Speaker. I beg to differ a bit from my Colleagues who do not want further debate on the Motion and maybe I can summarise.

As someone who has been in the Public Service for some time, I think I would not be doing a good service if I do not air my voice and add to some of the issues that have been expressed here. Like some of my Colleagues have said, they know the professionalism, they know the integrity, but for some of us to be expected to support and just say *d'accord* to a Motion of people who are actually very keen and very serious in asking other people's qualifications and CVs, yet we do not see anything here on what qualifications they have. I think they were

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supposed to set an example, because they are very keen and very particular. I think it is high time that we inject a certain dose of professionalism in the way the Public Service conducts its business.

I am not accusing the current occupants or anyone in particular, but like the SG has said, some of us were in the Public Service but as soon as your application reaches that office, you are a *persona non grata* it is the sanity of it, and there are other Ministries that have an easy way around it. Why this difference in treatment of Departments and Ministries?

If you were to make a survey and speak to the subordinates, I am telling you all of us are going to spend a month debating this, because there is a lot of unhappiness, a lack of transparency on how they conduct their business. You do not enquire as to how they reached the decision they have reached, but yet this must just be a sail through, we should not question.

Honestly, I think we will not be doing our representative job if we do not enquire seriously into how they conduct their business, how they do the appointments, why is it that some people have it the easy way and others not, and yet we are saying this is the setting of standards in terms of training and all other things. Why do you not want others to question while you question when appointing, and most of the time they do this and the comments that you hear are very much unprofessional? (Intervention)

HON DEPUTY MINISTER OF JUSTICE: Honourable Speaker, may I ask Honourable Nambahu a question? My question is, as I was saying, guided democracy, but it seems to me it has been rejected, so my question is, Comrade Nambahu, I know of discrimination against our youth and many graduates and women, particularly from the Socialist countries. We have a lot of graduates who are still struggling today – agriculturalists and the children are in the streets. I do not understand. Why do we send these people for studies in the first place? We have a lot of graduates from Cuba, a lot of graduates from the Czech Republic, all over the world. These are well-trained people with practical experience but they are languishing on our streets. That is the question, Honourable Member, maybe you can help us.

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**HOUSE ADJOURNS AT 15:40
HOUSE RESUMES AT 16:09 PURSUANT TO ADJOURNMENT**

HON SPEAKER: When we adjourned Honourable Nujoma had put a question to Honourable Nambahu. Honourable Nambahu has the Floor to reply.

HON NAMBAHU: Thank you again, Honourable Speaker. Comrade Nujoma is right because I think what should be obtaining is actually professionalism, lack of bias, for people to treat each and everyone without any bias.

When you have this ethos that the Right Honourable Prime Minister was talking about, the values of equity, if this could obtain that people could treat others by that and this could also be the values of the Public Service, then I think we are going to solve most of the problems. What should take place is actually equal treatment of Departments, of Ministries, equal treatment of individuals. Then all the other things will fall away.

When someone applies and emphasis is placed on English, for example, I do not know how many of you have been students at universities and went to conferences. You find a professor coming from Japan, having serious difficulties with English, but that guy knows his subject, he knows what he is talking about. I was sometimes joking that does it mean that from the family of – I do not want to mention the name, where the best English is spoken, there are no people who are not very brilliant. They are able to speak efficiently but they are mentally not that brilliant. Why is it here that English has to be a synonym of wisdom? It is a foreign language, we send people all over the world to study in all kinds of languages, they come back and you put English as the benchmark. Why do you not look at what the guy is capable of doing?

I was attending a certain conference in the United States, and if you go into the World Bank, many people from Ethiopia, from the former Eastern Bloc are

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working there. Why is it us that have to be more concerned where you studied and where you are coming up, while the United Kingdom people themselves who are actually to be called warriors are not concerned with that, they are more concerned with what the guy knows.

These are the things that will not make us win as a Nation. Go to NASA, make your research, the computers are here, who are the people who are making miniatures of rockets, where are they coming from? But it is us who want to be more old warriors than the old warriors themselves, more English than the English.

These are the things that we are saying, if a person is coming from school and it is 1990 and we were saying, no he must have thirty-five years experience, then who is supposed to be employed here? By 1990 we were all supposed to be unemployed because no one was working – I do not want to say things.

But please, all that I am trying to say is that there is much to be done and this ethos must actually be owned by our Public Service and a survey should be conducted to find out what are the genuine complaints that have to be addressed. It is probably very difficult for some of our Colleagues here who have not climbed the ladder from the bottom to understand some of the things I am talking about (Intervention)

HON MINISTER OF VETERANS AFFAIRS: He is talking very sensible things, but I just want to ask something. Comrade Nambahu, through the Speaker, you are saying very important things. As you were talking I was thinking that it is us here who are probably to be blamed rather than the Public Service employees, because all the things that have been mentioned are in the laws that were made by us and those people are following the conditions. Do you not think it is a good idea for us to revisit the laws and the conditions we have put in place that are being applied by the Civil Service? Because I think the law itself is faulty, that is why we are behaving faulty.

HON NAMBAHU: Thank you for the question. I have to probably also answer it in a serious manner. One thing that they blame Africa for is actually not

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adhering to the principles of management, of review, monitoring, evaluation in a constant manner. Our review comes after five or ten years and what is happening in the meantime? Everything is going down the drain. Problems are increasing, but we are waiting. I do not want to be seen as if I am accusing anyone, I am just saying we have to be self-critical. Why do we have to review and revise and monitor after a certain given period? In that time when the mistakes and the problems are surfacing, even in the law, who is following and why does it have to be after ten years when we see the mistakes now? There must be mechanisms to already start breathing life and to review the laws constantly.

Society is not stagnant. Someone was talking about direct materialism here one day and that is the same as the society is. That is why I say that the only thing I have learnt – and it is probably not going to sound good – is that there is no final victory in something like law or democracy. There is nothing like that.

Therefore, you need to constantly review how you are progressing and that also applies to the law, because the society is changing and the needs of yesterday are not necessarily the needs of today. It is very important for a politician to continue having your thermometer in the armpit of your subjects so that you are able to prescribe the right medicine at the right time.

What is very important for us is law reform. Someone has to be monitoring, has to be at the observation post all the time as far as the laws we are making are concerned. It is the impact assessment I was talking about. What is the impact, how is it changing society? Is it becoming a stumbling block, is it really pulling us towards Vision 2030? (Intervention)

HON SPEAKER: I do not want to disrupt the Honourable Member, but from what I can gather, everybody has agreed to have these two people reappointed. I do not think that down the road anybody would say no, but we now have a dilemma that increasingly we are drifting away from the Public Service and are discussing general issues. Relevant as they perhaps are, it requires a Motion at an appropriate time either by the Prime Minister or somebody for the House to debate this very relevant, informative and very timely topic. It is becoming so general that it has drifted away from the purpose of approving the reappointment of these two people.

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I have a long list, but I sense it has nothing to do with these two people. It is a general discussion about the shortcomings of Public Service and policies and laws that we are adopting in the House. With that caution, can we as much as possible come back to the purpose of the Prime Minister's Motion?

HON NAMBAHU: Thank you very much, I appreciate that guidance from the Chair and obviously, we will try to come back to the topic and the Motion as it is. But maybe the problem is that I was just trying to answer the question and also because of the general principle of management they say organisation are as good as the people that run them. Therefore in a way the people that are appointed must be cognisant of some of the philosophies and some of the rationales that we are trying to express.

With these observations I would wish that they are taking into account in future a redirecting of the Public Service. I thank you very much, Comrade Speaker.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you, Honourable Speaker. Now I am also in a dilemma after the Speaker's brilliant advice and I now do not know whether I should continue or whether there is a promise that there will be a Motion on this subject.

HON SPEAKER: I am not a mind-reader, I do not know what you are going to say, Deputy Minister. Why do you not get started?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I will try to get started and I will try to guide myself.

Honourable Speaker, reading from the interventions made by the previous speakers, I think we will all agree that there is a need for a Motion on this specific

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topic about the management of our Public Service. Let me say that I do wholeheartedly support the reappointment of the cadres who are being suggested here.

Now on the general topic linked to their appointment, let me say that surely as a society we need to be consistent in whatever we say and whatever we do and whatever we intend to do, and we should also understand the systems and the structures which govern us and the weaknesses within those structures, monitoring, evaluating and reviewing them. Why am I saying this?

Sometimes in Namibia there is a pattern and a tendency of blaming ourselves or one another and blaming each other that we have not informed ourselves on the blame we are apportioning to some people. A few years ago there was an outcry in this country about the people who were appointed in the civil service who have no relevant qualifications, they are from Lubango. Maybe they came to Lubango having qualified in Cuba, in Czechoslovakia, in the Soviet Union or from Augustineum and the general trend was that there were unqualified people in the structures.

Now that the Public Service is complying, saying that for you to enter a certain job category, you must have this degree or the requirements should be a minimum degree or minimum diploma. The very same society which was crying a few years ago are now crying that people are restricted from entering, degrees are irrelevant and people should be allowed to enter job categories with our without degrees. This is lack of consistency. As a society we must be consistent. The rules must be applicable across the board and we should really understand why we are implementing the rules.

The policy cannot be that when I want my brother, who has a degree, to be appointed in the Public Service, then I say that people with no degrees are being employed. When I want my sister who does not have a degree to be employed, then the degrees must be relaxed, must be wiped out. There is no consistency in that approach. (Intervention)

HON DEPUTY PRIME MINISTER: On a Point of Information. I respect my KK brother, but he knows that we have marginalised communities and the Government is making special efforts to bring in these marginalised communities. This is why we asked, particularly me, that sometimes when we are dealing with

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marginalised communities – and I can name them, the San community, the Ovahimba – let us try and relax a little bit so that we can get these people in. That is all I am asking for the marginalised communities but not for all of us. I hope he understands that. Thank you very much.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I agree hundred percent with what my senior leader has said I was not specific to her case, I am just talking in general. I agree and I will support her approach hundred percent.

That is why I am saying that we should be consistent. In exceptional cases, like a case where you are dealing...(Intervention)

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: May I ask Honourable Kazenambo a question, Comrade Speaker? Comrade Kazenambo, on the point of consistency, how do you marry consistency with change, if we are doing something in one manner and we realise that it does not work and we need to change? How would you marry the two?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Consistency and change will be addressed when, as Honourable Nambahu has said, you stick to that approach, if you have monitoring, evaluation and review. Then you will be knowing why you are effecting a certain change. In fact, monitoring and evaluation will help you to make informed changes, but if there is no monitoring and evaluation, what informs the changes? Even if we have to take the case of the Honourable Deputy Prime Minister, it is through evaluation and monitoring that Government realised that there are some marginalised communities who were left behind and we need to affirm them and that is why

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she is doing a wonderful job. It is because of petty jealousy that some of us were trying to undermine the work that she is doing, as if she is doing a personal job for her house and that is lack of consistency. If the job was being done by Kazenambo, it will be supported hundred percent; if it is done by so and so, it will be undermined.

If the Prime Minister today is Comrade Nahas Angula, the things will be taken as if he is implementing something; if a certain office appoints a certain person, it will be treated as if it is the Public Service Commissioners who are doing that, but we are not implementing the laws which all of us have enacted. This is why I am saying consistency.

If it is Kazenambo who is appointed without experience, then it is a problem. If it is Venaani who is appointed, because he is my tribesman he is appointed to work in Gam, I do not care whether this person has a degree because he is a Herero. If he is a Caprivian or a Nama or Damara or Owambo, the first thing is, *Ingui Omwambo ngue ja mba o Degree kena yo*” No, it is hypocrisy, it is unacceptable. (Intervention)

HON TJIHUIKO: Honourable Speaker, may I ask the Honourable Deputy Minister a question, please?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: If you mention “*Herero*”, then you have to mention Tjihuiiko.

HON TJIHUIKO: Honourable Deputy Minister, it seems that it has become a culture for the Deputy Minister to always speak in terms of tribes and ethnic groups, using these examples. Is this a tendency of your growing up or is it perhaps that you are loaded with tribalistic thinking to the extent that every time that you stand up, you are always talking about the Herero’s, the Namas and the

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what? What is actually the problem, why can you not just address the issue as it is?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you very much, Honourable Tjihuike. To be honest with you, I was saying that I appreciate that we are busy building a young Nation and we must be consistent with policy implementation and even in the case of the Public Service commissioners it will be misinforming the public outside there that the commissioners are the alpha and the omega – I am not a church man, I am an atheist.

On certain aspects you are maybe the alpha and the omega, but on certain aspects the Public Service Commission are working on the recommendations passed from various Ministries. The interviews are held at various Ministries, various Departments and they are forwarded where they will be scrutinised whether those appointments are based and done within the basis of the Public Service Commission rules and orders, for lack of a better word.

If there are problems of pushing people without degrees or without relevant experience, it is the system – as the Honourable Secretary-General has said – and maybe we need to review the system, because it is the overall system which has flaws in its requirements, but these requirements are not new for the Public Service Commission as an institution. (Intervention)

HON VENAANI: Honourable Kazenambo, you are right when saying there must be consistency, but what in the instance where the person has all the qualifications needed but because he has never been a Director, he cannot be appointed as an Under-Secretary, he has worked for the last seventeen years as a Deputy Director, has a Master's Degree, seventeen years experience, but the mere fact that he has never been a Director he would not be allowed to become an Under-Secretary. What about that?

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HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Venaani, as a lawyer I think you are grounded on this one. Let us distinguish and I am still going back to Comrade Nambahu's words, there are pertinent pointers. We must distinguish whether it is the policy which is a problem or it is the individuals who are the problem, efficiency and effectiveness in implementing the policy.

Now on your question, let us say that if this particular person Honourable Venaani referred to, if he or she is hamstrung in the promotion by the policy which is in place or if his advancement in the system is subjected to other issues of nepotism, racism, chauvinism, the issue which Honourable Tjihuike does not want to address, the issue of tribalism and regionalism, these are separate from policy problems and we must distinguish.

That is why I say that through monitoring and evaluation, I may have a degree but I may be naturally lazy, incompetent and disloyal with my qualification. I have twenty years experience, but if I am not loyal to the system, if there is personality differences, it should not be linked to institutional structures.

But unfortunately in this country we judge people on the basis of their race, we judge people on the basis of their tribe, we judge people on the basis of where they come from. (Intervention)

HON SPEAKER: Are we still on the Public Service?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I am winding up, Honourable Speaker. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: Honourable Speaker, before Honourable Kazenambo rounds up, a question. I have listened attentively and I agree with you, but there is this policy of affirmative action where you will find a

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situation that in a Ministry there are three posts advertised and people apply, whether it is the entry level for the management cadre or whatever. Three people apply and you will find that in a population where we have 20% whites, two whites are appointed and one black. I just cannot understand that and those people are women from the previously disadvantaged groups and that is what our Constitution says. These people are not appointed and you will find two whites.

What is happening?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Comrade Nujoma, this issue has relevance to the Public Service Commission no matter how we would like to look at it. What you are saying may also be applicable in our cases. The problem is that when we come at a platform like this or when we review things, sometimes we are not critical about ourselves because sometimes you will find that it is either white, sometimes it is only men and I have a serious problem with that. If we are men and we are constantly being appointed in certain positions, either a position of power, we must also ask where are our women, because we have women in this country and if we move from gender and go to even tribes and Honourable Tjihuike does not want to talk about tribes, but I talk about tribes here, I do not talk about tribes when I leave here and then there is no other Namibian, but it is only the Herero tribe. His Party and his policy are constituted on that. I belong to a Party that belongs to all Namibians and I am building a Namibian system. (Intervention)

HON SPEAKER: Deputy Minister, just try to wrap up.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: To wrap up, Honourable Nujoma, I am saying, let us distinguish between the weaknesses and the deficiencies in the system. Let us distinguish them from the weaknesses of personalities – jealousies, hatred and so on and despises and prejudices which unfortunately beset this society and it is about time that we move on from prejudices. Let us stop preaching about prejudices, let us work

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hard against prejudices and get rid of prejudices in this society and let us openly check ourselves, whether we are within the parameters of the policy, are we affirming all Namibians? Are all Namibians represented across the board from all Regions, from all tribal backgrounds, from all gender backgrounds. We should move away from this hypocrisy where people are asking, “*where are the Herero’s?*” Then we say a person is a tribalist. When the people are saying, “*where are the Owambo’s?*”, then you say a person is a tribalist. When a person is asking, “*where are the women?*”, then you say a person is tribalist. When a person is asking, “*where are the youth?*”, you will say the people are disrespectful to the elders. No, we cannot build a society on those grounds and with those words I support the appointment of my two colleagues.

HON P MUSHELENGA: Thank you very much, Honourable Speaker. I am going to be very brief.

At the outset I would like to state that I support the appointment of the two commissioners. By now they have been in the Commission for about a decade, but I am sure they will put to good use the expertise and experience they have acquired so far.

Most of the issues that I wanted to touch on regarding the functions of the Commission has been touched by the previous speakers and I will only reiterate and emphasise a few of them.

The issue of no jumping of grade that was raised by Honourable Venaani: When you enquire about this issue, one is told “*no, we have this policy but there is room for relaxation, we are flexible?*”. However the truth of the matter is, most of the Ministries are abusing this directive or policy. The Commission may in good faith have issued such a policy or directive, but then it became abused by the Ministries just because somebody in a position of authority who does not want to promote somebody working in that Ministry will try to bring this point in when it is convenient to them and when it is not convenient, they will try to relax it.

I think somebody needs to address this issue and it is only the Commission that can address this issue.

The other issue I want to address is the issue of experience which is mostly

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affecting our youth, especially recent graduates from the Universities and Colleges. I think this is another issue that the Commission really needs to pay attention to.

Many of the youth are disadvantaged, so much that you find out that even in the Ministry of Youth itself they do not even give priority to people that have youth interest at heart, the youth that have graduated from various institutions.

I recall there was a time that we invited some Ministries at a congress of SWAPO Party Youth League and we enquired from various Ministries what number of youth are employed in the various Ministries, qualified youth and most of them could not come up with an answer. Perhaps it is high time that we start talking about the quota of youth in the employment sector of our Government as one of the ways of addressing unemployment, as long as it is done within the set prescribed Public Service Act rules.

With these few words, Honourable Speaker, I support the Motion.

HON DEPUTY MINISTER OF HOME AFFAIRS: Thank you, Comrade Speaker, I rise to support the Motion by the Right Honourable Prime Minister to reappoint the two colleagues, Ms Lameck and Mr Kampungu.

Comrade Speaker, I would like to raise one concern, particularly from the teaching profession. There has been an observation and information available is that we have teachers whom we have trained and after they have gone through the interview, when they are to go to the college, they are interviewed again for employment and because of that, we have many of our own teachers not being recruited because of the process of interviewing – and I do not know what exactly is being asked. Some of them may not be as articulate as some of the successful colleagues and most of them may not be Namibians. Without being xenophobic, I am just saying this genuinely because it is a concern that the teachers in this country are raising, that what is the reason for interviewing people twice.

When you go to the college you are interviewed, after the college you have been trained and you have qualifications that prove that you are capable of being a teacher, but still you have to go through another interview and anything can happen. You may not fail because you are not capable, but maybe the day was

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just not good for you, particularly that moment, or maybe the way you dress up. There are so many things that contribute to the success when you are being interviewed. This causes our young teachers to roam the streets and something must be done so that teachers who are qualified from our colleges which we graded to be qualified institutions, should not be subjected to many things that cause them at the end of the day not to be employed and yet we have a problem of unemployment.

Comrade Speaker, with that I support the Motion of reappointment of the two colleagues. Thank you.

HON SPEAKER: Thank you, Honourable Deputy Minister. Honourable Tjihuiko, the last speaker.

HON TJIHUIKO: Thank you very much, Honourable Speaker, for the opportunity to make my contribution on this very important Motion.

We are all aware of the fact that the Public Service Commission is playing a very important oversight function over the activities of various Ministries, especially when it comes to employment. It is, therefore, very important to have the right people, experienced people, in order for them to be able to deliver the goods. Therefore, I would not hesitate to support the reappointment of the two colleagues.

Allow me to however mention one or two things, Honourable Speaker, that the importance of the Public Service Commission is to regulate the process of selection in the Public Service. Therefore, we would expect the right people in the right positions and it is indeed, also their responsibility to make sure that affirmative action policy is also being implemented when it comes to the minorities.

There could therefore not have been a problem in seeing the selection of the opportunities being offered for the affirmative action candidates. The problem that one sometimes sees in the Public Service is that you are seeing people crying for being mistreated in various Ministries or Departments and nothing happens, to the point that some of these people have to run to courts to get recourse in a court

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of law or a Labour Court. That could have been the responsibility of the Public Service Commission.

I do not know whether there are certain things that they were supposed to be doing and certain things have to be left in the hands of an individual, to the point that we are taking the Ministry or that department to the Labour Court.

We also see a situation that in Ministries where somebody is acting, a Deputy Director has been acting for more than 5 years in a position of Director and up to now the person has not been appointed. I do not know whether the Public Service Commission is aware of some of these things or not and for how long is an individual supposed to be acting in a specific position before he or she could be considered for that position or even the position to be advertised.

The Public Service Commission should not only wait to be informed or somebody to come and complain to them. It is indeed their responsibility to make sure that civil servants are being protected and they are not being used, to some extent.

Therefore, the cry from some of our colleagues who are saying there are a number of graduates who were supposed to have been appointed, it is true. Namibia is a country of young people and as long as we are going to shift the goal post, there's a notion of people below 55, those above the age of 55, if we continue shifting the goal post, the moment we see that there are no Grade 10 graduates, then we are saying that people must have Grade 10, then people must have a B-degree, then Ph.D. Now we are saying they must have a PhD plus 25 years. Then you must be at least 55 plus in order for you to be able to have that 25 years experience.

Those are the things that we want the Public Service Commission to be looking at and making sure that as long as we are going to look at things like, this person as been trained or educated in Cuba, therefore he is inferior to the person who has been educated in South Africa or the Region, and these are the things that are making the issue that the Colleagues are raising...(Intervention) I am talking about 55 plus. (Intervention)

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HON VENAANI: On that score, may I ask the Honourable Colleague a question? Honourable Tjiuiko, are you implying that the minority is somehow trying to manipulate the majority, which are the young people, or what are we having now?

HON TJIHUIKO: No, I am trying to reflect what happened in the past. You know, when there was a minority Government, these things were effectively used that a black person must have mathematics, but he was not allowed to study mathematics in school. Therefore there was no way you could get in because you did not have mathematics.

Therefore, if we continue saying that every year we look at the results of the University of Namibia and the Polytechnic and we realise that there are three hundred graduates with B-degrees, then we shift the post and say there must be 15 years experience. And you know that a person who has fifteen years experience cannot be below the age of 30. This is what I am saying.

I think it is very important and I am very aware of the fact that graduates from certain countries are really being suspected of not having valid qualifications. It is true and it is very unfortunate that Government has sent these people to be trained and they have been properly trained, they are qualified and they make mistakes like anybody else, but since they have been trained in those countries, people are looking at it and say, "*no, it is from Cuba, it is from a Socialist country.*" (Intervention)

HON NAMBAHU: May I ask the Honourable Member a question? Honourable Tjiuiko you are doing very well, are you also aware there are people in certain countries who specialise in thesis writing.

HON SPEAKER: I did not get that? In some countries?

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HON NAMBAHU: There are some people in some countries who are called specialists in thesis writing for others.

HON TJIHUIKO: Honourable Speaker, with these few words I support the reappointment of the two colleagues and I thank you.

HON SPEAKER: I thank Honourable Tjihuiko. Does the Right Honourable Prime Minister wish to reply?

RT HON PRIME MINISTER: Thank you, Comrade Speaker. I would like to thank all the Honourable Members who took the Floor. They all supported the appointment of the two commissioners. Nobody has questioned their qualifications or anything like that. *Honourable Nambahu* said that we could have brought their CVs here, but their CVs were here. These are reappointments. If every time we have to bring CVs here when we reappoint people, I am quite sure we are going to contribute to desertification by using too much paper, cutting down the trees. Their CVs were here.

However, Honourable Members have raised a number of concerns which had nothing to do with the reappointment of the two people and there are some issues which I would like to reflect on, perhaps not give full answers to them. I want to answer them at three levels – the broad policy level, the level of administration and the level of routine and practice.

One central issue which has been dodging us here is the issue of equality, equal treatment *vis-à-vis* the issue of affirmation. This issue was also a difficult issue in the writing of the Namibian Constitution. If you study our Constitution carefully, especially those who were not writing it like some of us were, you will find that Article 10 and Article 23 look contradictory.

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Article 10 talks about equality and freedom from discrimination, but Article 23 talks about apartheid and affirmative action and in that article you will find the issue of balanced restructuring of Public Service featuring high. In fact, there are no contradictions, this is the nature of our society and we want people to be treated equally, but we do also recognise that people are not quite equal. Therefore, the plea from the Honourable Deputy Prime Minister that there are some communities in Namibia who have been left out and for that reason they should be treated in terms of Article 23 in the Public Service.

I know that in the sector of Education this has been the policy. When you admit students to the College of Education, Polytechnic of Namibia – I am not quite sure about the University but those two institutions I know very well – and you require entry at 23 points, you will allow the children from Ondau Schools with 20 points. That has been happening for some time, I was there. That is in terms of Article 23, you are allowed to do that for good reasons, not for corruption, for good reasons, to be fair to everybody and everybody must participate. If you are talking about participation, you sometimes have to make these considerations.

The big argument going around now as we are talking about empowerment, is whether there should be a sunset Clause to this kind of treatment. Then I am saying I am not quite sure unless you amend Article 23 of the Constitution. If you want the sunset Clause you have to amend that, because this allows us to look at specific cases and treat them accordingly and I hope that the whole Public Service is doing that.

However there are some tricky issues regarding this. One tricky issue – we must be honest about it – is the demography of our population. We must be honest about the demographics of our population. Unfortunately some ethnic groups have too many numbers and some have few numbers. Even whatever balance you are making, those with big numbers will still be big numbers unless we just make it down to ratios in terms of percentages. But that is the nature of our society.

I know *Honourable Venaani* the other day was complaining that the Student Financial Support Scheme is favouring certain groups and I know exactly what he was talking about, because if you take Oshikoto, Oshana, Ohangwena and Omusati Regions and you give them their quota of the Student Financial Support

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Scheme, obviously for you the numbers will only be Oshiwambo-speaking, that is only what you see, but the system only recognises Regions in terms of apportioning the number of scholarships belonging to that particular Region. However when you go to the Polytechnic of Namibia, you only look at Oshiwambo-speaking. It is not exactly that because the problem is the demographics of our society and we should also recognise that that is a problem here.

Having said that, let me come to an issue which I think is being totally misunderstood and that is the Public Service Commission.

Honourable Members, if you look at Article 112 of the Public Service Commission Act, the Public Service Commission is an advisory body which advises the President about issues of appointments, about issues of discipline and control in the Public Service, about issues of conditions of service, etcetera. It is an advisory body and I want to emphasise that.

Yes, it advises that this one is approved to be appointed; however the Public Service Commission does not go out advertising in the public to apply for a job to the Public Service Commission. It does not work in that way. You apply for a job in a particular Ministry, Institution or Office, you do not apply to the Public Service Commission, and your applications are considered there in that particular Ministry or Office or Institution. Once the process of consideration is complete, that particular Ministry will now make a recommendation to the Public Service Commission. What the Public Service Commission looks at is whether procedures were properly followed or the procedures were abused. That is all they do. The actual decision of who is going to be appointed in terms of recommendation comes from a particular Ministry, not the Public Service Commission.

Therefore, if a person has a complaint, there are Institutions in Government. You have the Office of the Ombudsman, you can complain there. You have the Anti-Corruption Commission, you can go and complain there. You have the Courts, you can go and complain there.

You even have the Office of the Prime Minister, people have been complaining to me and once the complaint comes to me, I will not ignore it, I will cause an investigation to be done. Therefore we have these Institutions and people with grievances should use these Institutions.

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Besides these institutions – if you do not trust them – there is even a page of SMS in *The Namibian*. You can write a hundred SMS every day, that complaint will appear there. I am quite sure people are not going to ignore that. If you do not have a cell phone, Chat Show is there, you can go to the Chat Show. If you do not go to the Chat Show, there is *Informanté*. Therefore there are Institutions in our country which you can use to expose things if you really seriously feel aggrieved.

On top of that, because the Public Service Commission advises the President, if you feel you are seriously aggrieved, write to the President himself and complain there. I do not think it is going to be ignored. So, there are Institutions in this country which should deal with some of these things.

Really, some of the accusations you are making against the Public Service Commission is not really the Public Service Commission. Perhaps things happen in the Ministries. I know the rule *Honourable Venaani* has been talking about, that rule is a pragmatic rule and I have received submissions that this rule should be revisited and I think the Public Service Commission is revisiting the rule, that one that you should not jump a post to go to another one, even if that post is in a different Ministry.

Somehow we have to create a career path in the Public Service, otherwise you cannot motivate people to work hard and you should also be aware that if you are not careful, some of these things can also be abused. My cousin comes in with a good qualification, a PhD and I will use the PhD to jump the person above other people and that is the most de-motivating thing. When somebody who found you here jumps you, you are totally de-motivated. Therefore there must be some balances in the system.

They may not be working well, but with good management this balance should be able to put the system in such a way that people trust the system, because you also have to create that trust in the system, especially in a country as diversified as ours, also a country with a high unemployment. You must have systems which can draw the confidence of the population.

Coming to specific issues, **promotion** is recommended from the particular Ministry or Office. It is not the Public Service Commission which just out of the blue will promote you. There is nothing like that. The Public Service Commission is an oversight body to protect the public, that people in the

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RT HON ANGULA**

Ministries and the Offices are not abusing the system to their own benefit and the system can be abused.

Do you know what I have experienced? There are certain people who just target that we should apply and once you get a post in the personnel division, apply there. When you go to the Ministries, you will find that the personnel office is dominated by certain people. When you get a post in finance, apply there, then when you go to the finance department, the finance department is dominated by a certain language group. Those things I have experienced myself.

At one time there was this very nice thing to promote in the Public Service, the vacation jobs. That thing started, it was very appealing because of this complaint about experience and you know what happened? Once you give this kid a job during the vacation this year, next year and the other year, once this kid graduates, he will refuse to leave and then you exclude other people who were supposed to apply. Therefore the whole thing got abused and it became discriminatory because you were supposed to go out of the system so that everybody has a chance of applying.

However this one who came in through a vacation job somehow got through because somebody in the personnel service has advised this one that there is a vacancy in the department, come and apply for a vacation job.

If there are no systems then these things will happen and *Comrade Kazenambo* was talking about consistency. I am not talking about consistency of a donkey when you find a donkey on the road, for the donkey not to move, I am not talking about that. I am saying there must be some procedures which should guide the system, otherwise the system can really be abused and eventually people will not have trust in that system.

I hope the Public Service Commission have heard the voices of Parliament about their static and slow way of doing things, that they should pull up their socks and become a bit dynamic, so that they can assist new Ministries. *Comrade Tjiriange* has been creating a Ministry for the ex-combatants, but its structure is never approved and he does not go to the ex-combatants and says it is the Public Service Commission, he says it is Government. He is exposing his own Government, so he suffers in frustration there, being insulted by the unemployed ex-combatants and that kind of thing.

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**MAINTENANCE OF GOVERNMENT BUILDINGS
HON VILJOEN**

I hope that the Public Service Commission has heard the voice of Parliament, but really, if we want to debate these issues, there was a Report here of the Public Service Commission and you can use that Report to table a Motion and then we can have also the commissioners here so that when you are talking, they are listening and provide answers to the Prime Minister or whoever.

For now I thank you for your support. Thank you.

HON SPEAKER: I thank the Honourable Prime Minister. I now put the Question that the Motion be adopted. Any objection? Agreed to. The third Notice of a Motion is the one of Honourable Viljoen. Does the Honourable Member move the Motion? Who seconds? Honourable Mbai - seconds. Any objection? Agreed to. Honourable Viljoen has the Floor.

**DISCUSS AND CONSIDER THE RESPONSIBILITY AND
ACCOUNTABILITY OF THE USERS OF GOVERNMENT BUILDINGS
AS FAR AS GENERAL MAINTENANCE IS CONCERNED**

HON VILJOEN: Honourable Speaker, my Motion is: That this Assembly discusses and considers the responsibility and accountability of the users of Government buildings as far as general maintenance is concerned and that the Motion be referred to an applicable Parliamentary Standing Committee for possible recommendations.”

Honourable Speaker, I will say nothing which is provocative, but will speak, as usual, the truth, the whole truth and nothing but the truth.

On Tuesday, 16 October 2007, the Standing Committee on Human Resources had a session with the Ministry of Works, Transport and Communication. The purposes of this meeting was to discuss matters we encountered on our visit to certain Regions. The management of the Ministry was invited to shed light on certain problems which were identified.

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I decided to bring this Motion to Parliament because there is a perception in Namibia amongst people that Government is responsible for the whole parcel. Government must plan, provide, build, renovate and maintain. The users of Government buildings, be it Government houses, flats or official buildings, and the premises on which these properties are built have absolutely no responsibility to maintain.

Much was said on Otjiwarongo Hospital. We visited the hospital and every Member will agree that the management of that hospital have not heard of the idiom, "*cleanliness is next to godliness.*" The embarrassment is that there are twenty-eight cleaners but no control system. 28 cleaners but the premises are littered with plastic bags and paper because there is not an effective management structure. Those who are in charge of the cleaners cause an embarrassment for Otjiwarongo town, the Government and the Honourable Minister.

When I rent my house to somebody, I have to draw up a contract that I, the owner, is responsible for the outside of the building. I must renovate and keep it clean, but the tenant is responsible for the inside of the house.

He must replace bulbs, door locks and attend to leaking taps.

I can only speak of the schools and hostels because I am familiar with most of them. The Honourable Ulenga asked a question on a certain hostel which is in a state of dilapidation, I think it is Otjinene. But so is most of the hostels.

The Ministry of Works is being called out and in some cases travel hundreds of kilometres to attend to a blocked zinc or a blocked sewerage system, blocked by plastic bags and baby nappies. They have to attend to blocked wash basins because people are washing clothes and dirty nappies. It costs the Government millions of dollars because the users of the buildings see it as not their responsibility. In cases the Ministry of Works only removes the plastic bag which is blocking the drain. They submitted us with a document with a number of photos. In some cases it is ridiculous, a toilet pot was covered with a plastic bag and the Ministry of Works was called out and they removed the plastic bag and they flushed the system and it worked hundred percent. They asked the supervisor, "*what is going on here?*" "*Sir, the drain is blocked.*" He said, "*but it flushed a hundred percent.*" He said, "*oh, I think the workers put the plastic bag because visitors are not allowed to use it.*" It costs a lot of money.

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millions of dollars are lost because of damaged ceilings because the gutters are blocked with leaves and other dirt. At the start of the rainy season this is the first thing that people who care should do, clean all the gutters.

Why are some schools and hostels in a better state than others? Time does not play a role. I remember visiting Döbra Secondary School just after Independence. The facilities were old but everything was clean and in a proper working condition and so were schools like Oshigambo, St Boniface, Elcin Nkurenkuru, Kizito College, Gunichas. I came to the conclusion that it is supervision and control; the only difference is human beings who care.

In colonial times the hostel inspector visited all the hostels in the country. You were informed beforehand of the visit and started to clean, to paint, to renovate. On the day of the visit you are very nervous, because the inspector normally looks everywhere. He also inspects the accounting system to see whether the hostel development fund is utilised wisely. A bad report from the inspector may influence your future promotion.

Namibia does not have the money to start renovating all Government properties. They use only 20% of the Development Budget for maintenance. On the other hand, something must be done because the time will come that we have to build new facilities because it will be cheaper to build than to renovate.

Every school and hostel in this country has a development fund. Part of it should be used to replace broken windows, door locks and to fix other smaller problems. A handyman should be appointed and paid from the hostel fund to replace tap washers, bulbs, door locks and to attend to blocked zincs and washing basins.

When you drive through the cities and towns in Namibia, it is easy to identify the Government houses. The users do nothing to keep up the building and premises. Gardens are not cared for and they are untidy and if you are the neighbour, your house and premises devalue. The time is now to act.

Just to recommend something, my guidelines for schools and hostels are:

- Make the principal and superintendent of the hostel accountable for the buildings under their control. Give somebody the authority to see that the principal and the superintendent adhere to this stipulation. They must

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HON BOOYS**

submit reports at the end of each term to indicate what renovations were done.

- Make an allocation of N\$5 000 per year to every school and hostel for renovation and smaller reparations and keep proper control of the money spent.
- Train one of the institutional workers to do the work of a handyman in cooperation with the principal and superintendent.

Honourable Speaker, I think that my Motion is an appeal to the Government to do something. I do not have the authority, the Opposition Parties in this House do not have the authority, the Ruling Party has the authority to implement a simple workable plan to make government buildings, flats and houses respectable places. We must stop talking on the same Motions and matters every year. As long as we talk we will do nothing.

One of the biggest problems in Namibia on all levels is a total lack of discipline in the workplace, a total lack of supervision and a total lack of the desire to do things in an excellent way.

Back to the Motion, let us start somewhere to stop the process of deterioration to enable us to be proud of all our Government assets. I thank you.

HON SPEAKER: I thank the Honourable Member for the introduction of his Motion. Honourable Booys.

HON BOOYS: Honourable Speaker, thank you very much. I rise on a procedural matter.

Honourable Viljoen in the beginning told us that he was part of the Committee that visited the hospitals and the schools and we have not yet discussed the Report of the Standing Committee on Human Resources in this House. But now he brought a Motion based on that Report.

I am therefore asking, whether procedurally is it correct for a Member of the

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Committee to table a Motion without the Report being tabled and discussed.

HON SPEAKER: I do not know, maybe it is not the regular way to do it, but I do not know whether a Member loses his independent parliamentary responsibility to introduce a Motion. I do not know if the Honourable Viljoen was the leader of the group or not, but I would personally believe that there is no rule that stands in the way of what the Honourable Member is doing. He is a Member of Parliament and he can in his own right introduce a Motion without preventing the group as a whole to, at an appropriate time, through the leader of the delegation to introduce a Motion. I do not know.

HON BOOYS: Honourable Speaker, Mr Viljoen did not go on his own to the Constituency, he went on the ticket of the Standing Committee. Therefore the Standing Committee now owes that statement to the House.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Comrade Speaker, on behalf of my Colleagues who came in with me, we would like to tender our apologies for coming in late. We were held up at performing State functions elsewhere.

Comrade Speaker, the issue of the Motion by Honourable Viljoen, I am not going to give a clear-cut advice, I am just attempting and will not even quote any Rule, but I am recalling the Rule we have on anticipation. I cannot recall which number it is, however if we go ahead and deliberate on it based on what Honourable Viljoen has described in his motivation, the question is when that Report comes, how are we going to deal with it?

It also depends on when it comes to Parliament. Are we going to discard it and on the basis that we have already dealt with it before or how will we deal with it? I see a bit of complications. Thank you.

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HON DR AMATHILA/ HON DR AMWEELO**

HON DEPUTY PRIME MINISTER: Thank you, Honourable Speaker. Having listened to the two Colleagues, I think the Opposition Parties – not all of them – have a tendency to bring issues here in anticipation. I remember one of them, listening to my Herero Radio interview when I was in Otjituuo, Katjoruu, I was recruiting coffin builders and I got five guys, and on Tuesday the first thing Kaura did was to move a Motion on burial and the status of the San community.

I therefore think this should be disallowed because this is a political chicanery and it should not be allowed. The people had a Committee, the Committee must give a Report and we debate the Report, not someone who sneaks to be seen on the television that he brought this. That must be stopped. Thank you very much.

HON SPEAKER: We are discussing the procedure to assist the Speaker. Minister of Safety and Security.

HON MINISTER OF SAFETY AND SECURITY: Thank you, Comrade Speaker. Our apology has already been made by the Minister of Justice and Attorney-General. I would like to say that if what Comrade Booyis is saying is really true, this is nothing but hijacking of the Report itself by a Member of that particular Committee and all elements, I believe, of his motivation are found in the report, so that when the Report comes here, it will no longer have value to be discussed, it would have lost its value.

On this basis I would support Comrade Booyis to say this must not be allowed. I thank you.

HON DR AMWEELO: Comrade Speaker, in short, I just have a humble request to Honourable Viljoen to withdraw the Motion and go back to the Committee for consultations. I thank you.

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RT HON ANGULA/ HON KONJORE/HON DIENDA**

RT HON PRIME MINISTER: Honourable Speaker, I do not know whether Rule 79(e)(ii) applies here. I do not know whether that will help.

HON SPEAKER: Can we look at Rule 108(b). General restrictions: “*A Member may not anticipate the discussion on any other subject which appears...*” No, I do not think that applies. The other one tells me that the mandate of the Committee was to visit hospital buildings, while the Motion is on Government buildings in general. Honourable Minister of Environment and Tourism, can you help us out?

HON MINISTER OF ENVIRONMENT AND TOURISM: Comrade Speaker, one has to be very careful as to how to intervene, but having said that, the Report referred to is still to come, but I do not think that this House would know what the content of the Report is and as you rightly put it, if the mission of the Committee was to visit particular buildings and Report on particular buildings, in my view this does not prevent a Motion like this one, saying “*discuss and consider the responsibility and accountability of the users of Government buildings as far as general maintenance is concerned.*”

Without knowing the content of the Report that is to come, I fail to see the relation between that particular Report and this very Motion. If the Members of the Committee, knowing the Report, could say these and these points are included in that very Report that is to be addressed, then we have a conflict there.

HON DIENDA: Honourable Speaker, we have to differentiate, when the Report is tabled only for note-taking, then there will be no discussions. I think that the Motion by the Honourable Member has value for this House. If the Report is open for discussion, then I will have a problem with it, but even the Committee does not know at this stage whether we have agreed or it will only be for note-taking. We did not agree on that one.

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I think we must rather go back to our Committee and discuss it. If it is part of our Report? The maintenance of Government buildings is part of our Report and we had the Permanent Secretary of the Ministry of Works in our Committee and he gave us this information. What the Committee did not agree on is whether our Report will only be tabled for note-taking. I think it must stay until we have made a decision.

HON SPEAKER: We do not have much time. Honourable Ministers, I made an announcement that you would not be here with us, that you will have official engagements and I was in the know about it and I informed the House accordingly.

As my good friend from Angola used to say, I agree with all the speakers. I will exercise my prerogative as the presiding officer to adjourn the consideration of this matter and consult and come back and advise the House.

On that note I ask the Right Honourable Prime Minister to adjourn the House.

RT HON PRIME MINISTER: I Move that the House adjourns until tomorrow at 09:00.

HOUSE ADJOURNS AT 17:45 UNTIL 2007.10.25 AT 09:00

**ASSEMBLY CHAMBER
25 OCTOBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

HON SPEAKER took the Chair and read Prayers and the Affirmation.

HON SPEAKER: Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Any Notice of Questions? Any Notice of Motions? Any Ministerial Statements?

Question 104 is by Honourable Schimming Chase. Does the Honourable Member put the Question?

QUESTION 104:

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Comrade Speaker, this question contains two aspects, and those are the aspects whether the Ministry is assisting the communities that are aggrieved by this land that was taken, and the second part is talking about whether the Ministry is prepared to look into this matter.

Honourable Speaker, Honourable Members, indeed we are looking into this matter, we are indeed seized with this matter and you know that as we are dealing with this matter which has legal implications, we need more information. I am really asking the indulgence of the House to still give us time to consult with other Line Ministries. It is not only land, it is not only the jurisdiction of the institutions falling within the Ministry of Regional and Local Government, Housing and Rural Development. We therefore need to consult and also to look into the matter. It is something that happened a long time ago and I need more time.

Comrade Speaker, if I could be understood and the Ministry could be understood so that we can come back when we have all the information at hand. We are therefore seized with the matter.

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HON NGATJIZEKO**

HON SPEAKER: I thank the Minister. The preliminary answer suffices for now until the Minister will indicate. Question 117 is by Honourable Tjihuiko. Does the Honourable Member put the Question?

QUESTION 117:

HON MINISTER OF TRADE AND INDUSTRY: Thank you very much, Honourable Speaker. I want to respond to the questions raised by Honourable Tjihuiko concerning the poverty situation in Ohangwena and what my Ministry is planning to do to address that. He has also raised questions about villages and towns in the Karas Region, Otjozondjupa Region as well as Omaheke Region. I however want to answer as follows to the questions:

I agree with the situation in Ohangwena as set out by the Honourable Tjihuiko. We have not developed a specific intervention programme for Ohangwena, first, because we have a national duty; second because the problems as identified by Honourable Tjihuiko are not unique to that Region only, even though they may be acute there.

The Minister of Trade and Industry has over the years had a variety of intervention programmes to assist the small scale and informal sector. We did this because we believe that this is the best way to create jobs, entrepreneurship and therefore, to alleviate poverty. We have created a Small Business Credit Guarantee Scheme aimed at providing our commercial banks with confidence to lend to the small and medium enterprise sector. This fund has so far given 24 guarantees for enterprises in the Ohangwena Region, 40 to the Karas Region, 16 to the Hardap Region, 40 to the Otjozondjupa Region and 26 to the Kunene Region.

There are two other programmes which we have instituted: Financing of rural micro-enterprises and the mentoring of the SMEs. Ohangwena Region was chosen for the pilot project on rural financing. This programme has dispensed a great number of small loans to mainly women from this Region. It is our wish that the pilot project, once proven successful, will be expanded to other Regions.

The mentoring programme is countrywide and will assist the SME sector greatly.

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May I also add that we have not stopped there, the Ministry of Trade and Industry has a programme to support business development. It mainly takes the form of doing feasibility studies and business plans for enterprises, but can also be used for the purpose of Research and Development of products and services. 14 projects were approved for feasibility study and business plans for the Karas Region. We did 8 feasibility studies and business plan projects in the Hardap Region and 26 entrepreneurs were trained in business management at Okonjama and over a 100 enterprises attended business idea generation workshop in Gobabis on 27 and 28 March 2007.

For Leonardville in particular, a study was commissioned on behalf of the Village Council to establish the viability of olive production. 34 entrepreneurs were trained in bookkeeping and stocktaking at Otjinene on 25 and 16 May 2007, 37 entrepreneurs were trained in bookkeeping and stocktaking at Epukiro Post 3 on 5 and 6 June 2007, 60 entrepreneurs were trained in bookkeeping and stocktaking at Onderombapa on 19 and 20 June 2007. There are 6 enterprises under mentorship and 14 projects approved for conduct of feasibility studies and development of business plans. As you may see, all these were done in the Omaheke Region.

The Otjozondjupa Region saw the following activities:

For Tsumkwe, a feasibility study was conducted to establish the viability of setting up a guest house and a fuel station. Unfortunately, the study found both ventures not to be viable.

If I am not mistaken, the promoter was the MP from Tsumkwe Constituency. 8 Mentorship projects and nine projects were approved for conduct of feasibility studies and development of business plans.

We specifically carried out the following in the Ohangwena Region:

30 enterprises attended training in tax management for importers and exporters, and seven projects approved for conduct of feasibility studies and development of business plans.

Honourable Tjihuiko, I hope and trust that my answer has been of some value to you, considering that we have a certain mandate to address poverty and I believe

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HON KAAPANDA**

other Ministries are also doing quite a number of things to address poverty in their particular way in the Regions you have raised. I thank you very much.

HON TJIHUIKO: Thank you very much, Honourable Minister, for the attempt to address the House. It is very unfortunate, Honourable Minister, that you did not answer the questions. The questions were specific. It is simply clear to me now that nothing has been done in Ohangwena Region, there is no programme at all. All the theories they are talking about are theories that we have been hearing for the last how many days.

I thank you very much for that.

HON SPEAKER: Question 118 is one by Honourable Ulenga. Does the Honourable Member put the Question?

QUESTION 118:

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION: Thank you, Comrade Speaker, Honourable Members. Comrade Speaker, there is a strong opposition to these questions by my Permanent Secretary, however I have prepared answers and with the indulgence of my Colleague, is it worth answering these questions if they are misdirected? I am advised that these questions are misdirected, therefore I decline to answer them. I thank you and I rest my case.

HON SPEAKER: Honourable Ulenga, was it your intention to put the Question to the Minister indicated on the Question Paper?

HON ULENGA: Honourable Speaker, after finding out about the conditions at this school, I did some enquiries and initially thought to put the question to the Minister of Education and I was confidently advised that the right Ministry is that of Works, Transport and Communications and that is why I put the question to the Minister.

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HON P MUSHELENGA**

Honourable Speaker, I must say, it is becoming more the rule than the exception that Ministers are neglecting this very serious responsibility of answering questions

HON SPEAKER: You are out of order. You can have a Motion on that and debate. The point is that the question is directed to the wrong Minister. That is the bottom-line from what the Minister of Works, Transport and Communication is indicating. He is one of those, I can confess, who dutifully answers questions. He is simply saying it is not his responsibility. Maybe you have to question whether it falls in line with his responsibility and then he will answer. I do not want to sit in judgment over that. The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING – MOTOR
VEHICLE ACCIDENT FUND BILL**

HON SPEAKER: When this Debate was adjourned on Tuesday, the 23rd of October 2007, the Question before the Assembly was a Motion by the Honourable Minister of Finance, that the Bill be read a Second Time. Honourable Mushelenga adjourned the Debate and he now has the Floor.

HON P MUSHELENGA: Honourable Speaker, Honourable Members, I rise to support the Motor Vehicle Accident Fund Bill tabled by the Honourable Minister of Finance. Motor vehicle accidents have increased rapidly over the past years, causing losses of lives and injuries. The effects are a burden to society, caused by socio-economic losses both to the injured persons and their dependants, as well as dependants of the deceased.

At the very beginning I would like to add my support to the sentiments expressed by Honourable Alexia Manombe-Ncube and express disappointment with the composition of the Board provided for in section 12 of the Bill. It is my

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submission to this august House that it would be ideal to include in the Board a person who has become disabled as a result of a motor vehicle accident. Such a person understands the pain, agony and trauma that motor vehicle accident victims go through and will be able to add value to the policy-making process in the Board.

Section 14 of the Bill provides for the duration of the Board. I would like to advise that a Clause be inserted, stating that the Minister should ensure that at the end of the duration of the Board, at least one-third of the Board should be retained. This is necessary to ensure continuity, so that one does not have a situation whereby a new Board would always start completely afresh and spend time in scratching files and archival materials.

It is a matter of fact that some people accept board appointments while they have other equally important assignments, result in the work of the Board to suffer. I commend the provision in Section 16 of the Bill which states that Board members will lose their membership if they are absent from two consecutive meetings without permission. I am, however, interested to know about the frequency of the MVA Board meetings as this is not stipulated in the Bill.

Honourable Speaker, Honourable Members, I am in support of Section 24 of the Bill which provides for benefits to all persons who have suffered loss or damage as a result of motor vehicle accidents. I am told that when a vehicle, which hits a pedestrian and there is no negligence on the part of the driver, the Fund covers the funeral expenses of the victim. However, the situation on the ground is that irrespective of such payment by the Fund, in most cases when a pedestrian dies as a result of a motor vehicle accident, the family of the deceased demands that the driver of the vehicle involved should pay funeral expenses on top of what the Fund has already paid, as if the accident was caused deliberately. Some drivers are asked to bear the cost of hospitalisation for the injured pedestrians, even if there was no negligence on the part of the drivers. In this respect a reflection should be made to give due consideration to such drivers.

I commend Section 26(g) of the Bill before the House which states that the Fund will not pay benefits to persons injured in the vehicle if they are involved in carrying out criminal activities. *Robbers and the likes should deal with their own fates.* I am further satisfied that distinction has been made between people who are willingly committing a criminal offence and those who are coerced to do so,

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whereby the latter are included in benefit payments. It is only fair and humane that people who are caught in the crossfire should be treated differently from the real culprits.

I have some comments on the same Section of the Bill, Sub-section (j), which states that payments will only be made if the claim has been made by a claimant or a legal practitioner. It should be noted that some legal practitioners are making a lot of money out of vulnerable accident victims. It is my submission that the process of claiming should not be too complicated, so that victims could avoid third parties to claim on their behalf. With this practice the benefits that victims are paid would become settlement of legal practitioners' costs, leaving victims with nothing.

Before I conclude, Honourable Speaker, I would like to express my worry about the inclusion of figures as benefit payments for medical expenses, loss of income and support, and injury grant in the Bill. This could pose a serious threat to the financial position of the Fund. I would rather suggest that the figures be removed from the Bill and the line Minister should be empowered to regulate these figures after assessing the financial position of the Fund through actuarial valuations and in consultation with the Board.

With these few observations I support the Bill., leaving victims with nothing.

HON SPEAKER: I thank the Honourable Member. Honourable Katali.

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Thank you, Comrade Speaker. I also rise to add my voice to this Motor Vehicle Accident Fund Bill which was tabled by the Honourable Minister of Finance. I have very brief contributions to make.

Firstly, I must really thank the Ministry and the administrators of the Fund for coming up with this Bill and the provisions that are made, particularly the one

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that allows the beneficiaries of the drivers to benefit from the Fund after the accident.

I benefited from listening to the phone-in programme on Oshiwambo Radio where I realised and discovered that many of the callers, the presenters and even those representing the Fund could not really answer the question as to why the driver who is also a victim could not benefit from the Fund. I think this is a very good move from the Fund and it is going to help as it was intended to.

I have one concern with Clause 3(i) which has to do with the investment of the funds if it is not readily needed. We have experienced in this country many of the funds being lost through investment and nothing is mentioned here as to the role of the Minister when these investments are being done. I would, therefore, propose that if it cannot be covered in the Bill itself, then the regulations should provide that before the Board invests the money for the Minister to also be in the know, because at times the Minister will be asked questions while the provisions in the Bill do not say anything about his or her role when funds are being invested. Therefore, I would really like to request the Minister that when the regulations are going to be made, that this is also covered, that either the consent of the Minister be obtained or consultations take place when money of this magnitude is invested.

The other concern is with regard to the financial statements. It is only provided for that as soon as possible after the end of each financial year that the Fund must prepare financial statements. I would have liked it to read "*as soon as possible after the end of each financial year, but not later than three or six months*", because "*as soon as possible*" may mean different things to different people. Some may even think a year is as soon as possible. Therefore, I am proposing that an Amendment be made here to provide for a time limit for the submission of the financial statements.

The last one is with regard to Section 24(3) that has to do with the claimant or the person who has rendered services or goods to the beneficiary. Here it is indicated that the beneficiary or the claimant must claim directly from the Fund. I do not know what mechanisms are put in place to verify whether the services or goods claimed for have really been given to the beneficiary, because I think it was not long ago when there were doctors who claimed services and goods that they have not rendered to the beneficiaries. (Intervention)

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask Honourable Katali a question? Comrade Katali, you mentioned the issue of the doctors. Are you aware that there are some people who were not even driving the vehicle which was involved in an accident who got lawyers to claim as if they were the ones driving the vehicle involved in an accident. Are you aware of that?

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: I may not be aware although I do not dispute what you are saying, Comrade. Maybe there are those people doing that, but I think the Bill is watertight in terms of who are the beneficiaries. I think they take proactive measures in order to find out who are the people that were involved in the accident, but you know human beings are human beings and I agree with you, that measures should be put in place to make sure that the people who were involved in the accident, are actually the ones who benefit.

What I was saying here is that I think care should be taken as to the leeway that is given to the providers of services to claim directly from the Fund. There is not even an involvement of the victim, the person who either received goods or services. This could actually lead to the Fund being abused and, therefore, I really feel the Honourable Minister should look into this. (Intervention)

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: May I ask a question? Comrade Katali, you are talking about the administration of the Fund, governance and performance agreements. Mention is made of performance agreements, but no specifications are highlighted in the Bill. Do you agree that a performance agreement should specify specific areas that need to be addressed by the Board in terms of performance of this Fund?

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Yes, I do agree, but given that the Bill provides in Section 35 for the regulations, I was of

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the understanding that some of these specifics will be included in the regulations. It may probably not be good to legislate them, but they need to be included in Section 35 that deals with the regulations.

With that, Comrade Speaker, Honourable Members, I wholeheartedly support this Bill and I think we need to pass it so that the people out there can benefit from this. I thank you very much.

HON DR AMWEELO: I thank you very much, Comrade Speaker. Comrade Speaker, I am also standing to add my voice to this very important Bill, a Bill which is dealing with compensation.

We all know that the MVA Fund is a State owned compulsory third party insurance provider of limited insurance cover to road users that fall victim to road accidents. The coverage is mainly against personal injuries or death as a result of road accidents. It does not, however, cover damage to the property.

Comrade Speaker, with this information I would like to refer the Minister to Part 2, Section 2(2)(a) with regard to the design, develop, promote and implement motor vehicle accidents and injuries prevention measures. We are all aware that we experience a high rate of road accidents in our country. This is maybe because we have a very good transport infrastructure, very good roads and that is why our colleagues tend to drive at 160 or 180 instead of the 120 kilometres per hour which the law stipulates. Therefore, we find we have a high road accident rate.

In order to overcome these problems, we really need to have prevention measures. Maybe we will need the cooperation of various institutions and then from there, once we have the cooperation, we could work together. Information is very important, we need to find the correct information in order to carry out investigations, because investigations depend on the right information to identify the cause. Once we identify the cause, then only can we put up prevention measures. On this we need to work together, it is not the responsibility of one Ministry. We need to work together to identify the causes of the accidents and from there we put up the right prevention measures. Effective prevention of road injuries needs to be based on scientific information.

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With regard to the powers of the Fund, I selected Section 3(a). This Section 3(a) is on investment in research done, development and promotion and implementation of motor vehicles accident and injuries prevention measures. Here they are again talking about prevention measures and maybe we need to concentrate on educating pedestrians on how to cope with the traffic environment. This is a very important and essential component.

Maybe we need to come up with various methods, design the right methodology. Maybe we have to consider a new approach which does not follow the approach we have taken all along, because we see that there is no change and we have to think about new methods, a new approach. Maybe this new approach means we have to talk about the accidents or a lot of printed materials or maybe we can use the multi-media. We have a lot of singers here and we can talk to them, so that they can also sing about the prevention of road accidents. This will also be a very good message to the singers, so that they can also compose songs about issues related to the prevention of road accidents.

Section 2(1) deals with the provision of training. I fully agree that we need to train our people more and more, because as we know, there are only three factors which are causing road accidents. We are talking about the machinery itself, the environment and about the drivers. But 95% are caused by the drivers, therefore training is very important.

Comrade Speaker, then a question with regard to Section 4, money of Fund. Unfortunately the Minister is not here, but I just want to know because we have the MVA Fund and on the other hand we have the Road Fund Administration and all these institutions receive a fuel levy. (Intervention)

HON MINISTER OF SAFETY AND SECURITY: I want to ask a question to my Colleague before he concludes. Honourable Amweelo, you have been emphasising training of drivers – training and training and training. Could the Honourable Member be precise and specific as to who should train the drivers, because I think that point is very, very important and we would like to know because it is from there that we might start in the future. Thank you.

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HON DR AMWEELO: Honourable Minister, just be patient because I think I will include that point and I am coming to that one.

Comrade Speaker, I was saying my concern is with regard to the two institutions, the MVA Fund and also the Road Fund Administration. In general the reform now being proposed is for the MVA Fund to compensate all the victims of road accidents regardless of the element fault as they contributed to the general welfare of ordinary Namibians, while the Road Fund Administration is responsible for capital infrastructure development that will also ensure economic prosperity. Now my question is with regard to the sustainability, how the Ministry is going to distribute the cake to these two institutions, because they all get a share from the fuel levy. There was some concern, people wanted this fuel levy to be lifted a little bit and then the big problem will be that it touches the community, that you cannot time and again increase the fuel.

My big concern is, how the Ministry is going to contribute to these two institutions, the Road Fund Administration and also the MVA Fund. That is my concern.

The other concern, Comrade Speaker, is with regard to the alignment of the MVA Fund to the Ministry of Works, Transport and Communication. I feel the MVA Fund is an insurance service provider that is more concerned with issues of risk management and also actuarial evaluation for which there is maybe no mechanism within the Ministry of Works, Transport and Communication to effectively supervise and monitor the performance of any insurance company. How will the Ministry of Works, Transport and Communication supervise and monitor these issues related to insurance?

Therefore, I would suggest that the MVA Fund should remain with the Ministry of Finance because the Ministry of Finance is responsible for proper supervision and monitoring, especially when we are talking about corporate governance. I think it is more related to insurance. I do not think that if this is going to be transferred to the Ministry of Works, Transport and Communication that they will have the mechanism to monitor this issue which is related to insurance.

My last point is related to Part 9, Section 29(b), the issue related to the investigations and furnishing of information. I have no problem with regard to the Fund appointing investigators to investigate the cause of motor vehicle accidents generally, as stated in Section 29(b), but my main concern is with

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regard to the reporting system and this is where I would like to answer Comrade Tshirumbu.

With regard to the reporting system, we already have an existing law. According to the Road Traffic and Transportation Act, all accidents should be reported to the Namibian Police or traffic officer. If we say this is going to be transferred to the Ministry of Works, Transport and Communication, how will this reporting system be managed? Because in order to investigate any accident or incident, you need information. That information is needed to conduct a proper investigation of accidents. But now you need to immediately report an accident by fax, telephone or cell phone or whatever, so that the investigator or inspector should go quickly to the place where the accident took place. The question is, where are we now going to report these accidents? (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:

Comrade Speaker, may I ask a question? Comrade Amweelo, you quoted the Road Accidents Act, is there any indication that you must not report an accident immediately or that the police and traffic officers are no longer going to receive reports of accidents. Is there any mention of that in this law?

HON DR AMWEELO: Yes, Comrade, this is my concern. We are talking about the investigation and all those things and we are saying this is going to be transferred to the Ministry of Works, Transport and Communication, but my concern is with regard to the administration of the Act because we have an existing Act which says all the accidents should be reported to the Namibian Police. But my concern is, if these things are going to be transferred to the Ministry of Works in this Bill, how is this going to be managed, because there is already something and this Bill is only concerned with insurance, so to say. It does not have issues related to the mechanisms and all these things, it is only related to the insurance. I think it will be better managed by the Ministry of Finance and not the Ministry of Works, Transport and Communication.

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To come to the question by my Colleague, the training should be according to this Act, the Road Traffic and Transportation Act, which already gives guidance and full information on how the training is going to take place, who is going to conduct the training. We just need to implement that Act.

Otherwise, Comrade Speaker, I fully support the Bill with those concerns and I think the Minister has to consider those concerns. I thank you.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you, Comrade Speaker. I am rising to add my voice in support of this very important Bill.

As introduction I would just like to observe that this particular Bill was introduced by the Honourable Minister of Finance, but once the Bill is passed, the administration thereof will be the responsibility of the Minister responsible for transport.

As we are discussing, Comrade Speaker, both the Minister of Finance and the Deputy Minister of Finance are not in the Chamber. I do not know who is taking the notes or the questions that the Honourable Members are putting across. Is it the Honourable Minister of Transport? That is just an observation.

The issue I would like to raise is derived from Section 12(1) of the Bill, that talks about the constitution of the Board and that particular Section states as follows: *“The Board consists of five members who are persons with appropriate knowledge, skills and personal attributes to properly ensure the functional integrity of the Fund.”*

I would like to pose a question on the issue of personal attributes, as a requirement for somebody to be considered for appointment on the Board. In my view, unless that particular term, *“personal attributes”* are clearly defined, one is likely to run the risk of maybe not knowing exactly what are personal attributes? What are the personal attributes that we are talking about here? Is it that somebody should be friendly, is it that somebody should be tall or short, what are those personal attributes? I think it needs a clear kind of definition, otherwise it could just be deleted.

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Then on the same page, Section 12, when it comes to the appointment of the Chairperson and Deputy Chairperson of the Board, Comrade Speaker, it has been observed as a trend – which I think is a good trend – that many of the laws that we are passing in this Chamber require that the chairperson, for example, could be appointed by the Minister, but then the Deputy Chairperson is the responsibility of the Board Members to elect a Deputy Chairperson from among themselves. I think it is a very good principle to enhance the question of democratic accountability.

Comrade Speaker, those are the few remarks that I had to raise in support of this very important Bill. Thank you.

HON DIENDA: Honourable Speaker, I would like to adjourn the Debate until Wednesday, the 31st of October 2007.

HON SPEAKER: The consideration of this Motion stands adjourned until Wednesday, next week. The Secretary will read the Second Order of the Day.

**RESUMPTION OF DEBATE ON NATIONAL RECONCILIATION WITH
A VIEW TO DEVELOP GUIDELINES FOR A POLICY THEREON**

HON SPEAKER: When this Debate was adjourned on Tuesday, the 23 of October 2007, the Question before the Assembly was a Motion by Honourable Tsudao Gurirab. Chief //Garoëb adjourned the Debate and I now give him the Floor.

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HON //GAROËB: Thank you Mr Speaker, Sir, for the opportunity to participate in this Debate.

Mr Speaker, Sir, I am glad that at last the reconciliation issue came back to this august House for discussion, not because we, according to our Constitution, are compelled to do so, but because of the confusion in the public and even among the different Honourable Members of this House itself about exactly what the intention was and is about reconciliation. As a result of this confusion we are actually urgently in need of definite guidelines.

Mr Speaker, Sir, for those of us who are part of the masses who walk the streets without bodyguards and who keep our ears close to the ground, believe that the fact that we have a policy of reconciliation, which is supposed to guide all Namibians to peace and stability, does not tell it all. There are still too many flaws in the path of genuine reconciliation. The major one, the unresolved issue of the dungeons of Lubango and elsewhere.

The policy of reconciliation, to me, is a very serious issue aimed at harmonising the lives of the Namibian people. This is one of the positive things brought about by the long-awaited Independence.

Most of us accepted it wholeheartedly, while knowing about the Namibian citizens were dumped in the dungeons of Lubango and elsewhere by SWAPO, most of which people unfortunately happen to be the members of the UDF. (Intervention)

HON MINISTER OF LANDS AND RESETTLEMENT: May I ask the Honourable Member a small question? UDF never had members outside the country. During 435 UN election some misguided Namibians formed !Khum and Honourable Gertze was one of them. Khum joined UDF during the 435 election. Now my question is:

All along from the seventies to eighties, South Africa has been arresting Namibians fighting for freedom. In 1989 South Africa only released those close to fifteen Namibians who were sentenced here in the Windhoek Central Prison. What happened to the Namibians who were at Osire which that time was a

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detention camp? What happened to those arrested at Oshakati? All those are not accounted for up to now.

That time here was the so-called Interim-Government of which the UDF was not a party, but the UDF was also indirectly a party because by that time you were heading the Damara Administration in Khorixas which is part of this. Why are you not concerned about those people who were here who never came out, those who were at Osire? Up to now we do not know what happened to them and those who were at Oshakati and those over 200 who were dumped into the sea by the Boers here? What about those? Therefore no UDF, no Damara Council had members outside the country. Do not come and tell an untruth to this august House.

HON //GAROËB: Thank you, Mr Speaker, Sir. The problem with my Honourable young Minister is that he never listens, he just jumps in and bombards without listening. I never said that UDF had members outside the country, I said the people who happened to be those who were dumped in the dungeons, when 435 came, became members of the UDF. (Interjections). It is a written speech.

As far as the other people who were killed by South Africa is concerned, you know that I am very much concerned about that. You know those days you never knew these things, because some of you are last-minute SWAPO's, the others were too young to understand these things. Let me continue. What I am talking about are facts of life. (Intervention)

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

On a Point of Information. I think the Honourable Member has started from the wrong premises, because he demonstrated his biasness by saying that reconciliation is fraught with flaws unless the issue of the dungeons is resolved, but completely ignored other dungeons because he only referred to SWAPO dungeons, but the other dungeons all over the country whereby countless Namibians disappeared he does not mention at all.

Honourable Speaker, when we discuss reconciliation, I think we need to be

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objective and we need to be truthful and honest to ourselves. This Motion should not become a propaganda tool in order to score cheap political points. We have so many Namibians who disappeared during the colonial time and he is aware of that and the reason why he shies away from mentioning those people is because he was part and parcel of the system that oppressed Namibians and killed them. Honourable Member, stick to your written text, go back and read because you said those who were in the dungeons were UDF members. That means you are only concerned with the dungeons because there were UDF members. Go back to your written text. I rest my case, thank you.

HON //GAROËB: Thank you Mr Speaker, Sir. I think the Honourable Members are provoking me. The Honourable Member precisely said what the former speaker was saying, showing us that you people are so *programmed*, you do not listen to what other people say, you are just blaring what you are programmed to say.

As much as we went all out to condemn what happened in the dungeons – another programmed one. I am sorry, Mr Speaker, Sir. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Comrade Speaker, on a Point of Information. Honourable Members, my Chief said we were young that time. We were not young, all of us were aware that during the Kakuva time it was not Kakuva alone, he was with others. Kakuva and the people of Kaoko were not in Lubango that time, they were here. Even the Chief did not come to the court to listen to what happened in Kaoko that time and now he is complaining about SWAPO. During the /Ae-Gams time he went to Botswana together with my husband, I was married by then. Why does he say we were young?

HON //GAROËB: Thank you, Mr Speaker, Sir. I know that during the Kakuva time the Honourable Member and her husband were also sought after by the South African Army and I went an extra mile to collect them and give them a safe place to stay in the so-called Damaraland those days. Maybe the young lady

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might have forgotten that. We gave her a safe place to stay and we arranged with Comrade Witbooi so that her husband can get a job at the school there.

Secondly, we were the only ones who complained about the Kakuva case. I know these things because by then I was mature enough to understand what everything was all about. Now coming back to my speech. (Intervention)

HON MOONGO: Honourable Speaker, may I ask the Honourable Chief a question? Honourable Chief, in my understanding the SWAPO Government is doing good to exhume those people who were killed by the racist South African regime here from Eenhana and properly rebury them. They are doing a good thing, but now, when are they going to exhume the ones whom they killed and those who disappeared? When are they bringing the remains back to Namibia to also be properly buried?

HON SPEAKER: Chief, I am afraid I will have to disrupt you here because I have an announcement to make and you will have an opportunity to continue at the next occasion.

I wish to announce that today, the 25th of October 2007, His Excellency the President of the Republic of Angola, Engineer José Eduardo Dos Santos, will address the Parliament of the Republic of Namibia. As required by convention and practice, I now suspend the business of the House and ask leave to go and invite His Excellency the President and his entourage to the Chamber. Please be ready to be standing when I escort His Excellency the President into the Chamber.

**HOUSE ADJOURNS AT 10:25
HOUSE RESUMES AFTER ADJOURNEMENT AT 10:50**

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**WELCOMING SPEECH
HON SPEAKER**

**WELCOMING STATEMENT BY SPEAKER
JOINT SESSION OF PARLIAMENT**

HON SPEAKER: Your Excellency Eng José Eduardo Dos Santos, President of the Republic of Angola and Your Excellency Dr Sam Nujoma, Founding President of the Republic of Namibia and Father of the Nation, Your Lordship Chief Justice Peter Shivute, Honourable Members, Honourable Margaret Mensah-Williams, Deputy Chairperson of the National Council, Ministers, Excellencies, Mrs Guriras, Speaker's Spouse, Invited Guests, Sisters and Brothers.

History makes us recall personal encounters and shared experiences. I recall two events on this auspicious occasion. One of them was in New York in 1975, Angola's year of liberation and Independence. The other was about that eventful year 1979 in Angola when change and continuity marked the country's succession of Presidency.

During the annual opening of UN General Assembly Session in 1975, a handsome and dapper Foreign Minister of Angola delivered his maiden address on that occasion which was heard around the world. I was present there, sitting and listening on the sidelines of the General Assembly Chamber.

Thoughts bubbled through my mind, I felt elated and uplifted as I took in everything around me and let my imagination do its own. I celebrated Angola's victory. But also passionately thought of Namibia and wondering, when? Well, it sadly took a solid fifteen more years of long and bitter struggle before the day finally came for Namibia on the 21st of March 1990.

Then in 1979, Angola had to lay to rest its revolutionary and venerable first President, Dr Agostinho Neto. That was an enormous challenge filled with uncertainties for the MPLA and its young Government. Again, still handsome and confident leader from the trusted ranks of the MPLA assumed, as the popular choice, the Presidency of the Republic of Angola and of the MPLA Party.

On the very day of my arrival in Luanda that year from New York for consultations, I accompanied the President of SWAPO of Namibia, Comrade Sam Nujoma, for a two-plus-two meeting. I count myself among the first group of many people who engaged Angola's then new President. Here we are again

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together in a special context of a renewal. Encounters have been many and enduring indeed.

During most of the period of its nationhood, Angola was subjected to a protracted and divisive war imposed on the country by foreign forces of death, destruction and darkness, including by destabilisation and economic sabotage. In spite of all that, the courage of leadership, the internationalist solidarity and the final battle of Cuito Cuanavale put an end to the aggression against Angola and the untold brutalities committed against the innocent and defenceless people in Southern Africa as a whole.

The ultimate end to the enemies' vicious war came in 2003 when Africa's notorious traitor finally met his ignominious fate as a doomed soul. At last Angola has been able to devote its God-given resources for peace-building, healing the wounds of the masses of people, reforming public institutions and reconstructing the country. *"There is a tide in the affairs of men which, taken at the flood, leads on to fortune..."* Esteemed President and our special guest, you have proved your mettle as the leader of triumphant destiny and peace makes partners of former enemies.

As two friendly neighbours, Angola and Namibia are working together today in all fields to assisting each other towards making a real difference in the lives of our communities and individual citizens. The latest package of bilateral agreements that have been signed by the two Presidents will further enlarge the scope for increased cooperation. The depth of this manifold relationship was once again reinforced last night in the dinner speeches of President Pohamba and his visiting guest of honour, President Dos Santos. The two Parliaments are making their own contributions towards these efforts.

My happiness is without limits on this extraordinary occasion. My fellow Members of Parliament, the people of Namibia, our invited guests and many mutual friends are anxious to hear Your Excellency's address and I shall oblige accordingly.

I now humbly invite His Excellency, Eng. Comrade José Eduardo Dos Santos, President of the Republic of Angola to address the Namibian Parliament. Your Excellency!

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ADDRESS BY PRESIDENT DOS SANTOS

**ADDRESS BY HIS EXCELLENCY
PRESIDENT DOS SANTOS**

HIS EXCELLENCY, PRESIDENT DOS SANTOS: Your Excellencies Theo-Ben Gurirab, Speaker of the National Assembly, Margaret Mensah-Williams, Deputy Chairperson of the National Council, Your Excellency Nahas Angula, the Prime Minister, Excellencies Members of Parliament, Distinguished Guests, Ladies and Gentlemen.

I am thankful for the invitation extended to me for a simultaneous meeting with the two Houses of Parliament and in this regard, for a direct contact with the elected representatives of the Namibian people.

I have accepted to come here to do at least two things: Firstly, to see you and convey to you a warm salutation from the Angolan people; secondly, to tell you, such as in the past, that we have been together in the fight against powerful enemies. Today also we are together in the fight to affirm our countries as modern, democratic and active Nations at regional and international levels.

Angola and Namibia had to consolidate their respective Independence in very difficult situations.

It was thanks to the resilience and the wisdom of their leaders and also the courage and indefectible support from the respective peoples that in a short term we have achieved many victories and successes in all dominions.

Today our two countries are in peace and are unified, with social and political stability and a great disposition to create and promote more wealth and development so that our sacrificed peoples may finally have their aspirations fulfilled.

The strategic alliances we had established in the past, the good neighbourliness, the blood bonds of the peoples, the coinciding vision to tackle the problems and the converging of ideas were the weapons that we used and yet their importance prevails.

We shall continue to take profit of these milestones up to the level of excellence in order to make our common action more effective and our cooperation as an example.

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Many areas in which we may cooperate have been identified so as to supply eventual scarcity of the other party, but as I stated earlier to Mr President of the Republic of Namibia, we have to remain open to new initiatives.

In this world, in accelerated transformation, we cannot stop. All those countries that get stuck or do not make their internal dynamic coincide with the pace of global development, they shall be left behind in a process that may affect their sovereignty and defence of their identity and their cultural values.

We indeed experience a moment of great changes. These changes are more and more complex due to radical transformations taking place at local, national and international levels under the influence of an impetuous and unstoppable technological progress marking the modern world in globalisation phase. Under these conditions it is indispensable to safeguard the rights of citizens and the common good.

Like we had done before, whereby together we managed to face and overcome all the powerful machine of apartheid, Angola and Namibia today, in a new setting, may take heed of the experiences of the past to overcome the challenges that are always emerging in the international arena.

Honourable Speaker, in our continent the idea that dialogue and debate are the best means of resolving internal problems of each of our countries is being consolidated, having the people as the judge who through electoral process assess the seriousness of the proposals and political acts, and reiterates or endows powers to exercise the Government activity.

Our two countries accepted this means because they have deemed that the power is no longer at the tip of the rifle, but in the citizen's vote. Our citizens elect the President of the Republic and the Parliament from which the law emanates.

In this context, the legislative power is affirmed not only as reference to the political stability, but also mainly as a regulator of the normal functioning of a society, by adopting more appropriate laws for its development and well-being of all.

Thus, the mission of the Members of Parliament is very noble and crucial to maintaining that the Republic is always alive and active.

I am aware that your portfolio you regard as important causes peace and stability

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at local, regional, continental and global level; the union against terrorism and the trafficking in narcotics; the quest for creating solutions to defend the environment; seeking for harmony among all peoples and nations through dialogue and cooperation; the close fight against poverty and endemic diseases that are bereaving many of underdeveloped peoples. We do not have any other way. These causes shall be assumed not only for the benefit of our people, but also yet for the survival of the human species.

The coincidence of viewpoints between Namibia and Angola in the big international fora, whereby these topics are discussed, demonstrates that we are in the right way and that we are able to put up conditions so that the forthcoming generations may live in a better world in future.

Mr Speaker, dear Members of Parliament, the second parliamentary elections are going to be held in Angola, whereby the Angolan people shall be called to cast ballots to elect their representatives.

For a country like Namibia where this process has been developed smoothly since long ago, it may seem strange that we are expecting with much anticipation and hope this renewal of the tenure of office.

As for the long war under which we were subjected for a long time has deprived Angolans from this elementary right of citizenship and many people are anxious to embark on the phase of constitutional normality. Many signs indicate towards this direction. There is a policy and the macro-economic indicators are good and employment and investment have increased.

Today the whole entire country has become a chest of works and root roads, Bridges, Ports, Airports, Schools, Health Care Centres, Industrial Infrastructures, new urban poles, etcetera are being built and refurbished. It is indeed a great effort to gain the time lost during the war.

Angolans are proud to be an active part of this huge transformation and they are devoted to attend to the development of several projects. Life is going on from all centres, although there is a lot to do to attend to the less favourable and those who suffered much from the armed conflict. We therefore feel that we have reached to a non-returnable point.

It is in this long journey towards the modernity and progress that we would like to continue having our Namibian brothers and sisters on our side. Cooperation was

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**VOTE OF THANKS
HON MENSAH-WILLIAMS**

established during the visit, but we may keep on reinforcing our attention and working for the development of our two countries. Angola and Namibia had been together in the past, we are together today and we will remain united in the future.

Members of Parliament, I wish you all success and good health. Thank you very much for your attention.

HON SPEAKER: On behalf of the Namibian Parliament I thank you very much Your Excellency for your inspiring address. May I now request the Deputy Chairperson of the National Council, Honourable Mensah-Williams to move a Vote of Thanks on behalf of Parliament.

VOTE OF THANKS

HON DEPUTY CHAIRPERSON OF NATIONAL COUNCIL: Thank you Mr Speaker, Your Excellency Engineer José Eduardo Dos Santos, President of the Republic of Angola, Your Excellency, Dr Sam Shafishuna Nujoma, the Founding President and Father of the Namibian Nation, Comrade Theo-Gen Gurirab, Honourable Speaker of the National Assembly and Madam Guriras, Comrade Nahas Angula, Right Honourable Prime Minister of the Republic of Namibia, Deputy Prime Minister of the Republic of Namibia, Dr Libertine Amathila, Honourable Chief Justice of Namibia, Justice Peter Shivute, Lieutenant-General Shali of the Namibian Defence Force, Honourable Cabinet Ministers, Your Excellencies, Members of the Diplomatic Corps, Distinguished Senior Government Officials, Esteemed invited guests, Members of the Media, Ladies and Gentlemen.

I am indeed delighted and feel honoured to extend a vote of thanks to His Excellency Engineer José Eduardo Dos Santos on behalf of the Parliament of the Republic of Namibia and, indeed, the people of Namibia.

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HON MENSAH-WILLIAMS**

Your Excellency, it is the first time in the history of Namibia that the President of a free Angola addresses the Namibian Parliament. Not only do our two countries share more than just a common border, we also share a history as long as time itself. Our people share our significances passionately. Our joys, achievements and happiness are of common bound. Our happiness is Angola's joy and Angola's joy is Namibia's happiness.

Comrade President, it is through your steadfast commitment to the people of Angola that for the first time in 16 years Angola will hold Parliamentary elections next year. Namibia highly commends you for your unwavering pursuit on national and international platforms to bring about peace in Angola.

Comrade Nujoma and you, Comrade Dos Santos, you had a common dream to lift our Nations from the quicksand of racial injustice to the solid rock of brotherhood and sisterhood. The freedom of our two countries as well as the excellent bilateral relations between our two countries are testimony of that dream becoming a reality.

The good relations that exist between our two Nations will go a long way in cementing the bonds of the unity that we share. Thank you from the bottom of our hearts for the display of the ongoing solidarity between our two countries.

Sharing is deep-rooted in the African culture, sharing is a fundamental principle of any African society, be it contemporary, be it neo-contemporary or in whatever form it manifests itself and we cannot deny, nor distance ourselves from this essential African belief.

Your Excellences, Honourable Members of Parliament and Distinguished Invited Guests, the spirit of African togetherness is of such nature that we recognise, we support, we commend and we accept one another as brothers and sisters, born out of the same womb: that of Mother Africa.

Kwame Nkrumah believed that Africa can rid itself of the unfairness of the dominating forces that was. The people of Angola heard that clarion call and as such played an unequalled pivotal role in the Independence of Namibia.

We have shed blood alongside our comrades from Angola, we ate from the same plate, lived in the same house, but most of all, we fought together side by side for the liberation of our beautiful country.

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**VOTE OF THANKS
HON MENSAH-WILLIAMS**

Your Excellencies President Engineer José Eduardo Dos Santos and our own brave Son of the Namibian Soil, Dr Sam Shafishuna Nujoma, believe that revolutions are brought about by men and women who think of action as well as men and women of thought. Your Excellencies, your guidance has brought our countries to where it is today.

Allow me to also express my profound gratitude to the Members of the Diplomatic Corp present here today, on behalf of the Speaker, the Chairman and the entire Members of Parliament of the Republic of Namibia, to share this ceremonial moment with us as well as the invited guests for making this event colourful and memorable. Your presence is highly appreciated.

On behalf of the Speaker of the National Assembly, the Chairman of the National Council and all the Members of Parliament of the Republic of Namibia, we thank you once again, Your Excellency President Engineer Dos Santos for gracing our Parliament with your presence. We thank you much profoundly for addressing the Namibian Parliament with your words of wisdom. Namibia wishes you health and renewed strength. May God bless you with continued wisdom. *Obrigado.*

I will be remiss if I do not also thank the Founding Father of the Namibian Nation, Comrade Dr Sam Shafishuna Nujoma, for your spirited drive and belief in a united Africa. You are indeed a Namibian gem, one of a kind.

The support and solidarity between our two countries is indeed one to be celebrated and as in the wise words of the His Excellency, the Founding Father, Dr Sam Nujoma, "*a people united shall always emerged victorious.*" United Namibia and Angola will always stand. Long live the friendship between Namibia and Angola. I thank you.

HON SPEAKER: Because of time constraints we will request the Right Honourable Prime Minister to adjourn the House until Tuesday, 30 October 2007, the day on which once again we will have an opportunity to be address by the President of the Republic of South Africa, His Excellency Thabo Mbeki.

RT HON PRIME MINISTER: Thank you, Honourable Speaker, Your Excellency President José Eduardo Dos Santos of Angola, kindly permit me to propose to my Colleagues here that we now adjourn this session until Tuesday, the 30th of October 2007 at 14:30.

HOUSE ADJOURNS AT 11:30 UNTIL 2007.10.30 AT 14:30

**ASSEMBLY CHAMBER
30 OCTOBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

HON SPEAKER took the Chair and read Prayers and the Affirmation.

HON SPEAKER: Honourable Members, as the Right Honourable Prime Minister announced last Thursday before we rose, I need to leave the House temporarily to welcome to the precinct of the Parliament Building His Excellency Thabo Mbeki, President of the Republic of South Africa and his entourage to the Chamber and I, therefore, request you all, Honourable Members, that after I leave the Chamber you would be in readiness to welcome the Presidential procession into the Chamber. To that end, the House shall be suspended temporarily until I return.

BUSINESS SUSPENDED AT 14:35

BUSINESS RESUMED AT 14:45:

**WELCOMING STATEMENT BY
THE SPEAKER**

HON SPEAKER: Your Excellency Thabo Mbeki, President of the Republic of South Africa and Madam Zanele Mbeki, First Lady, Honourable Asser Kapere, Chairman of the National Council, Members of Parliament, Honourable Ministers accompanying His Excellency, Your Lordship Peter Shivute, Chief Justice, Excellencies Members of the Diplomatic Corps, Lieutenant General Martin Shali, Chief of the Defence Force, Mrs Joan Guriras, Speaker's Spouse, Mrs Maria

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**WELCOMING ADDRESS
HON SPEAKER**

Kapere, National Council Chairman's Spouse, Invited Guests, Comrades and Friends.

We parliamentarians appreciate every possible opportunity there is to interact with visiting Heads of State and Government and other eminent dignitaries. Our duties now go beyond oversight and budget.

We welcome you, President Mbeki and the First Lady, back home. You, Brother President, are one of those great world leaders whose thoughts and voice we greatly value.

On a personal note, we belong and so do a number of my Colleagues present in this Chamber, to a generation of fighters for freedom, democracy and equality. We dare not forget the many formidable terrains of uncertainty we had to navigate and prevail over, thanks to the intimate involvement of the people. Our victory songs and heritage recount that glorious chapter of the struggle, albeit one yet to be won fully. But we did bring democracy, economic sanity and the rule of law to South Africa, Namibia and the region.

Leadership demands firm determination to overcome challenges and exploit favourable opportunities for the sake of the people.

You are Africa's economy President. We, therefore, welcome IBSA's partnership for opening up new opportunities for a dynamic South-South cooperation. We think of enlightened solidarity to help us fight on for poverty eradication, employment creation, accelerated village transformation, empowerment of women, upliftment of people with disabilities, skills development for the youth and elimination of corruption.

Our people demand democratic control of natural resources, including the land, as well as major public institutions of finance, research, ICT and knowledge formation for the benefit of all our people. We will continue to promote honest and transparent dialogue with our cooperating partners and foreign investors.

Columbia University's Economics professor and Nobel Laureate has this to say: *"Economies are not efficient on their own. This recognition inevitably leads to the conclusion that there is a potentially significant role for Government."* Any developmental state has this as its critical challenge.

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**ADDRESS BY PRESIDENT OF SOUTH AFRICA
HIS EXCELLENCY THABO MBEKI**

You are also, Brother President, our Sports President. You confronted the cold weather in Paris to inspire the Springboks to the 2007 Rugby World Cup victory. We saw you proudly holding high up the golden trophy and Africa celebrated. The Springboks were the best team of the tournament. One was tempted to shout, "*Australia, at your heart out!*"

Then the terrible news struck everybody down. How sad it was to see this wonderful jubilation of the masses of our people of all colours, shattered away by the brutal death of Lucky Dube at the bloody hands of street murderers. We will always think of him as a legendary culture worker and proud African. Our heartfelt sympathies and condolences to South Africa and the bereaved family. We salute you, Lucky Dube!

I now have the distinct honour, on behalf of the Parliament of Namibia, to invite His Excellency Brother Thabo Mbeki, President of the Republic of South Africa, to address the House. Excellency!

**ADDRESS BY PRESIDENT OF SOUTH AFRICA,
HIS EXCELLENCY THABO MBEKI**

HIS EXCELLENCY PRESIDENT THABO MBEKI: Honourable Speaker of the National Assembly, Honourable Chairperson of the National Council, Honourable Prime Minister, Deputy Prime Minister, Chief Justice, Chief of the Defence Force, Honourable Members, Ministers, Deputy Ministers, Distinguished Guests, Ladies and Gentlemen, Comrades and Friends.

Thank you very much, Honourable Speaker and Chairperson, for this opportunity and privilege to address the Parliament of the Republic of Namibia. I am indeed honoured to bring you the warm greetings of the Government and the people of South Africa.

This is a special moment for me and my delegation because we are able, through this address to the public representatives of Namibia, speaking on behalf of the people of South Africa, to thank our brothers and sisters in this country with whom we engaged in a common titanic struggle to defeat the apartheid crime

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against humanity, which represented itself here in Namibia also as a colonial monster.

As we prosecuted that difficult struggle, both our peoples grew strength from the victories of each of our fighting forces while the setbacks experienced by any echelon of our struggling masses was correctly viewed as a reversal for all of us. Accordingly, the Independence of Namibia on the 21st of March 1990, was an important milestone that ensured that the freedom of the people of South Africa could no longer be postponed.

All of us, members of the ANC, led by that outstanding revolutionary Oliver Tambo, whose 90th birthday we celebrated only three days ago, were greatly inspired to attend the Independence celebrations in this city on that historic day in 1990.

The reality that we suffered the same fate in the past and experienced the same liberation from oppression, has indeed served to cement the ties that bind us to a common destiny.

That common destiny is of an African continent defined by peace, security, by development and prosperity; it is of an African continent whose countries individually and collectively are free from poverty, from disease, from underdevelopment and conflicts, a continent whose citizens occupy a pride of place among the people of the world – no more marginalised, no more an object of pity; a continent that has reclaimed its pre-eminence as a centre of technological innovation, of scientific excellence and cultural advancement; a continent that would ensure that the 21st does indeed become an African Century.

These, as the Honourable Members know, are the logical outcomes of the dream of an African Renaissance and constitute the objectives of an African agenda as enunciated in the Constitutive Act of the African Union and its development programme, the New Partnership for Africa's Development.

Honourable Speaker, Honourable Chairperson, Honourable Members, we live during an important new revolutionary era – whose form and content is different from the previous one – a revolutionary era that was defined by the struggle against imperialism, colonialism and apartheid.

I refer here to a new revolutionary era because when we transformed the

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Organisation of African Unity into the African Union, we also transformed the terms of engagement among ourselves as Africans.

Indeed, we moved from concentrating our resources towards the defeat of colonialism and apartheid to the struggle against poverty and underdevelopment.

As you know, Honourable Members, with the exception of Western Sahara, our countries were the last Nations on the African continent to overcome colonialism and apartheid.

We are proud that both our countries, immediately after our struggles and sacrifices brought democracy to our shores, have done what we can to be part of the forward brigade in the new revolution for true democracy, peace, security and development, together creating conditions for all our peoples to embark on a journey whose destination is a better life.

Namibia, South Africa and other African countries are critical components of the African Renaissance movement because we know the pain of autocracy, of poverty and underdevelopment. Indeed, the work we are doing together through the AU and NEPAD demonstrates that the African Renaissance is neither a mirage, nor a pipedream, but a reality of our lifetime.

Our refrain continues to be that *Africa's time has come*. There can be no stopping the momentum of change towards building the better continent whose people must realise their fullest humanity through self-reliance, empowerment, partnerships within our countries and continent and between our continent and the countries of the South and the North.

We have insisted that we, as Africans, must own the vision and the programmes for the reconstruction and development of the African continent.

We firmly believe that without the broad mobilisation of all our people on the continent and those in the Diaspora, as well as the harnessing of our own resources, the regeneration of Africa will remain a dream deferred.

At the same time, through the AU and its development programme, NEPAD, we have sought to build on the previous good work done by the OAU.

Among the rich legacies left to us by the OAU is the African Economic

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Community established in 1991 by 52 African States in Abuja, Nigeria, as an integral part of the OAU.

The coming together of these African Nations to form the African Economic Community was prompted by the necessity for collective planning and action to build intra-continental economic relations for the benefit of the African masses.

Of importance, the African Economic Community developed four critical objectives that would guide Africa's socio-economic development, namely:

- To promote economic, social and cultural development and the integration of African economies in order to increase economic self-reliance and promote endogenous and self=sustained development;
- To establish on a continental scale, a framework for the development, mobilisation and utilisation of the human and material resources of Africa in order to achieve self-reliant development;
- To promote cooperation in all fields of human endeavour in order to raise the standard of living of the African peoples, and maintain and enhance economic stability, foster close and peaceful relations among Member States and contribute to the progress, development and economic integration of the Continent; and finally
- To coordinate and harmonise policies among existing and future regional economic communities to foster the gradual establishment of the African Economic Community.

Accordingly, Honourable Speaker, the vision and programmes of the AU and NEPAD are rooted in the long-standing desire, commitment and efforts of the African people to work together for the integration of our economies as well as the creation of a continental socio-political unity that would facilitate the faster development of our countries.

Through the African Economic Community we agreed as Africans that we needed to do more to strengthen existing regional economic communities, create new ones where necessary, and ensure that we achieve intra and inter-regional cooperation.

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We also agreed on such important economic matters as trade liberalisation in each regional economic community, the adoption of a common trade policy and working towards a common external tariff to establish a common African market.

Again, we committed ourselves to a gradual elimination of obstacles to the free movement of persons, goods, services and capital and the right of residence among Member States.

In this regard, Regional Economic Communities such as SADC and ECOWAS, constitute critical building blocks of the envisaged project of African integration.

The Honourable Members will be familiar with the outcome of this year's July AU Summit Meeting held in Accra, which convened under the theme, "*Grand Debate on the Union Government.*"

Again we must applaud the decision of the AU to hold this Summit Meeting in Ghana, to celebrate the epoch-making 50th anniversary of the Independence of this sister African country, under the leadership of the great Kwame Nkrumah.

This year's historic Summit Meeting in Ghana concluded by adopting the Accra Declaration. Among other things, the Declaration said: "*We agree to rationalise and strengthen the Regional Economic Communities, and harmonise their activities, in conformity with our earlier decision, so as to lead to the creation of an African Common Market through the stages set in the Treaty Establishing the African Economic Community (Abuja Treaty) with a reviewed and shorter timeframe to be agreed upon in order to accelerate the economic and where possible, political integration.*"

Thus, the Accra Declaration placed the principal burden of accelerating the advancement to the political and economic integration and unity of Africa on the shoulders of our Continent's Regional Economic Communities, such as SADC.

Our firm view, Honourable Speaker, is that SADC is indeed well-placed to discharge its role in this regard. We have the great advantage that our region was brought together as a strategic alliance of Nations by the united struggle we waged to defeat colonialism and apartheid.

This laid a firm basis for us to use this strategic alliance to confront the common challenge of poverty and underdevelopment, while making the contribution

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mandated by the July Accra AU Summit Meeting to the historic objective of African Unity.

We have already demonstrated what we can do in this regard. At the last Annual Lusaka Summit Meeting of SADC in August, we commissioned the SADC Peace-keeping Brigade, the first of the Regional Brigades required by the AU to constitute the critically important Standing Peace-keeping Forces of the African Union.

I believe that as a region, including our Governments, our Parliaments, our political and other formations, and the masses of our people, that we should pose and answer this question: What should we do to take the lead to advance the objective of African Unity, bearing in mind the tasks reflected in The Accra Declaration?

Of course, our region has already grasped the challenge to implement the Abuja Treaty by adopting strategies that seek, among other things, to create a SADC Free Trade Area and the Customs Union.

SADC has also adopted the Regional Indicative Strategy Development Plan and the Strategy Indicative Plan for the Organ on Politics to accelerate the integration processes in our region.

I mention of these important matters on integration because this is the route we must take to give effect to the vision of the African Renaissance and African Unity.

Further, Honourable Speaker, NEPAD has identified a number of areas that are central to the regeneration of our continent. One of these, as I have mentioned, is our ability to mobilise internal resources for our development.

In this regard, this year we launched The Pan-African Infrastructure Development Fund to finance large-scale African infrastructure projects, using funds mobilised from our own continent, bearing in mind the specific developmental needs across the continent.

As Africans we take pride in our ability to take responsibility for the establishment of this unprecedented Fund which at the moment has mobilised

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R625 million. Relying on this capital base, the Fund has pledged to finance African projects among others, in energy, technology, transport and water.

Again, last week on the 24th of October, the African Union Commission, in collaboration with the European Commission, launched the EU-African Partnership on Infrastructure at the AU Headquarters in Addis Ababa. Among others, 5,6 billion Euros from the 10th European Development Fund and an innovative financial instrument, the Trust Fund, has been set aside to support the Partnership.

Further, the Partnership is aimed at ensuring a substantial increase of EU investment in African infrastructure and delivery of transport, energy, water, telecommunications and ICT services. This is a response to the development goals that we have set ourselves.

Again, the African Development Bank reported early this year that it has mobilised US\$1,6 billion to finance various infrastructure improvement projects across Africa, mainly in the rail, road and energy sectors. The Bank also announced that it has already financed thirty-three different projects under NEPAD to the cost of US\$800 million.

The NEPAD projects that the Bank is financing include the Kenya-Uganda oil pipeline and the Kenya-Ethiopia highway extending nearly 1,600 kilometres from the Port of Mombassa to Addis Ababa.

Clearly all of these are very important initiatives because poor infrastructure means it would be impossible for us as Africans to realise our objectives.

One of NEPAD's important projects, the Eastern Africa Submarine Cable System (EASSy), a 9,900 kilometre-long submarine cable between Durban and Port Sudan, which will radically reduce telecommunication costs in Africa, could be operational by the end of 2008.

EASSy will connect with terrestrial fibre-optic cables to make up what will be known as the NEPAD ICT Broadband Network. This is aimed at helping the continent to free itself from its dependence on expensive satellite systems to carry voice and data traffic.

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In addition, Honourable Members, NEPAD has launched an important ICT programme called the NEPAD e-Schools Initiative which will ensure that schools across the continent have access to modern communication technology. This initiative covers both the primary and secondary schools and is very central to the challenge of skills development in all our countries and meeting the Millennium Development Goals in this regard.

As we all know, one of the challenges facing our continent is hunger and food insecurity. For a long time to date, malnutrition and starvation have characterised the lives of many Africans.

The 2003 AU Summit Meeting held in Maputo adopted the Comprehensive Africa Agriculture Development Programme. Cooperating with the Regional Economic Communities, the NEPAD machinery is working to implement this important Agricultural Programme.

The Comprehensive Africa Agriculture Development Programme draw our attention as Member Governments to actions designed to rejuvenate African agriculture. It also provides a framework for harmonised and collaborative responsive action to the agricultural challenges on the continent.

Specifically the programme outlines four key areas on which we must focus to improve African agriculture. These are:

- To extend the area under sustainable land management and reliable water control systems;
- To improve rural infrastructure and trade related capacities for tradable agricultural surpluses;
- To increase food supply, reduce hunger and improve responses to food emergency crises;
- To improve agricultural research, technology dissemination and adoption; and
- To maximise the contribution of agriculture as Africa's largest economic sector, to the development of self-reliant and productive economies.

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Already, Honourable Speaker, most of our countries report that they are working to allocate the minimum of 10 percent of their national budgetary resources to agriculture in line with the 2003 Maputo Agreement.

I mention all these projects and processes because together with others that are being implemented at country and regional levels, they communicate a story of a continent which, although faced with many challenges, is however engaged in an exciting process of regeneration.

For the African Renaissance to work and, indeed, for the vision of a peaceful and prosperous continent to be realised, we need not only political will but also creative African solutions to our problems and so the African Renaissance should not just be a philosophy or an ideal, it is through the Constitutive Act of the AU and the NEPAD Practical Roadmap through which we can all attain our common dream.

Honourable Members, I am certain that we all agreed that good governance, the institutionalisation of democracy – matters that the Honourable Speaker mentioned – political mobilisation for development and creating conditions for political stability are the warp we need to ensure that our people reap the development dividend that must come with liberation.

For this purpose we have introduced the African Peer Review Mechanism as yet another African initiative. The APRM is an essential tool for the signatory Nations to gauge progress on the Governance Fund from an African perspective on an objective basis, so as to make the necessary interventions in areas of governance that need some fine-tuning.

The APRM which has been enforced for a few years now is there to remind all of us entrusted by our respective electorates to run the affairs of our countries, that whatever we do must be in the interest of the people. The success of this programme and the benefits that it accrues to signatories is shown by the fact that member countries reiterated their commitment to the APRM process at the Continental Conference in May this year.

Honourable Speaker, Honourable Chairperson, I believe that we should welcome and applaud the frequency of the interaction between the leaders of our two countries. Less than a year ago I was in this beautiful capital city to attend our first Heads of State Economics Bilateral Meeting which further concretised our

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shared economic roadmap. Since then I had the privilege to receive His Excellency President Pohamba and his delegation in South Africa on the 11th of October 2007 for a highly successful Heads of State Economics Bilateral Meeting.

The following day I had the pleasure, together with His Excellency the President and President Festus Mogae of Botswana, to attend the opening of the Mata-Mata border gate.

We celebrate and must celebrate the excellent relations that exist between our two countries. Reality is that both our histories and our destinies are inextricably tied together. In a literal sense we shall sink or swim together.

Tomorrow I will have the privilege to accompany President Pohamba as he chairs the important Windhoek Investment Conference, intended to attract larger volumes of capital to finance various projects which our Governments have identified through the Heads of State Economic Bilateral process.

Happily all reports indicate that this important conference will attract many investors. At the end of the day we must ensure that we intensify our cooperation to achieve a better life for our two peoples on a sustainable basis.

During our last meeting with His Excellency President Pohamba in Pretoria, Tswane, we also discussed the need for our two countries to intensify our cooperation in the all-important area of human resources development. I am pleased to inform this important assembly of elected representatives of the people of Namibia, that as we have agreed with President Pohamba, our respective Ministers of Education will meet soon to give effect to this shared commitment. As your neighbour we are greatly interested that the sister Republic of Namibia should indeed successfully address its human resource challenges.

I am convinced, Honourable Speaker, that our current visit to Namibia will again enable us to renew our bonds of friendship and solidarity and further strengthen our bilateral relations.

We are indeed privileged that we have the possibility to work closely with the Government, the Parliament and the people of Namibia at a bilateral level, in the Southern African Customs Union, in SADC, the AU, NEPAD, the Non-Aligned Movement and the United Nations to realise our shared goals.

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**VOTE OF THANKS
HON KAPERRE**

Of the greatest, greatest importance, let us together, as we did during our common struggle for freedom from apartheid tyranny, join hands in the new revolution, a revolution that should and must bring peace, security, development and prosperity to all Africans as well as the unity of our continent.

I thank you very much indeed for the kind attention.

HON SPEAKER: I thank you very, very much, my dear neighbour, President Thabo Mbeki, President of the Republic of South Africa. Thank you very much indeed. I will now ask my Colleague, the Chairman of the National Council, on behalf of the Parliament, to express a Vote of Thanks. Colleague.

HON KAPERRE: Your Excellency, Comrade Thabo Mbeki, President of the Republic of South Africa and the First Lady, Comrade Zanele Mbeki, Honourable Speaker of the National Assembly, Comrade Dr Theo-Ben Gurirab and Comrade Guriras, Right Honourable Prime Minister, Comrade Nahas Angula, Your Lordship, Chief Justice of the Republic of Namibia, Justice Peter Shivute, Chief of the Defence Force, Lieutenant General Martin Shali, Honourable Members of Parliament, Your Excellencies Members of the Diplomatic Corps, My Colleague and close friend, Comrade Maria Kapere, Esteemed Invited Guests, Members of the Media.

It is with a profound sense of honour that I extend a Vote of Thanks to His Excellency, Comrade Mbeki, President of the Republic of South Africa on behalf of the Parliament of Namibia at this historic gathering. Your Excellency, we deem your presence in our midst a great honour and a symbol of genuine friendship between our two countries.

I will remiss, Your Excellency Comrade President, if I do not congratulate the people of South Africa for the sterling performance during the recent Rugby World Cup. The victory of the Springbok rugby team is, indeed, a victory for the African continent.

Your Excellency, your address to the Joint Session of Parliament here today sets the seal on the cultural, economic and historic relations between South Africa and Namibia.

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**VOTE OF THANKS
HON KAPERRE**

During the turbulent years of the horrendous apartheid regime, the South African and the Namibian people walked a common path, inspired by their resolve to break the shackles of oppression. Today our people are free and masters of their own destiny. Today we are able to join hands as neighbours and fellow-members of SADC and the African Union to work together for peace and prosperity and not only in our countries, but in the entire region and in our continent as a whole.

Your Excellency, your visit comes at a time when Namibia and South Africa are embarking upon modalities to further strengthening economic ties between our two countries. Incidentally, as you mentioned, the next two days will witness the hosting of the Namibian International Investment Conference, a joint initiative between the Governments of Namibia and South Africa. This joint effort, indeed, reflects our common resolve to contribute together to the formulation of strategies for investment and growth for our countries and the region.

Your Excellency, you have worked tirelessly for the peaceful conflict resolution throughout the African Continent. We commend you for these achievements which have a positive reflection not only on South Africa but the entire African Continent.

Through the New Partnership for African Development (NEPAD), you have shown true leadership and vision. Through your relentless efforts, South Africa is playing a critical role in promoting regional security in Africa and is at the forefront of peace, national reconciliation and democratic transition on the continent.

Your Excellency Comrade Mbeki, through your efforts you have given Africa a vision of hope and together with the rest of the African leaders, helped pave the way for peace and democracy, good governance and economic growth for the progress of humanity.

Furthermore, I wish to extend our profound gratitude for your presence in this august House and your words of wisdom. We shall indeed tap into your sprouting fountain of wisdom long after you have left.

Therefore, Your Excellency, imbued with a great sense of confidence that together our two countries will prosper, the Members of the Namibian Parliament and the people of Namibia salute you and wish you continued good health and wisdom.

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**TABLING OF REPORTS
HON DE WAAL**

Comrade Speaker, Sir, let me also take this opportunity to thank my Colleagues, the Members of Parliament, Chief Justice of Namibia, the Diplomatic Corps and our distinguished guests for gracing Parliament with their presence this afternoon. I thank you.

HON SPEAKER: I thank my Colleague, the Chairman of the National Council for his statement. I know I can count on the House to grant me leave to escort His Excellency out of the House and I shall return.

**THE HOUSE ADJOURNS AT 15:28
THE HOUSE RESUMES AFTER ADJOURNEMNT AT 15:40**

HON SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Honourable De Waal.

**TABLING: REPORTS OF STANDING]
COMMITTEE ON PUBLIC ACCOUNTS**

HON DE WAAL: Thank you, Honourable Speaker, Honourable Members, I lay upon the Table for consideration and adoption by this august House the following Reports of the Standing Committee on Public Accounts:

- Report of the Public Accounts Committee, Review of the Performance Audit Report on the delay in the remuneration of teachers;

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**NOTICE OF QUESTIONS
HON MOONGO**

- Report of the Public Accounts Committee, Review of the Audit Report on the Accounts of the Vocational Training Fund for the Financial Year ended 31st March 2005.

HON SPEAKER: Will the Honourable Member table the Report? Any further Reports of Standing or Select Committees? Other Reports and Papers? Any Notice of Questions? Honourable Moongo.

NOTICE OF QUESTIONS

QUESTION 121:

HON MOONGO: Honourable Speaker, I give Notice that on Thursday, the 1st of November 2007, I shall ask the Honourable Minister of Environment and Tourism the following:

1. Can the Minister of Environment and Tourism confirm or deny whether it is true that workers in the Ministry are paid only N\$1,700 per month while they have big families?
2. What other benefits do they get?
3. Is it true that they are not provided with reasonable housing including sanitation and water as stipulated in the Labour Act, Section 38, and that they are dropped in the forest without vehicles and radios?
4. When is the Ministry going to improve and adjust their salaries and provide adequate S&T and overtime?
5. How far is the Ministry with the arrangement to pay for the livestock of the communities killed by the protected lions and wolves?

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**NOTICE OF QUESTIONS
HON ULENGA**

HON SPEAKER: Will the Honourable Member table the Questions?
Honourable Ulenga?

QUESTION 122:

HON ULENGA: Honourable Speaker, a few Thursdays ago I posed this question to the Minister of Works, Transport and Communication who responded only last week that this question was misdirected.

On the strength of what he responded, I give Notice that on Thursday, the 1st of November 2007, I shall ask the Minister of Education, Honourable Nangolo Mbumba, the following question:

1. Honourable Minister are you aware, , that the hostel of the Usiel Ndjavera Primary School at Otjinene is in an extremely dilapidated condition, to the extent that the beds where the children are supposed to sleep are totally broken and unravelled, with huge gaping holes in them.
2. Are you further aware that as a result of this, the children have to sleep on the cold cement floor and have done so throughout this whole past winter.
3. Are you further aware that this former cement floor is no longer a cement floor as it has crumbled and is filled with holes just like the beds?
4. Honourable Minister, why has this dilapidation been allowed to continue?
5. Did the Government and your Ministry budget for the renovations and upgrading of the whole Usiel Ndjavera Senior and Primary School?
6. When can we expect the hostel to be renovated?
7. Are you aware that the girls' dormitories of the same hostel where girls between 8 and 16 years of age are accommodated are without doors, leaving the children totally unprotected and with no means whatsoever of stopping intruders to enter the girls' dormitories at night?
8. Honourable Minister, are you aware, that such an incident occurred recently when a drunken man entered the hostel at night and molested the girls?

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**NOTICE OF QUESTIONS
HON ULENGA**

9. In the light of the prevailing situation, why are there no security guards at Usiel Ndjavera Senior and Primary School and Hostel?
10. When can the school community, this House and the Nation expect you, Mr Minister, to act to protect these children as you should and to stop this intolerable situation?

HON SPEAKER: Will the Honourable Member table the Question? We will come back after tea-break.

**HOUSE ADJOURNS AT 15:45
HOUSE RESUMES AT 16:45 PURSUANT THE ADJOURNMENT**

HON SPEAKER: Any further Notice of Questions? Any Notice of Motions? Any Ministerial Statements? The first Notice of Motion is the one by the Honourable Minister of Works, Transport and Communication. Does the Honourable Minister Move the Motion?

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:
I wish to introduce the Convention tomorrow.

HON SPEAKER: The introduction stands adjourned until tomorrow. The Second Notice of Motion is the one of Honourable Kaura. Does the Honourable Member Move the Motion? Who seconds? Any objection? Agreed to. Honourable Kaura has the Floor.

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**DEBATE ON THE MOTION ON THE STREAMLINING OF ELECTION
PROCEDURES**

HON KAURA: Honourable Speaker, in view of the fact that this Motion has been on the Order Paper for quite some time, I would like to refresh the memories of the Honourable Members by reading what we are trying to achieve. It reads as follows:

That this Assembly discusses procedures implemented during elections on local, regional and national levels: To prevent claims of electoral fraud and court cases after the election, the Government must provide the following:

1. All presiding officers must be drawn from the registered participating Political Parties and be remunerated by the Government.
2. All election agents from participating Political Parties must be remunerated by Government.
3. All counting officers from participating Political Parties must be remunerated by Government and transport must be provided by Government to participating Political Parties so that their election agents can accompany mobile units.

Honourable Members, we have nurtured this democracy for the last 17 years. We have inculcated trust and confidence in each other and into the whole Namibian Nation. We in the Opposition have accepted election outcomes won by SWAPO without resorting to surreptitious activities. We have approached the courts for relief, but the status quo remained unchanged. We, the DTA, did that in 1994 to no avail and recently with the last election the CoD the same, but the status quo remains the same.

Fellow Parliamentarians, let us level the playing fields to such an extent that even though no one wants to lose, he or she would not have any reason to say that the election was rigged.

Colleagues, the trust inculcated in our democracy makes us all feel safe whether you win or lose. You are not afraid that if you lose, the next day you will be in

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prison or your house will be fire-bombed. We travel throughout Namibia without an entourage of bodyguards. We attend soccer games, weddings and funerals and mix freely with our fellow Namibians. And I had the pleasant experience recently on the 30th of September 2007 when I was at Oniipa ELCIN Church, participating in a fundraising ceremony where I married a young bride Frieda Mutaleni. It was really a knockout, the spirit of brotherhood and sisterhood that prevailed at that ceremony. I am a full-blown Oshitenya at the Oniipa ELCIN Church. Honourable Prime Minister, eat your heart out.

Fellow parliamentarians, we are one people with one common inheritance and that is Namibia. Let us eliminate any irritating problems because in elections in other countries it is predicted that during this election campaign at least 50 or more people are going to get killed. This has not happened in Namibia over the last seventeen-and-a-half years and if we level the playing fields based on this non-partisan Motion, nothing like that will happen in Namibia in the foreseeable future.

I leave this in your capable hands and if you want to refer it to a Committee to close all the gaps, I have no objection.

Thank you very much and I thank you for your support in anticipation.

HON SPEAKER: I thank Honourable Kaura for his motivation. Any further discussion? Honourable Tjihuiko.

HON TJIHUIKO: Honourable Speaker, this august House was requested to discuss the procedures implemented during elections on Local, Regional and National levels to prevent claims of election fraud and court cases after the election.

The procedures to be followed in the process of electing people's representatives are the backbone of any democratic process. Any participating Political Party's confidence and trust in the procedures, rules and regulations agreed upon by the various stakeholders is paramount in any democratic society.

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Honourable Speaker, Honourable Members, it is, therefore, very important for us as lawmakers and guardians and defenders of the Constitution and laws to continuously review and improve our democratic institutions, such as the Election Commission and other rules and procedures that would guarantee and instil confidence in our election process.

Honourable Speaker, for the last 17 years we have been having elections and twice we ended up in court.

For the Commission to have been taken to Court more than once, shows that the procedures that we have been following for the last 17 years need to be revisited. Let us look at the fairness of our election process. If one participating Political Party controls almost everything. They control the media, decide on Political Party funding, appoint the Commission, appoint the Director of Elections and, indeed, also appoints the presiding officers, accounting officers and also mingling with the announcement of the elections, it will render a good ground for suspicion.

In our context, Honourable Speaker, let us look at the access to the media, whether it is television or radio. The ways and manners in which the national television NBC and radio are being misused, especially during election time, leaves much to be desired. Some self-proclaimed *Ayatollahs* at NBC and the Election Commission decide and allocate airtime to the people's representatives based on unfair formulas designed and agreed upon by themselves. The NBC-TV and Radio has since Independence been a monopoly of the Ruling Party, SWAPO of Namibia.

Honourable Speaker, Honourable Members, I believe that the foundation of democracy is based on the notion that all men were and are free to voice their opinions and they are also equal in their values. The formula that is being used to allocate airtime to Political Parties...(Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** May I ask Honourable Tjihuiiko a question? Honourable Tjihuiiko, if you are a referee of a certain soccer match, can you tell us how many goals are you able to score in that particular match?

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HON TJIHUIKO: Honourable Minister, in any democratic system, especially when it comes to election, the reason why Parliament is being dissolved is that everybody should start on an equal footing. The moment you are trying to tell me that since I had fifty-four seats, I should also get 54% of the airtime, then the race is not fair.

But when it comes to elections, whether you had three members, you had ten members, the race has to start at the same level. Then you are talking about democracy and fairness of elections.

The formula that is being used to allocate airtime to Political Parties is unfair and it is unjustifiable. The process needs to be reviewed as a matter of urgency. Namibia, being a member of democratic Nations and signatory to various international conventions, need to adjust its system in such a way that it suits and meets the requirements of our needs.

In 1946 the United Nations General Assembly adopted Resolution 59...(Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** On a Point of Information, Comrade Speaker. The essence of Political Parties appointing electoral agents, whether they are polling agents or counting agents, is to see that there is fairness by those who implement. We really need to be advised as to how the person who is tasked to monitor will come on the side of the implementer and still maintain monitoring. We need to answer that question.

HON TJIHUIKO: Honourable Minister, what we are saying, is that the system that we are looking at, if you have ten people, these ten people are being paid by Government, they are being decided upon and selected by one Political Party. What we are saying is that we are not going to demand more money from Saara, what we are saying is that the 10 people should be representative of the participating Political Parties. That is what we are saying. (Interjections).

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HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: On a Point of Order. Honourable Speaker, is it parliamentary to refer to the Honourable Minister of Finance as “*Saara*” or may the Honourable Member withdraw that?

HON TJIHUIKO: You were not supposed to be speaking. Honourable Speaker, I think the best we can do is to ask the Honourable Minister to leave the House. I withdraw the use of “*Saara*”.

HON SPEAKER: I am giving the Ruling, sit down. We are encouraged to call each other Honourable in this House.

HON TJIHUIKO: I am terribly sorry, Honourable Minister, I did not mean it.

In 1946 the United Nations General Assembly adopted Resolution 59(1) which stated, “*freedom of information is a fundamental human right and the touchstone of all freedoms to which the United Nations is consecrated.*”

Article 19 of the Universal Declaration of Human Rights, 1948 says: “*Everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of its political view.*”

The African Charter on Human and People’s Rights adopted in 1981 and in force since 1986, lists freedom as one of the basic rights of all citizens and it says in Article 9(1): “*Every individual shall have the right to receive information. (2) Every individual shall have the right to express and disseminate his/her opinions within the law.*”

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What we are saying is that the freedom that we are talking about is the freedom that is already agreed upon by the international community to which we belong. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask the Honourable Member a question? Honourable Tjihuiko, you quoted many Sections of that Convention. Do you want to tell this House and the public out there which Section says each Political Party running for elections must be involved in monitoring? You are talking here because of freedom of association and freedom of speech. (Intervention)

HON TJIHUIKO: Honourable Deputy Minister, I am saying that we must have a system that will instil confidence in the process and unless somebody somewhere has benefited from this malfunctioning of the system, unless somebody has benefited immensely in the current process, nobody will oppose the improvement to the satisfaction of all the participating parties in the process. I believe that anybody who is going to stand up to oppose the views that we are expressing, has benefited from that system and for your information, just wait until I finish my paper because the public out there will be seeing that these are the people who have benefited from the unfairness. Therefore let me finish. In 2001, Heads of State of the Southern African Development Community...(Intervention)

HON MINISTER OF FINANCE: May I put a question? Honourable Tjihuiko, do you think it is allowed that Political Parties should lobby for jobs for their Party cadres through the election process, by trying to safeguard jobs for them as a result of them having failed to come up with proposals here that promote job creation for everybody?

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HON TJIHUIKO: It is also not allowed, Honourable Minister, to create jobs for your own members and exclude the others just for benefiting the extra ten seats perhaps.

In 2001, Heads of State of the Southern African Development Community (SADC) signed a SADC protocol on culture, information and sport.

In Section 17(a) Member States committed themselves to the “*promotion, establishment and growth of independent media as well as information.*” Independent media where nobody is going to tell NBC that this Party member must be given ten minutes of airtime and the other Party must be given 20 minutes airtime. (Intervention)

HON DR ANKAMA: Honourable Speaker, may I ask the Honourable Member a question? Honourable Tjihuiiko, can you tell us when did your Party first start campaigning? I have a second question, but answer that one first.

HON TJIHUIKO: In connection with which election or the last election? (Intervention)

HON DR ANKAMA: No, not the last elections, the very first one, when did you start campaigning for the first time? The second question: Why could you then not campaign vigorously in such a way that you can gain sufficient votes and then become the Ruling Party? Were you dreaming about becoming one? (Interjection)

HON DE WAAL: You have 70% of the money, that is why you won.

HON DR ANKAMA: And DTA was here, we found it here.

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HON TJIHUIKO: Honourable Ankama, what I am saying is that the 70% national resources that you are spending on yourselves during the elections is unfair, because when you are using 70 percent of those resources, you do not have a mandate. Your mandate has ended, that is why Parliament has been dissolved. That is being done through a improper...(Intervention)

HON DEPUTY MINISTER OF HOME AFFAIRS: May I ask the Honourable Member a question? Honourable Member, are you aware that the 70% income that you are referring to comes from the specific people that you are referring us that give us the mandate through elections? Are you aware of that, that they are the majority voters?

HON TJIHUIKO: Honourable Deputy Minister, are you aware that the Members of Parliament who have been dissolved are also coming from the same mandate and they are being told that as from this date you are no longer allowed to use a Government car, as the Ministers have been doing? Are you aware of that? (Intervention)

HON MINISTER OF FINANCE:I have listened to him repeating the point, that point which is actually wrong and he is misinforming the public because he is trying to tell the public out there that the Government continues to rule after the expiry of its term according to the Constitution, but that is wrong. During the time of the election campaign the term of office of the Ruling Party is not expired. That is wrong.

Secondly, the Honourable Member seems to be advocating that equality is equity. There is a difference between equality and equity. If you have a group of 10 people on one side and have 2 on another, you cannot share what you have fifty-fifty and say you have equity. That is not equity.

That is what happened during the pre-Independence days when you had 5 percent of the white section of the population getting 50% of the national wealth and we are told that that is justice. That is not justice when you have 90% of the

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population getting an equal portion, not an equitable portion as 5%. Therefore the Honourable Member should not misinform the public.

The funding to Political Parties is given on the basis of the number of seats you have in Parliament and you cannot expect that the Party that has one seat should get equal funding as the one that has 57 seats.

HON TJIHUIKO: That is a good try Honourable Minister, but you are missing the point. Sections 18(a) says: (Intervention)

HON RIRUAKO: May I ask a question? Are you aware that the present Government spread its troops all over the country to take care of its foes before the elections – Gobabis, Okahandja, Otjituuo, Aminuis – all the troops are spread all over just for the purpose of elections. They are using Government money for those troops. Are you aware of that? (Interjection)

HON MEMBER: The army belongs to all the Namibians!

HON TJIHUIKO: Things will come up as we are coming closer to that day.

Honourable Speaker, Honourable Members, the political environment in which we are operating right now is not conducive to the stated protocols that we have signed and that is the reason why twice we ended up in court.

The Motion that we are discussing now, which I fully support, is not out of desperation. I believe it is indeed an effort of a democratic thinking people to democratise the election procedure in the interest of democracy. That is all that we are trying to do.

Our current election procedures are very much unfair and because of that it is

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being misused in the interest of the Political Party that is controlling almost everything effectively. In a case of dispute you cannot have one person being the police officer, the magistrate, the advocate, the prosecutor, one person who decides all these things and you are sitting there and saying this process is fair. It cannot be fair. (Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** On a Point of Information. SWAPO Party, like any other Political Party, is expected – and we are doing that – to observe these elections as party agents, polling agents, etcetera, and we do not take the fact that SWAPO Party is the Ruling Party for granted, we observe every Polling Station, every counting station and we are there, because the Party is being funded like any other Party from this Parliament here.

HON TJIHUIKO: What we are saying is that as long as the participating Political Parties during the election time are getting fair and equal treatment, because at that particular moment – and that is the reason why there is an election – we have to start at the same block. As long as we are going to Okahandja and you want to start at Brakwater, it is not fair and it will never be fair and it seems you have been used to that.

It must be changed. Honourable Minister, we must change that system.
(Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Information. I have been told that Honourable Tjihuiko is a historian and he forgot to quote as a historian. In 1989 the DTA had 21 seats, in 1994 the DTA had 17 seats, in 1999 the DTA had 7, in the year 2004 the DTA had 4. Why? Because you run away, you cut your votes. That is why DTA is no longer the official Opposition. It is because you cut your votes. Do not allow yourself to disintegrate. Blame yourself, that is the information.

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HON TJIHUIKO: Honourable Deputy Minister, can you declare whether you are NAPO or SWAPO? (Intervention)

HON RIRUAKO: On a Point of Information. Honourable Tjihuiko, do you know what goes around, comes around? The reductions began with the DTA, and starting this month of next month, SWAPO is going to begin with reductions.

HON TJIHUIKO: Let me try to conclude. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a point of order. I want to know whether I heard Honourable Tjihuiko properly, whether he said I am a NAPWU, the Trade Union I led for many, many years or he said something else?

(Interjections). NAPO? I do not know anything of such nature and I want him to withdraw my name being linked with something I do not know. If you ask me if I am a member of NAPWU, the Namibian Public Workers Union, I can tell you that yes, I am a member of NAPWU, but not NAPO. Please withdraw my name from that NAPO you are talking about.

HON TJIHUIKO: What is it that I should withdraw? You asked a question Honourable Deputy Minister and I put a question whether you are what I wanted to know, so if you answered, what is the point of withdrawing?

HON SPEAKER: The Deputy Minister is saying that he does not know what NAPO is, he does not want his name to be linked to that, unless you explain to the House how the Honourable Deputy Minister is linked to it. You are wasting your time, why do you not withdraw and proceed?

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HON TJIHUIKO: Honourable Speaker, I need your advice here. If I was saying “*you are*”, then I was making a statement to that effect. If I ask a question so that I could be able to answer the question the Honourable Deputy Minister has put to me, what is it that I should withdraw? He put a question to me and in order for me to be able to answer that question, I needed to be clear on what I was going to say.

HON SPEAKER: Honourable Tjihuiko, rhetorical questions are also meant for a purpose. The question whose answer you know is what is called a rhetorical question. You are not really seeking information, you know the answer to the question you are asking, that is why it is called rhetorical. It will be helpful if you could withdraw and proceed.

HON TJIHUIKO: Honourable Speaker, I withdraw that, I sincerely apologise to the Honourable Deputy Minister and I will try to conclude now.

Honourable Speaker, I am sure that all the democratic Parties in this august House and, I suppose, all of us sitting here and out there will support this Motion, because this is an opportunity for all of us to review our legal and democratic system in the interest of democracy in our beautiful Republic.

Any Political Party or individual who may oppose this noble idea is obviously the beneficiary of the current unfair system. The Namibian process of election is very much free, but it is obviously not fair.

Before I conclude, Honourable Speaker, allow me to kindly request the Mover of the Motion, Honourable Kaura, if possible to amend the Motion that after discussion the Motion be referred to the Constitutional and Legal Affairs Committee for further consultation and input.

With those few words I thank you and I support the Motion.

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HON ULENGA: Thank you, Honourable Speaker. Honourable Speaker, I stand up, in other words I rise to support the Motion introduced by Honourable Kaura. Honourable Speaker, before I go any further, let me say I really feel very hopeful the last few years in observing our developing electoral practices in this country and I see the Motion introduced by Honourable Kaura in the same mode and spirit of hope.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask Honourable Ulenga a question?

HON ULENGA: No. Really Honourable Speaker, the Honourable Member has already stood up ten times in the past few minutes. It is just not good; it is not even mature. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Order. Honourable Ulenga was a member of SWAPO, he used to be a SWAPO polling agent and counting agent. Tell the Nation the truth, that when he, Honourable Ulenga, was doing that work, was he rigging the elections? It is not true! Let us tell the truth.

HON SPEAKER: Deputy Minister, Honourable Ulenga did not say anything to that effect.

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: But he is supporting the Motion.

HON SPEAKER: You know each other, so it may be that you understand each other, but so far he has not said anything to that effect. If you will allow him, then he will explain why he is supporting the Motion.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Comrade Speaker, I just cut him because he said he is supporting this Motion and the Opposition Parties said SWAPO is rigging the elections. I want Honourable Ulenga, before he says anything, to tell the public that he was ...

HON SPEAKER: You are out of order, Honourable Deputy Minister. Honourable Ulenga, continue.

HON ULENGA: Thank you, Honourable Speaker. Allow me to express my feeling of hope in the direction in which our country and our young democracy is developing as far as this issue of democratic dispensation, especially in the conduct of elections, is concerned.

Honourable Speaker, earlier this year I had the opportunity to observe elections in one of the major countries of Africa. As a matter of fact, I do not remember anybody in this House remarking or congratulating the passing of the baton in the Republic of Nigeria. I had the opportunity of observing the elections there and I had quite an interesting experience, but I must also make use of this opportunity to congratulate that great country for having in a peaceful manner passed the baton and that we have now a new Government in that country.

Honourable Speaker, in some of my most interesting experiences in another country where I was observing elections, I have stayed and observed at an election centre for the whole day and I can tell you, Honourable Speaker, when it was 7 o'clock and the sun was setting, the first ballot boxes were arriving at that

centre and there was no electricity at the centre. By about 9 o'clock of the same evening the results of the elections were being announced over the radio and in that particular state where I was observing, a certain Political Party had won overwhelmingly. I was therefore wondering how certain people do it. I have not seen that kind of practice here in Namibia.

Honourable Speaker, like I said, I see the Motion of Honourable Kaura in the same mode of hope for better things, but also in the same mode of optimism, I do not see Honourable Kaura's Motion being pessimistic. That is why I support the Motion. I see the Motion of Honourable Kaura in the spirit of asking for equal and transparent involvement. It is not to say that there is at the present moment no equal and transparent involvement, it is more seeking for more of the same. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask a question?

HON ULENGA: Question declined.

HON DEPUTY MINISTER OF JUSTICE: On a Point of Information, Comrade Speaker. I have listened attentively to the motivation of Honourable Kaura and the intervention of Honourable Tjihuiko and also Honourable Ulenga. I fail to understand this, because in this Parliament we appropriate money. Money is given by Government and this Parliament approves the budget for funding of Political Parties so that they can carry on with their democratic work, whatever they want to do, mobilisation, freedom of expression, everything and this money is allocated for that purpose. Now we are again asking for more money. What for? (Interjection)

HON MEMBER: The agents are not paid for with your money.

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HON DEPUTY MINISTER OF JUSTICE: No you must budget that money. You are always blaming Government for failing to budget appropriately. Why can you not budget appropriately? We have Political Parties, pay your agents, pay transport for your people. We are just wasting our time, this is absolutely unacceptable because we have been allocating the money in your vote!

HON SPEAKER: We can disagree in this House, but we must listen to one another and no one Political Party has the right to order the other Political Party. We are here on account of the votes cast by the Namibian people. Honourable Ulenga, I do not think you got yet to money.

HON ULENGA: Honourable Speaker, thank you very much. What Honourable Kaura is asking for is equal, transparent involvement of all the Political Parties in the election process and I hear him saying that the cost and scarcity of resources should not be a factor. All organisations should be able to say we will participate and the fact that I seem to have less of the same than other Parties, should not affect me particularly in a negative way. I do not see that as being contrary to the general spirit of democracy, of our Constitution and, indeed, that the Government is following. I do therefore not see any reason why we should actually squabble over that.

Honourable Speaker, I also want to refer to the Protocol that was entered in recent year by the SADC countries with regard to elections. This is a Protocol that is not fully implemented yet by all the countries, but again, when you look at the partition of points raised in that Protocol, it is going in the same direction. It is calling, amongst other things, that polling stations and polling dates as determined in such a way that there is less and less opportunity for suspicion, which will result into more and more happiness, less and less unhappiness, but less and less chance of suspecting each other, especially the Ruling Party of rigging any election. (Interjections). Honourable Speaker, there is no reason for my dear friend and Comrade Ilonga to go on the way he goes on. (Interjections)

HON SPEAKER: Honourable Ulenga has the Floor.

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HON ULENGA: Thank you, Honourable Speaker. I therefore see Honourable Kaura's Motion in the same spirit as the SADC Protocol on Elections.

Honourable Speaker, I recently received an invitation from the Electoral Commission of Namibia and I am sure the Right Honourable Prime Minister will be able to confirm this when he will speak on the Motion, because it is so important, he will have to speak on it as well, that the Government together with the Electoral Commission and other parties, is going to review the Electoral Act of 1992. So the time to look again at our electoral practices as embodied in our Act is here and we are going to do it only for the purposes of improving and enhancing. (Intervention)

HON DEPUTY MINISTER OF HOME AFFAIRS: May I ask the Honourable Member a question? Thank you for accepting the question, but is it really appropriate for this House to discuss this kind of Motion while we have a court case pending, in your view?

HON ULENGA: Honourable Speaker, I still like the fact that I allowed the question, despite the actual nature of the question asked.

Honourable Speaker, as I was saying, very soon there is going to be a review of the Electoral Act and I do not want us to ... (Intervention)

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: May I ask Honourable Ulenga a question?

HON ULENGA: Question denied. Honourable Speaker, I was going to suggest that seeing that there is going to be a review of the Electoral Act, I think while it is good for us to discuss positively in that direction and while it is good for us to anticipate that even better things may come out of the review, we should

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not sort of mess with the boat too much, because I can only see this electoral review resulting in better things for the country in general. (Intervention)

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: On a Point of Order, Comrade Speaker. In view of Honourable Ulenga indicating that the Political Parties is going to review the Electoral Act, what is so urgent that Honourable Kaura could not wait for the review to be made? Why, in anticipation of the review, does he bring this to the House for debate? I think it is really becoming a tendency of Honourable Kaura that whenever he hears something is going to happen, he runs quickly to Parliament before it happens.

HON KAURA: Honourable Speaker, I think coming from a young man, it is really unkind words for him to talk about the Honourable Member having a tendency. Why do you not at least say it in better language than saying it becomes a tendency? It is insulting. You must know how to talk to your elders. (Intervention)

HON SPEAKER: Honourable Kaura, it is your Motion, you will have an opportunity later on to reply.

HON KAURA: On a Point of Order, Honourable Speaker.

HON SPEAKER: Honourable Ulenga, continue.

HON ULENGA: Honourable Speaker, I was about to say the Congress of Democrats, the CoD... (Interjections). There is only one. We are preparing ourselves to make an incisive submission during this coming review. Particular

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issues that we believe should be looked at, Honourable Speaker, is the role of the Electoral Commission itself and specifically the role of the Director.

The role of Government during election campaigns and Government agents, like Ministers, should also seriously be looked at. Above all, the role of the Namibia Broadcasting Corporation, the NBC, and the public media in general, because these are the agents which sometimes either make or break election campaigns.

Honourable Speaker, I said I support the Motion. There is nothing wrong in asking for a general levelling of the playing fields. I must say we are better off than many, many countries; that does not make us perfect however. There are a lot that need to be improved and I will say specifically and I am not talking about the money that goes to Political Parties, I think that debate should be put separately. I think we are talking specifically about resources that go for elections and I fully agree that if Parties do not reach certain centres during elections simply because they do not have resources, that should be changed.

We should do it in such a way that there is no Party that seems to be ahead of others when it comes to resources for elections. If the State can make money available in a general way for Political Parties, what would be wrong in making it available specifically for elections? There is nothing wrong with that, it is the same practice already anyhow that the Government is doing. The Government provides resources for Political Parties and as a matter of fact, there was such a confusion during the last elections. Let me tell you a small anecdote.

The Electoral Commission was registering people for elections to work as election workers and some people thought that the first aim would be to apply to work as agents for the Electoral Commission of Namibia. When they were told that that group is already full, then they thought, okay in that case we will apply to work for SWAPO or the CoD or the DTA, because they thought that it was the same job and they thought that seeing that Electoral Commission of Namibia workers were going to be remunerated, then those working for the Parties should be remunerated again and I think it is a reasonable expectation. If that can happen, it would do away with a lot of perceived injustices and it would take away a lot of opportunities for suspicion.

Honourable Speaker, as I said, it is a very good thing that there is going to be a review very soon. One thing that needs to be reviewed and be done away with is

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HON ULENGA**

the fact that many election officials wrongfully – unfortunately wrongfully...(Intervention)

HON MINISTER OF INFORMATION AND BROADCASTING: On a Point of Information, Comrade Speaker. During elections SWAPO election agents and SWAPO counting agents do not apply for a job, but they are doing their normal Party duty. It is on that basis that they do that. So, there is no way that there can be confusion to think that people join up to apply for jobs, because they just do their normal job for the Party.

HON ULENGA: As I was saying, Honourable Speaker, there are some election officials – and I am not talking about SWAPO members – there are certain election officials who think that they have anything to gain if they are seen to be biased towards certain Political Parties, especially the Ruling Party. With Ruling Party I do not mean SWAPO, I just mean the Ruling Party, not because it is SWAPO, but because it is the Ruling Party. I think it is high time that this kind of behaviour is reviewed, so that those officials can come to their senses.

Honourable Speaker, I have seen, for example, in certain cases where election officials have gone to the extent of booing Parties which seem to be receiving less votes in the count during the elections. Elections officials have booed opposition agents, they have even gone to the extent of sending them home because apparently there is not much they have to do.

Honourable Speaker, when the time comes that Parties sit together in an equal fashion and review these matters, I hope that some of these practices will really be done away with.

There was a proposal that came from one of the Honourable Members, namely that this Motion should perhaps be referred to one of the Committees. Without moving an Amendment, I would really say that I would generally also be in favour of that kind of suggestion, so that we are not too much in a hurry to finish this debate, seeing that there is indeed a review coming.

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HON SCHIMMING-CHASE**

Honourable Speaker, I am generally supportive of the Motion. I thank you.

HON SCHIMMING-CHASE: Thank you, Honourable Speaker. Honourable Speaker, I rise to support the timeous Motion by Honourable Kaura, but before I go into the detail thereof, I would just like to remind this House that since the Independence of Namibia when we first had elections up to today, various organisations, including us, have observed numerous elections and within the SADC Region we developed norms and standards for observing elections which have been adopted by all member countries of the SADC Region.

Those norms and standards form the basis of the SADC Organ, that means representatives of the Executive, which has adopted these norms and standards and that again formed the basis of the African Union Principles for Democratic Elections.

We as a mature democracy, we who have participated in the drafting of those norms and standards and in the many elections that we have observed, implemented those norms and standards and judged the elections accordingly, we have matured as a Nation and I would hope that that maturity will show itself here, because the Government of the Republic of Namibia is co-signatory to all those agreements on democratic elections and the point that Honourable Kaura raises is but a tiny, tiny portion of the issues that we are supposed to look at.

In a country like Lesotho, which does not have our wealth, which does not have our size, if one wants to say that, has for time immemorial already implemented what Honourable Kaura is asking for. The Electoral Commission of Lesotho pays all Party agents, all of them. It does not come from Party-political funding, it comes from the Electoral Commission which saw it fit to secure donor funding in order to enable them to pay, so that all Parties... (Interjections). I really fail to understand your excitement, because if I were in a position where I control a two-thirds majority in a country, I have been given a mandate by a two-thirds majority, why should I be afraid of opening the playing field when I am ensured that I have the support? (Intervention)

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HON RIRUAKO: On a Point of Order, Mr Speaker. Let me say this, Honourable Chase, I do not know what is wrong with my Colleague, what happened around the world is going to happen here. We cannot escape what happened around the world, it is going to happen here whether we want it or not. (Interjections). What is that? The ruling of an election will come in a very, very fair way whether we want it or not. That time will come.

Observe it and wait for it. Laughing at Honourable Chase, she is not the one who is saying this, it is the world data.

HON SCHIMMING-CHASE: As I was saying, Honourable Speaker, I do not understand...(Intervention)

HON DEPUTY MINISTER OF JUSTICE: Honourable Speaker, may I ask Honourable Nora Schimming-Chase a tiny question? Honourable Schimming-Chase, are you aware that in Lesotho there were serious problems with regard to this whole democratic electoral process? There were problems during the last elections. Even now there are serious problems and you are trying to tell us that is a good model. President Quett Masire, the former President of Botswana, was mandated by SADC to go and investigate the problems there and the report is still awaited. As we are speaking now there is a serious problem there. Now you are quoting Lesotho.

HON SCHIMMING-CHASE: Honourable Member, I do not see you wearing a hearing aid, so I am sure it is not because you do not hear it, it is because you do not want to listen. I did not say that there are no problems in Lesotho, and let me inform you that I am more acquainted with those problems than you can ever be, because I am dealing with them on a daily basis as the Vice-Chairperson of the SADC Parliamentary Forum. The problem in Lesotho has absolutely nothing to do with the fact that there were electoral agents paid for by the Electoral Commission. The problem has to do with the change of the electoral system which has brought in a combined voting system similar to us and

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the problem is as a result of the allocation of the overhang seats. It has nothing to do with the funding.

Please, if the Honourable Member constantly wants to attack people or misinforming the public, maybe it is time the Honourable Deputy Minister reads before he speaks.

The point I am trying to make and I shall go back to it...(Interjection)

HON DEPUTY MINISTER OF JUSTICE: Where is the report? The report is not yet through!

HON SCHIMMING-CHASE: The SADC Parliamentary Forum has its report. The Chairperson of the SADC Parliamentary Forum headed the Election Observer Mission and wrote a report. (Interjection). The Honourable Deputy Minister is showing further lack of knowledge, that there is a distinct difference between the SADC Organ and the SADC Parliamentary Forum. I am talking on behalf of the SADC Parliamentary Forum and I have seen the report, I deal with it.

I am saying that it is amazing that the only objection that comes to the Motion of Honourable Kaura, comes from a certain section, a certain section of the Ruling Party.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: May I ask the Honourable Member a question? Honourable Nora Schimming-Chase, what is really in CoD without talking about other reports from other countries? Is that power hunger or power struggle? Is there any kind of disease? Do you expect the Ruling Party to take political advice when they have been ruling this country for 17 years?

HON SCHIMMING-CHASE: Thank you, Honourable Minister. It was actually my understanding that we are discussing Honourable Kaura's Motion,

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but since the Honourable Minister needs some information, please come, I will explain to you what is in CoD, so that the Honourable Minister can be better prepared for the same thing that will be in SWAPO in two weeks. Make an appointment, come to me. I will explain, but if the Honourable Minister needs more information, the Honourable Minister looks so elegant today, I am not surprised that she wants to be on television, but I will be prepared to share everything with her so that she can be better prepared.

As I was saying, if we want to talk to the public out there, it is a certain section of the Ruling Party that is so loudly objecting to this Motion and they are actually...(Intervention)

HON SPEAKER: Honourable Chase, just speak to what you want to say, do not refer to sections. (Interjection)

HON MEMBER: Withdraw that!

HON SCHIMMING-CHASE: No, Honourable Minister, I will not withdraw it, I will explain it. I am talking in terms of age, not in terms of groups. Please, I am not making the SWAPO Congress my issue.

To carry on, as I was saying, what Honourable Kaura is requesting is a miniscule part of what our Government has already agreed to. (Intervention)

HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:
May I ask the Vice-Chairperson of SADC Parliamentary Forum a question, the Honourable Schimming-Chase?

HON SCHIMMING-CHASE: Yes certainly, you also look sweet.

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HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:

Honourable Schimming-Chase, I know you highly respect the norms and standards of the SADC Parliamentary Forum, however, I would like to find out, were these norms and standards not applied by the SADC Parliamentary Forum when observing the last Namibian elections? If they were, why a court case?

HON SCHIMMING-CHASE: Honourable Deputy Minister, they were applied and there was no court case when they gave the report. The court case only came when the election papers were starting to burn at Okahandja, when papers were starting to burn. That is what brought the recount and when the recount came about, there were thirty ballot boxes from the North where there were no polling agents from any other

Political Party, that were soaked to pulp, but they were still counted and that is why we were concerned, because these counting agents can literally count paper pulp and declare results. That is what is concerning us. We do not want to count paper pulp, we want to count them as they come.

In fact, if you take time, Honourable Ilonga, to read the African Union Principles for Democratic Elections, you would not talk so much because you would have the information. I however know you do not read. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask Honourable Schimming-Chase, a question? Honourable Schimming-Chase, are you aware that SWAPO even used to accommodate polling agents of other Political Parties because we are not afraid of anything, but we do not want the Government to be subjected to that whereas they are already providing money. Are you aware of that?

HON SCHIMMING-CHASE: No, Honourable Deputy Minister, I am not aware but I am very grateful for the information that you are supplying. I hope

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we will see it in practice next time, because it is good if we would move from theory to practice, because if the Government is already doing it, Honourable Deputy Minister, then I do not see why you are objecting to Honourable Kaura's Motion. You should have been the first one to jump up and support it and say it is already being done. You want to avoid that the Nation should hear what the African Union's Principles for Democratic Elections are. It goes much further than that.

All the countries agree – vote the same day, count the same day, because if we vote the same day, count the same day, we would not be worried about ballot boxes that are travelling at night when we cannot afford fast cars. Our Government has agreed to it, it is not CoD who signed the agreement. It is the Government of the Republic of Namibia. We hear the question about no lights and what have you.

I have observed elections in Ethiopia, in Sierra Leone, I have observed elections in Nigeria where all those people ...(Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Information, Comrade Speaker. The time of blackout was in 1989 in Ongwediva during Dirk Mudge, Honourable Kaura, that one was not us.

HON SPEAKER: If it is not the Honourable Mudge currently sitting in the House... (Interjections). Can you listen to me Deputy Minister? Sit down. If it is not the Honourable Mudge currently sitting here in the House, if it is any other Mudge who is not here to defend himself, withdraw that reference to "*Mudge*".

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: I withdraw, the Honourable former Chairman of DTA, Honourable Dirk Mudge and I say during the time of my daddy, Honourable Kaura.

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RT HON ANGULA**

HON SCHIMMING-CHASE: Honourable Speaker, what I am saying is that countries like South Africa, Nigeria, Sierra Leone, Kenya, who all have ten, maybe hundred times our population, finished the voting in one day.

When I went to Sierra Leone this year and it looked as if it would not happen, we gave a very simple piece of advice to the Electoral Commission, just increase the number of polling booths and they completed the election.

Namibia that has less than 1 million voters needs two days. The announcement takes another five. All of that is in contravention of the agreements that we have signed. I therefore really welcome the fact that there is now going to be a discussion... (Interjection). You know, there is something that says "*no remarks from the cheap seats*". Maybe people who are insecure of their seats in the next election are trying to shout too loudly this time.

I am glad that we are all going to sit together as mature politicians who pride ourselves on a very democratic Constitution, to look at what can be done to level the playing field and I can tell you, before you get up and tell me CoD had 7, it had 5, we may even have 3, we may have one, but I will be proud to have one representative who is democratically elected without rigging the elections. I would be very proud of that.

My appeal is, Honourable Kaura, may I request you to add to your Motion that we should be united in addressing the shortcomings in our Electoral Act and practice, so that whoever comes out winning in the next election, will not be having people sitting on the seats that belong to other Parties. I thank you.

RT HON PRIME MINISTER: Thank you, Comrade Speaker. This Motion of Honourable Kaura, I see that he himself does not even believe in it, because the motivation he gave was only to announce that he got married to a certain Frieda Mutaleni in Oshikoto, somewhere in Oniipa. That Frieda Mutaleni has nothing to do with this Motion. I therefore realised that he is actually making a joke about this Motion. (Interjection). No, you are welcome to be Frieda Mutaleni's husband, that is fine, I have no problem with that. I am saying that I realised that you are making a joke about this Motion, but let me explain the implication.

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The Namibian political processes are based on the principle of checks and balances. That is fundamental, because this principle of checks and balances ensures oversight.

Now you are asking that the presiding officers should be drawn from Parties.
(Intervention)

HON KAURA: Participating Political Parties.

RT HON PRIME MINISTER: Yes, participating political parties. It means that they are Party agents. It means that they are Party agents. (Interjection)

HON KAURA: Yes, that is how they do it in Finland.

RT HON PRIME MINISTER: No, I am talking about the Namibian system, I am not talking about Finland here.

Now listen carefully: Our system is based on checks and balances...
(Interjections). Listen very carefully, the reason why political presiding officers should be non-Party officers ... (Interjection)

HON MEMBER: Do not say that!

RT HON PRIME MINISTER: You are entitled to your views, but the

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reason why you have observers there is to see how they are behaving. If they are behaving in a political fashion to favour a certain Political Party, your reason is to raise objection. The Electoral Commission used to be in the Office of the Prime Minister and you said the Office of the Prime Minister is a political office, they should get out, they should hang in the air, as they are hanging in the air now, because you wanted to avoid political interference. Now you want to introduce political interference in the process of elections. That is serious, it is very serious because what will happen is this, strong Political Parties will have more presiding officers. (Interjections). You must have a principle how to appoint these people. You were told here by Honourable Kuugongelwa-Amadhila that equality does not mean the same, not at all. You cannot be equal when someone has more members than others.

If you are going to say, listen carefully, for the sake of elections the monies appropriated by Parliament to Political Parties should be divided in such a way that a certain amount is left for parties to take care of their election agents, that would make sense. But to ask that election agents be paid by Government, they will be leaning to Government and any Government which is ruling will use them. You are defeating the purpose of elections.

Therefore really, Honourable Kaura, election agents should be committed Party members, serving the interest of their Party, paid or not paid. They should however be alert and diligent to monitor every action of a presiding officer or action of any Party agent, so that they protect the interest of their Parties.

To politicise the electoral process you are inviting disaster in Namibia. There will not be an oversight. (Intervention)

HON SPEAKER: The Prime Minister is most capable of doing what he wants to do under his name alone, without being aided by other Honourable Members. Will you allow the Prime Minister to make his own contribution?

RT HON PRIME MINISTER: Yes, my contribution is, number one, do not politicise the electoral process. (Intervention)

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HON TJIHUIKO: Honourable Speaker, may I ask the Right Honourable Prime Minister a question, please? Honourable Prime Minister, I agree with what you are saying, that our system is good, it could be the best, but do you not think that the electoral system may need to be revisited so that we can close loopholes and make it perfect? That is the first question.

The second question is and I do not know whether I got you right, Honourable Prime Minister, when you were saying that a strong Political Party will have more people in the system. That is what we are saying, that at the current moment the majority of the people who are observing a democratic election create a situation where the other participating Political Parties have room to suspect that the system is not proper. We are not saying that we must change the system, but what we are saying is, let us improve the system where there are problems. That is what we are proposing, that let us sit down and look at this because some of us may be happy because as far as we are concerned, the majority of the people who are observing are our mentors. We are not happy because the majority of the people who are observing are not our mentors.

RT HON PRIME MINISTER: Honourable Tjihuiko, you cannot improve the system by proposing measures which will make the system worse. If you are saying, let us give resources to our polling agents to do their job properly...(Intervention)

HON SPEAKER: Honourable Prime Minister, I am sure you would need more time to elaborate further on this. The House stands adjourned under Rule 90(a), automatic adjournment, until tomorrow afternoon, 14:30.

HOUSE ADJOURNS AT 17:46 UNTIL 2007.10.31 AT 14:30

**ASSEMBLY CHAMBER
31 OCTOBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

HON SPEAKER took the Chair and read Prayers and the Affirmation.

HON SPEAKER: Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Honourable Minister of Finance.

TABLING: REPORTS OF AUDITOR-GENERAL

HON MINISTER OF FINANCE: Honourable Speaker, I lay upon the Table, Reports of the Auditor General on the Accounts of:

- Regional Council of the Caprivi Region for the Financial Years ended 31st March 2004 and 2005;
- Regional Council of the Oshikoto Region for the Financial Years ended March 31st, 2002 and 2003.

HON SPEAKER: Will the Honourable Minister table the Reports? Any further Reports and Papers? Any Notice of Questions? Any Notice of Motions? Minister Pandeni.

NOTICE OF MOTIONS

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Speaker. I give Notice that tomorrow, the 1st of November 2007, I shall Move –

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**NOTICE OF MOTIONS
HON BOOYS**

That this Assembly agrees to the extension of the term of office of the current Local Authority Councillors for a period of 18 months so that both general elections of Regional and Local Authority Councillors shall be taken concurrently in November 2010. In accordance with the Local Authorities Act of 1992 (as amended), Local Authority Council elections shall be conducted after every 5 years as from November 2004. I so Move.

HON SPEAKER: Will the Minister table the Motion? Any further Notice of Motions? Honourable Booy's?

LEAVE OF ABSENCE

HON BOOYS: Honourable Speaker, I move without Notice, that leave of absence, due to official business, be granted to Honourable Dr Hage Gotfried Geingob until 15 November 2007. I so Move.

HON SPEAKER: Will the Honourable Member table the Motion? Any further Notice of Motion? Any Ministerial Statements? Honourable Deputy Minister of Defence.

**MINISTERIAL STATEMENT:
PEACE SUPPORT MISSION IN LIBERIA**

HON DEPUTY MINISTER OF DEFENCE: Thank you, Honourable Speaker, Honourable Members of the National Assembly. I rise to make a short statement on behalf of my Minister and the statement reads as follows:

I am honoured and privileged today to have the opportunity to update this august House on the contributions made by the Namibian sons and daughters of the

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**MINISTERIAL STATEMENT
HON SIMUNJA**

Namibian Defence Force to maintain international peace and stability, specifically in Liberia.

On the 19th of October 2006, I updated this august House on the contributions made by the Namibian Defence Force members through the United Nations Organisation and African Union to many parts of Africa and beyond. Today I will confine my update to Liberia only.

On Monday, the 22nd of October 2007, the Nation received the Namibian Battalion VI from the Peace Support Mission in Liberia. His Excellency the President, Comrade Hifikepunye Pohamba as Commander-in-Chief of the Namibian Defence Force has officially received the contingent.

After a long civil war which caused death and displacement of many Liberians, the United Nations Security Council Resolution 1505 of 19 September 2004 was adopted with the aim to bring peace to that war-torn country. Many countries in Africa and beyond were requested to contribute some troops and bring peace to that country.

In 2004, Namibia sent a battalion-strong contingent of 860 personnel to participate in UNMIL with the aim to contribute to peace and create a favourable condition for a peaceful settlement under the auspices of the United Nations.

Honourable Speaker, our contribution to peace in Liberia and beyond is in accordance with Article 96(b) and (e) of the Namibian Constitution, which stipulates that: *“The State shall endeavour to ensure that in its international relations, it promotes international cooperation, peace and security, and encourages the settlement of international disputes by peaceful means.”* The Namibian contingent had the responsibility to secure and safeguard the Western corridor of Liberia which consisted of 4 towns.

Our men and women in blue helmets diligently played a mediatory role between the rebel factions to respect and comply with the Peace Accord; they facilitated the safe return of refugees to their areas of origin, both nationally and international; they also provided security during the disarmament, demobilisation and rehabilitation process. Furthermore, they acted in an impartial manner and consequently created and maintained peaceful relations with all Liberians, especially the parties to the conflict, such as the LURD faction and other belligerents. Our sons and daughters performed exceptionally well and their hard

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work had improved the security situation which translated into a conducive environment for peaceful elections in that country.

Despite these achievements, there were some setbacks. Some of our troops lost their precious lives. However, it is worth mentioning that those who died did not die as a result of hostile fire. The health of our peace-keepers was most affected by tropical diseases. This, however, did not dent their morale, neither retard their performance. Their mission came to an end on the 15th of October 2007, as I had already mentioned.

Honourable Speaker, Honourable Members of this august House, we should, therefore, be ready to support our Defence Force in its endeavours of fulfilling its peacetime roles. I once again appeal to all Honourable Members to support the Defence Budget in future in order to maximise our participation and contribution to international peace and security. I thank you.

HON SPEAKER: I thank the Deputy Minister for his statement and update. Any further Ministerial Statements? The Notice of Motion is the one by the Honourable Minister of Works, Transport and Communication. Does the Honourable Minister or his Deputy Move the Motion?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, may I on behalf of my Colleague ask the indulgence of this august House for this matter to stand over until next week, Tuesday.

HON SPEAKER: The Debate on this Motion stands adjourned until Tuesday, next week. There might be another explanation, but I am aware that there is a major conference that some of the Honourable Members did attend yesterday and when we had the guest President, he too made reference to a meeting jointly being hosted by Namibia and South Africa. That Conference is ongoing until tomorrow. The Secretary will read the First Order of the Day.

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**MOTION ON NATIONAL RECONCILIATION
HON //GAROËB**

**RESUMPTION OF DEBATE ON NATIONAL RECONCILIATION WITH
A VIEW TO DEVELOP GUIDELINES FOR A POLICY THEREON**

HON SPEAKER: When this Debate was adjourned on Tuesday, the 9th of October 2007, the Question before the Assembly was a Motion by Honourable Tsudao Gurirab. Honourable Chief //Garoëb was busy making his contribution and he may continue.

HON //GAROËB: Thank you, Mr Speaker, Sir. When this Honourable House adjourned last week, I was dealing with the question of Honourable Moongo, asking why SWAPO does not exhume the remains of people who died elsewhere, as they did with their colleagues whose remains were reburied at the Heroes Acre in Windhoek and elsewhere.

Mr Speaker, Sir, I do not want to dwell very long on this issue, but I do not either want to leave it untouched.

Last week the Honourable Deputy Minister Nujoma named several of his heroes in this august House during the same Debate and I was astonished to hear him calling the name of late Moses Garoëb, the man who was forgotten in the Old Location Cemetery since September 1997, as was the case with Anton Lubowski who was likewise forgotten in the Katutura Cemetery. The question now is: Are they also heroes? If so, what chance does a non-SWAPO have to one day taste the honour of the Heroes Acre or should we wait until such time that we take over the reigns in the country, exhume all the SWAPOs at the Heroes Acre and put our own people there?

Mr Speaker, Sir, let me start where I stopped last week. (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I am sorry to interrupt the Honourable Chief Garoëb, but may I, through you Comrade Speaker, pose a question to the Honourable Chief just to get some clarity?

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**MOTION ON NATIONAL RECONCILIATION
HON //GAROËB**

Honourable Chief //Garoëb, you are making the point of certain people who passed away who are buried in different cemeteries, who ostensibly were exhumed and reburied at the Heroes Acre. To the best of my knowledge, there is no single person who was exhumed and reburied at the Heroes Acre. Honourable Chief, could you, for the benefit of the Namibian Nation, the public at large, just enumerate those who were exhumed and reburied at the Heroes Acre?

HON //GAROËB: Thank you Mr Speaker, Sir. This was actually not my statement, it was a question by Honourable Member Moongo and I said I do not want to dwell on this issue, but my own astonishment brought me to the answer which I gave about late Moses Garoëb and late Lubowski. The question itself was not my question. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. Honourable Speaker, for record purposes and for posterity, the reality is that – or before I go to the reality, may the soul of our heroes, Moses Garoëb and Anton Lubowski, rest in peace.

To set the record straight, when Comrade Moses Garoëb was buried, the Heroes Acre was not there. That is a material fact. Again, on the second issue with regard to late Comrade Anton Lubowski, when he was assassinated the Heroes Acre was not there. Those are material, historical facts and again as a matter of material fact, by virtue of having the Heroes Acre in Windhoek, does not in any way simplify or reduce the status of cemeteries across this country. All cemeteries where Namibian people are resting are great places as well and the Namibian heroes will be observed wherever they are resting, either the Heroes Acre or other places. To be buried at the Heroes Acre does not necessarily mean that it is a testimony that you are only there when you are a hero. A hero can be buried elsewhere. I thank you.

HON //GAROËB: Thank you, Honourable Speaker, Sir. It brings me to a very important question as to... (Intervention)

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**MOTION ON NATIONAL RECONCILIATION
HON //GAROËB**

HON DEPUTY MINISTER OF JUSTICE: On a Point of Information. Since Honourable Chief Justus Garoëb mentioned my name that he was astonished that I mentioned our hero, the late Comrade Moses Garoëb, I am surprised that he is astonished and I have mentioned that Comrade Moses Garoëb was one of our heroes. He was unwavering and he has made an immense contribution to the liberation of our country.

What I want the Chief to note is that Honourable Moses Garoëb was not a sectarian leader or a tribal leader, he was a national leader, representing the whole of Namibia, unlike what we see that some of our leaders are calling themselves national leaders but they are just confined to a certain sector of the Namibian society.

HON //GAROËB: Thank you very much, Honourable Speaker, Sir. Now I understand why my cousin, late Moses Garoëb, was forgotten in the Old Location.

Coming to the Honourable Deputy Minister saying that any cemetery in Namibia has more or less the same status as the Heroes Acre, then what was the need to spend so many, many millions on the Heroes Acre if we could bury our beloved ones anywhere in Namibia? (Intervention)

HON MINISTER OF INFORMATION AND BROADCASTING: On a Point of Order, Comrade Speaker, with due respect to the Chief, an impression is being created that all SWAPO leaders are buried at the Heroes Acre and only those you want to think are forgotten are at other cemeteries. I think even if you go to the Hochland Park cemetery, you will not only find the grave of Comrade Moses Garoëb, you will also find the graves of other senior SWAPO Party leaders, like Comrade Mweshihange, also a hero. So it is not a matter of people being forgotten. Let us not confuse the public, especially in this room.

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HON //GAROËB: Mr Speaker, Sir, I do not know what the commotion is all about. We are just trying to put the facts straight. (Intervention)

HON NAMBINGA: May I ask the Honourable Chief a question? Honourable Chief, you are saying Comrade Garoëb is forgotten because he is not buried at the Heroes Acre. Do you also know that Comrade Maxuilili is also not there? Why this selective morality? What is it that you are trying to achieve?

HON //GAROËB: Mr Speaker, Sir, it is not a matter of selective morality, I mentioned those two gentlemen because they are buried in Windhoek and in a backward cemetery, for that matter. As far as Honourable Maxuilili is concerned, to the best of my knowledge he is buried in Walvis Bay and you were not there at his burial. Most of the SWAPO people were not there. (Intervention)

HON NAMBAHU: On a Point of Information. I come from a tradition where we respect the chiefs very much, but when they start going astray, I think it is just in order when one interrupts and I am doing that to give information.

It is really touching to some of us when someone tries to say Comrade Moses Garoëb s forgotten. It is probably so because the person making such assertions is not a member of SWAPO. Comrade Garoëb is very much alive in our memories, in our songs, streets are named after him and those who have lived under his care as our administrative secretary, no single day passes at the SWAPO Headquarters without us thinking of Moses Garoëb. It is probably within the family confines where the forgetting is taking place, but certainly not within the rank and file of the SWAPO membership.

HON //GAROËB: Mr Speaker, Sir, according to my custom, a chief never goes astray. Coming back to my written speech, as much as we went all out to condemn what happened in the dungeons, we were not interested in a witch-hunt. Deep down in our heart of hearts we sincerely believed that this issue would one

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day be solved amicably. I personally believed that the spirit of Independence ... (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. It is really regrettable on my part to interrupt my Chief who never goes astray, but unfortunately it would be sad for us in this august House to sit here and concur by silence, because sometimes they say silence is consent.

For the Honourable Chief to regard certain graves where Namibian people are resting as “*backward graves*,” there is no backward grave, any place is a respectable, dignified resting place for the Namibian patriots and be that as it may, we also have national monuments. National monuments are found in any society, therefore the Heroes Acre is one of those monuments and those who are resting there are heroes and heroes can also be found elsewhere. Therefore, it is a misconception and misinterpretation, all graves are important as rest places for the Namibian people, poor, rich, heroes and non-heroes. I thank you.

HON //GAROËB: Thank you, Mr Speaker, Sir. The Honourable Deputy Minister seems to be a stranger in Windhoek. Just go to the Katutura Cemetery and you will see that some of the tombstones are lying on the ground – desecrated. (Intervention)

HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION: Honourable Speaker, I am terribly sorry to disturb the Honourable Chief, but for record purposes, I also want some information to be very clear. May I ask the Chief a question?

Thank you for accepting the question and the question is: Assume the Chief is in power of Government in this Republic, will you exhume the leaders resting at the Heroes Acre and if you will be doing so, are you doing it with the belief that these people are not real heroes and heroines of this Republic of ours?

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HON //GAROËB: Thank you Mr Speaker, Sir. If I am the governing Party, not the Ruling one, I will definitely not exhume the people right now in the Heroes Acre. I just wanted to make a point for you to understand that if you elect our present Heroes Acre only for the members of SWAPO, then you are creating a precedent which might compel the future leaders to react. (Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** On a Point of Information, Comrade Speaker. The Heroes Acre was created to serve as a place through which we remember the contributions that were made by many Namibians, starting from our forefathers and mothers up to those who have contributed for this country to be where it is today, that we are all proud of. That is why on the 26th of August when we remember what had happened, we have them in mind, we mention them. On the 10th of December when we think of what had happened in the Old Location, we remember even those who were not at the Old Location that time.

The information I am trying to drive at is that when we mention names of our forefathers, like Hendrik Witbooi, Maharero, Ipumbu Ya Tshirongo and others, they are not mentioned as SWAPO members, because SWAPO was not even there that particular time. I am really sorry that the information we want to give out there may even belittle ourselves. Thank you. (Interjection)

HON KAURA: After Independence, who are the only ones who were buried at the Heroes Acre?

HON //GAROËB: That is exactly what I wanted to ask. If the Honourable Minister can name a single non-SWAPO person who is buried at the Heroes Acre, then you can rest assured that I will not tamper with you. (Intervention)

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HON P MUSHELENGA: On a Point of Information, Honourable Speaker. I do not really want to interrupt the Honourable Chief, but the Chief is very persistent in his assertion that the Heroes Acre appears to be only for SWAPO members, which is not true. We are talking of a Heroes Acre that was inaugurated barely 5 years ago. Unless the Chief would inform us that within those 5 years there are non-SWAPO members who died who according to his criteria should be buried in the Heroes Acre. But it is a Heroes Acre which has been there barely for 5 years, it is not even there for many years and he is already making a conclusion that it is only members of one Party that are being buried there. It is not fair.

HON //GAROËB: Thank you Mr Speaker, Sir. (Intervention)

HON VENAANI: Honourable Speaker, on a Point of Information. Chief, I am very sorry to disturb you, but I was really shocked to hear what my colleague just said just now, that which people died within 5 years that qualify to be national heroes. Levi Nganyone, Emil Appolus, the man that went with a bicycle from Kaoko to Owambo to go and give information to Andimba Toivo Ya Toivo. (Interjection). He did not hijack you, that is why you did not bury him there. People, let us not play this game as if we know what is happening in this country. Levi Nganyone has played a more important role than some of the people who are lying in the Heroes Acre.

HON //GAROËB: Thank you, Honourable Speaker, Sir, the answers have already been given, let me carry on. Deep down in our heart of hearts we sincerely believed that this issue would one day be solved amicably. I personally believed that the spirit of Independence would bring about a complete change of heart to SWAPO. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information, Honourable Speaker. It is very, very sad, unfortunate and

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regrettable at the same time that the names of the dead whose souls are supposed to be resting in peace are being disturbed on the Floor of this House for cheap politicking, because I am sure some of these people who are mentioning these names are the very same people who denied the role of some of the people, who ostracised them, who tortured them, who intimidated them and apparently today they are heroes in the grave. What hypocrisy, what sham! It is a political sham and shame. Why can they not mention the names of those heroes who belonged to their Parties? Why not mention the names? Because all these names that are coming now are boiling down to SWAPO and we are saying that late Maxuilili is a SWAPO member, he is not at the Heroes Acre. You mentioned late Mweshihange, he is not at the Heroes Acre. We mentioned late Kahumba Kandola, the late Bishop Kauluma all these are SWAPO members and this also clearly shows that the argument by my respectable and Honourable Chief does not hold water that it is only SWAPO members who are buried at the Heroes Acre, because late Kahumba Kandola is a national hero from Robben Island, the late Mweshihange was the Secretary of Defence, Levi Nganyone was a staunch SWAPO member and petitioner. This shows that it is not only SWAPO members who are buried in the Heroes Acre.

HON SPEAKER: Before I give the Floor back to the Chief, can I direct you all, Honourable Members, to Rule 108(e) of our Rules and Orders? It reads as follows: “*A Member may not use offensive or unbecoming words against the presiding officer (in this case that is not on), the Assembly as a House or proceedings (what we are doing now) or in reference to any Member thereof.*” Any Member of the House as you are sitting now. A Member may not do that and I advise strongly that perhaps we apply our minds to read Rule 108 after adjournment. Continue Honourable Chief.

HON //GAROËB: Thank you, Mr Speaker, Sir. Deep down in our heart of hearts we sincerely believed that this issue would one day be solved amicably. I personally believed that the spirit of Independence would bring about a complete change of heart to SWAPO and that SWAPO would be mature enough to call for a national pardon in this august House to wipe out all ill-feelings.

Honourable Members, you may recall, that I made two attempts for a national

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pardon over the years in this august House, but I was only vilified and no serious attention was given to the issue. If I were taken seriously at that stage, we would not have been under the threat of the International Criminal Court today.

Mr Speaker, Sir, right now I do not want to make...(Intervention)

HON SPEAKER: That one has implications, making reference to the International Criminal Court, unless you have something else in mind other than what we read in the media generally. You are on the right track, but leave out the International Criminal Court case. You may continue.

HON //GAROËB: Unfortunately I could not follow the Honourable Speaker.

Mr Speaker, right now I do not want to make an issue of the Lubango dungeons. Most of us have already accepted that these things happened during the war under very difficult circumstances. We therefore accepted with so much regret the loss of lives of Namibian people at the war zone “*whose blood watered our freedom.*” It is however only human that we in all sincerity waited too long that one day our Head of State will be bold enough to stand before us and announce the national pardon to free those who committed these awful crimes and at the same time, clear those who were accused of alleged spying, without being tried in a competent court of law. Such an action by the Head of State would and will still, to my mind, wash away all the ill-feelings and pave the way for genuine reconciliation. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a point of clarity. When I listen to the Honourable Chief it seems the Honourable Chief brought the Motion of Honourable Gertze, he is in cahoots with Honourable Gertze. Is it allowed that a person now tries to reintroduce something which was rejected here. Is it acceptable? We are talking of reconciliation and I do not see anything in the Honourable Chief’s contribution towards reconciliation.

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HON //GAROËB: Thank you, Mr Speaker, Sir. I do not know whether the Honourable Deputy Minister understands the essence of the word “*reconciliation*”.

Honourable Members, I was flabbergasted when at last one brave member of SWAPO, Honourable Jerry Ekandjo, mentioned in this Debate the cooperation...(Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Information, Honourable Speaker. Through you I want to inform the Honourable Chief that I am a person who understands the policy of national reconciliation hundred percent, because in this House there is somebody who physically hurt me, but I reconciled with him. We shake hands because I know that is what I was fighting for. I was fighting to liberate Namibia and we keep our enemies, the snakes, the crocodiles and we have them. Therefore, we know exactly that national reconciliation is not supposed to be a Debate in this House.

HON SPEAKER: We do not have crocodiles and snakes in the House. All of you are Honourable Members.

HON //GAROËB: Honourable Members, I was flabbergasted when at last one brave member of SWAPO, Honourable Jerry Ekandjo mentioned...(Intervention)

HON SPEAKER: You can continue on that point, the House will rise.

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**HOUSE ADJOURNS AT 15:40
HOUSE RESUMES AT 16:13 PURSUANT TO ADJOURNMENT**

HON //GAROËB: Thank you, Honourable Speaker, Sir. What the Honourable Minister of Regional and Local Government, Housing and Rural Development, Honourable Jerry Ekandjo, touched on was only a tiny tip of the iceberg, but it provoked the question I was always reluctant to answer for years, namely, why we are on this side of the Honourable House, while our erstwhile allies are on the other side of the House.

Unfortunately, our Speaker last week reprimanded Honourable Deputy Minister Nujoma for sometimes deviating from the very topic of reconciliation. This being the case, as much as I wanted to touch on the following core issues, namely:

- The role played by us to make the Lusaka Conference a reality;
- Ambushes laid by the South African Army to destroy us because as they put it, they could not stomach one SWAPO outside the country and another right here before their noses;
- Our colleagues who lost lives under suspicious circumstances in the presence of the South African Army in the area;
- The announcement by Comrade President Nujoma those days and a statement by Mr Nico Bessinger in a foreign periodical which ultimately caused division between us and compelled us to do our own thing only 8 months before the 435 elections.

As I would not want our Speaker to reprimand me for dwelling a little far from the topic, I will therefore wait and come back to this very important issue at the right time to belabour the untold story.

I, therefore, rest my case and support the Motion. I thank you.

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HON MINISTER OF SAFETY AND SECURITY: Thank you, Honourable Speaker. I did not want the Debate to go by without me having said something on it.

Honourable Speaker, Honourable Members of this august House, the Motion tabled by the CoD member, Honourable Tsudao Gurirab, seeks to define the concept of national reconciliation and policy guidelines.

It is indeed an important topic. The Namibian Constitution in its preamble stipulates among others that the *people of Namibia will strive to achieve national reconciliation and to foster peace, unity and a common loyalty to a single state.*

Reconciliation is a tool of transformation. It can be defined as a profound process of dialogue between conflicting parties, leading to the recognition of the other and respect their differences, interests and values.

Reconciliation as a technique which goes beyond settling post-conflict differences to restoring social relations and healing hearts and minds. It is the action of restoring broken relations.

It restores the capacity to live with or alongside each other. It allows us, while remembering the past, to bring closure to a chapter in our past. It enables us to live in the present, making our life as a Nation and our lives as individuals in a shared future. It always remains a never-ending process. I hope you will agree with me that true national reconciliation is very challenging and very complex indeed.

National reconciliation, whether through Truth Commissions or other means, is neither a complete approach to conflict transformation, nor an adequate end in itself and must go beyond coming to terms with the past to seeking out and implementing more broadly equitable models of governance.

It is increasingly obvious that the real challenge in most countries, so is in Namibia, is to build a society which is truly participatory and fulfilling for all groups. Otherwise, fissures giving rise to alienation and deep-seated conflict will emerge in the new order as they did in the old.

First, human beings require a sense of security and of identity. That is very important. Second, since people have a generic drive to learn, they require a

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consistent response from the environment, without which learning is impossible. Third, from their social context people require both recognition and valued relationships, or bonding. Finally, and perhaps most importantly, individuals require some kind of control over their environments in order to ensure that their needs are fulfilled.

We must promote a culture of peace, a set of values, attitudes and behaviours which reflect and inspire participatory democracy, social interaction, sharing tolerance, gender equality, solidarity, human rights, the refecton of violence and conflict prevention through dialogue.

We must also promote a culture of non-violence, which would encompass love, justice, harmony and embrace social diversity, non-violence and personal transformation.

We must endeavour at all times to create universal culture of human rights and always promote a culture of democracy which highlights non-violent conflict resolution, open decision-making, the role of civil society, transparency and participation. National reconciliation is one of the principles enshrined in our Constitution and therefore, is a prerequisite to nation-building. If we want to foster the values enshrined in our Constitution of freedom, justice and peace, there is nowhere we can achieve them without implementing the policy of national reconciliation. In a nutshell, it is the bedrock of unity of purpose and a foundation to nation-building.

National reconciliation is part and parcel of national interests and, therefore, is a policy that the SWAPO Party agreed to introduce after Independence while in exile and this policy was introduced by the Founding Father of the Namibian Nation, His Excellency Dr Shafishuna Nujoma.

It is not possible to debate national reconciliation without first exhausting the ugly history of colonialism, racism and apartheid and without referring to the victorious struggle against colonialism, racism and apartheid.

We conquered an enemy that sowed hatred and destruction in the hearts and minds of the Namibian people, destroyed values and destroyed cultures. This enemy had managed to set Namibian tribes against each other. We were nearly on the verge of a civil war – a brother was set against a brother, a son or a daughter against father and mother and vice versa.

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Now that we have achieved our victory and are marking seventeen years of Independence, the Government of the Republic of Namibia, through Ruling SWAPO Party, like it or not, have brought peace, security and political stability to Namibia and thanks to the SWAPO Party policy of National Reconciliation.

You are all aware that there are misguided and reactionary elements and failures among our society who are being paid by the enemies of our revolution to continue to sow mistrust, disunity and to bring havoc, destruction and misery to our people. They are not here.

They are not happy to see Namibia being among the peaceful and prosperous Nations of the world and would want to revert the clock back. It is impossible. Had it not been for the policy of National Reconciliation introduced by the SWAPO Party, we should not have achieved much in 17 years time. Many of our African brothers who have been long independent for more than twenty, thirty, forty years had not achieved the same in a period of seventeen years. Namibia is a success story and we should be happy and proud of our achievements and resolve to work harder in order to realise the goals of Vision 2030.

Honourable Speaker, Honourable Members of the august House, for me the introduction of national reconciliation has been a great success after Independence. To start questioning this successful policy is tantamount to being unpatriotic. While some of us want to discuss this Motion with open minds – as I am doing now – I can tell you that those who introduced this Motion have a hidden agenda and this agenda is that of the ex-detainees in exile during the Liberation Struggle.

It is important to mention that each country, after having gone through war, have adopted different approaches to post-war reconstruction and national reconciliation. (Intervention)

HON MOONGO: May I put a question? He is talking nicely and we are eager to hear more, but on the disappearance of hundreds of Namibians in exile, are they still alive or when are they coming back?

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HON MINISTER OF SAFETY AND SECURITY: Honourable Speaker, I agree that we do not have to reinvent a wheel but I desist and refuse to accept the tendency of being copycats. Yes, we have to learn from others, but not take up everything. There are those who belong to the school of thought which supports that we should introduce the Truth and Reconciliation Commission of South Africa, but these are nothing but prophets of doom.

The strategy taken by Namibia of not opening old wounds is more appropriate for us, for everybody. These prophets of doom are people who are just remote controlled and we should not be cheated by anyone of them. Their handlers are in western North America. If you scrutinise their so-called country reports on Namibia, you will find that they are a replica of the Namibia Society of Human Rights.

Therefore, one can be cheated by a hyena in a sheep's skin, but not when a hyena is a real hyena showing its true colours which you can see with your naked eyes.

Without the policy of National Reconciliation, I see no future for Namibia, none of you will see the future of Namibia. When we came here immediately after Independence in 1990, most of my colleagues, including my senior brother here, were driving AK-47s in their vehicles, fully loaded magazines, ready to shoot. But the policy of National Reconciliation said consciously, "*do not shoot.*"

I will say it again: Without the policy of National Reconciliation I see no future for Namibia, I see darkness, I see destruction, I see misery and I see rampant diseases, hunger and ignorance. I see no tranquillity, no peace, I see no security and I see no development. We are going to be victims of neo-colonialism and we are doomed to failure and anarchy.

You do not expect the former colonisers nowadays to come with guns to colonise us, but new sophisticated methods and strategies are being used to re-colonise us in a different form. Our raw resources are being shipped to their countries daily to sustain the livelihood of their citizens while here in Africa we continue to suffer. This is the decade for Africa, we should stand up and fight for our economic emancipation.

I want to spell out the notion that nothing has been done related to the implementation of the policy of National Reconciliation. Many Members of the National Assembly will agree with me that this National Assembly has passed

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many pieces of legislation which reinforce national reconciliation, such as the anti-discrimination law, the affirmative action, the Marriage Equality Bill, the gender equality and child welfare and many others.

These laws are all aimed at addressing the injustices of the past and contribute to national reconciliation. The Constitution entrenches the Bill of Rights and no doubt, this entrenchment is a guarantee to national reconciliation.

It is true that currently the policy of National Reconciliation is yet not in black and white and it is, therefore, incumbent upon this august House to take a decision whether it is necessary or not to formulate the policy of National Reconciliation in writing. We must know that there are always resistance to change and fear of the unknown and fear of failure, but since the policy of National Reconciliation has been successful in Namibia for the last seventeen years and as a way forward, I see no harm for the sake of nation-building, for the sake of unity, for the sake of national security, for the sake of peace and economic development to commit this policy to paper. We should approve that the policy of National Reconciliation becomes part of the school curriculum, so that we use this policy to continue nurturing and building one Namibia, one Nation.

Honourable Speaker, Honourable Members, let me take this opportunity, to thank you.

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

Thank you, Honourable Speaker. I would like to briefly contribute to the Debate on national reconciliation which is now before us.

Honourable Speaker, national reconciliation has changed the mindset of the Namibian people. It has changed our attitudes and changed our way of relating to each other, the way we consider our relationship within our society, the way we look at each other. The attitude and the mindset that existed before Independence was that of enmity and hatred. We were divided by apartheid colonialism and as a result we hated each other and consequently we went to war and fought a long and a protracted struggle against the enemy of our people and because of our

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determination and commitment, we prevailed over the enemy of our people and we had to come back home.

That was the testing time to come back to Namibia, the country which was still under colonial occupation. The machinery of apartheid was still fully in place and our brothers who collaborated with the enemy were armed to the teeth and they were threatening. And during that testing time many attacks took place on SWAPO members. I remember a child that was shot in the eye with an arrow and there was no other reason than being a member of SWAPO.

However, right from the beginning SWAPO ordered its members to refrain from all kinds of provocation and we heeded that caution. When the Independence of Namibia was declared, the policy of national reconciliation, as enshrined in the Constitution, became the order of the day, that we should forgive but we should not forget. We should live together peacefully with our former adversaries, we should accommodate them and work for this country.

I do not see the reason for debating this functioning policy that has brought us together. This is because of the policy of reconciliation we no longer relate to each other as black and white. We have become colour-blind, we do not see colours anymore. We regard ourselves as Namibians once and for all. We do not see tribes anymore. (Interjections). That is a reflection that you want to impose in other people.

This policy has worked and is still working. There has never in this country been a political killing? Not a single one. There has never been a revenge killing in this country since the policy of National Reconciliation was declared. If there was any, it was not from SWAPO members. (Intervention)

HON MOONGO: May I ask the Honourable Minister a question? As the Minister is saying that after Independence there was no revenge, is the Minister aware that Nampala Nangolo was killed in the presence of the police by SWAPO returnees at the Ondangwa Airport in broad daylight?

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HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

Comrade Speaker, this is a peaceful country, stable, democratic and, therefore, this is an effort of reversing our success that we have achieved. (Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:**

Comrade Speaker, may I ask Comrade Kaapanda a small question? Comrade Kaapanda, you are really following the history that reflects the reality. The Constitution which we all embrace and regard as the Supreme Law, includes national reconciliation. Do you believe that it is genuine that people are still asking for other laws to come which will be subjected to what is already in the Constitution. Do you believe that there will be any law that is superior to the Constitution?

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

Honourable Minister, our Constitution is the Supreme Law and supersedes every law in this country and whatever is enshrined therein remains valid and we have to behave according to the Constitution as law-abiding citizens of this country and we have been doing that.

The motive behind the Mover of the Motion is not clear to us, but there is this element of bias and hypocrisy. You ask about people who disappeared in SWAPO hands, but you do not ask about people who disappeared under the apartheid regime. What kind of signal are you sending out there as a lawmaker? Why can you not talk the truth? (Intervention)

HON MOONGO: On a Point of Information. The Minister that time was in India, so it seems he is lacking proper information. We regarded South Africa as the enemy and if they killed people, it was done by the enemy, but we regarded SWAPO as a comrade and colleague, and he acted like an enemy and killed more people than South Africa killed.

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HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

Honourable Member, I said...(Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:

I do not rise to ask a question. Comrade Speaker, I want the Honourable Moongo to withdraw. You cannot say SWAPO killed more Namibian people than South Africa killed. He must withdraw that statement. (Interjection)

HON MEMBER: Unless he has proof.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:

Do you have proof? Prove it so that we cannot ask you to withdraw. The Member must withdraw unless he comes with the proof.

HON SPEAKER:

There is a very serious allegation and to ask the Honourable Member to withdraw will not solve the problem for the public that is listening out there. It is an allegation, I do not think that Honourable Moongo has evidence in terms of numbers. What I would have expected the Honourable Deputy Minister to do is to refute that and to say that SWAPO did not do that or something to that effect, because I do not want to be drawn into the numbers.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:

Honourable Speaker, I refute and reject the statement of Honourable Moongo that SWAPO killed more Namibians than South Africa. I totally refute that statement.

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HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

Thank you very much, Honourable Speaker. The numbers of who killed more ... (Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:**

On a Point of Order. Comrade Speaker, I think the point that Honourable Moongo made is very much serious. He started off by saying he remembers Honourable Kaapanda was in India and then he said he lacks information because he does not know that while he was there after Independence, he cannot remember the people that he killed. He mentioned the words "*he killed*" and I want to presume that it is an Honourable Member of Parliament, so can the Honourable Member withdraw that reference referring to the Honourable Member as having killed people. You can go and listen yourselves and you will hear.

HON SPEAKER: I believe the Minister has the Floor to refute that.

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

Thank you once again, Comrade Speaker. This country won acclaims because of our policy of reconciliation. That resulted in mutual acceptance and created a peaceful political environment. (Intervention)

HON SPEAKER: I will give you the Floor shortly after the Minister has responded to the serious allegation that he killed people. I am sure he would want to put that to rest.

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HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

Comrade Speaker, I do not think I need to get involved in this senseless kind of argument, because it is so nonsensical, senseless, I do not need to go into that and I will just ignore it. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:

On a Point of Information on the allegation which Honourable Moongo is making that SWAPO killed many people. SWAPO's rules of operations and conduct in battle were stipulated in the PLAN manual and the PLAN manual is a document and Honourable Moongo can go to the National Archive and he will get the code of conduct of our PLAN-combatants and how they were expected to conduct themselves in the battlefield. For the public outside there, SWAPO waged a liberation struggle which was characterised by three forms: the political front, the diplomatic front and the armed liberation struggle and the people who engaged in combat were PLAN combatants and amongst some of the things which PLAN combatants were forbidden to do was to either humiliate, kill or maim civilians. It is there and whenever a PLAN combatant was identified or detected as having engaged in this misconduct, certainly as an organised movement the rules applied. SWAPO never conducted a mass killing which can be compared to anybody and our targets here were the South African Army, armed South African forces, not armed civilians.

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

Comrade Speaker, the Mover of the Motion did not tell us what necessitated this Motion, because ... (Intervention)

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:

On a Point of Information, Comrade Speaker. Honourable Moongo should tell the House here and the people outside there that the Koevoets used to dress in SWAPO clothes and kill people in SWAPO's name. They came to homes during the night

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and sometimes they even forgot and said, “*skiet hom*”, SWAPO member speaking Afrikaans, “*skiet hom*”. (Interjection). What about Cassinga? Thank you, Comrade Speaker.

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

Comrade Speaker, the Honourable Member did not tell us what necessitated the introduction of such an uncalled for Motion, because in this country nothing happened that might question the validity of national reconciliation. Stability in this country continues to flourish, collaboration and mutual acceptance is the order of the day. Why question something which is functional and valid, useful for our continuation of enjoying peace and stability? Why after 17 years? Why?

I think this is a political ploy aimed at diverting attention from the internal political squabbles in CoD. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: On a Point of Information. I think the comparison of SWAPO as a Liberation Movement fighting the system of apartheid is really unacceptable, far-fetched and a distortion of the true reality of the liberation struggle. We know that the apartheid system was condemned by the international community and it was characterised as an evil system, as a crime against humanity. The UN records are there. That is why, when SWAPO was defending itself, many people were caught in the crossfire. It has been made clear time and time again.

Yesterday we listened to President Thabo Mbeki and to President Pohamba, all of them condemning that we have inherited poverty. That is our main enemy that we must fight. To come up with all these sinister allegations and you will always hear the Chief when speaking, starting with Lubango. Why do you not start with South Africa? Why do you not condemn the system which caused so much misery and suffering in the whole region? Not only in Namibia, go to South Africa, there was Sharpsville and a massacre of the children of South Africa. Go to Zambia, the Frontline States were under constant attack. Go to Angola, it is a system which has caused so much misery and suffering for the people of this region and yet you are siding with such an evil system.

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It is a shame. Thank you very much.

HON SPEAKER: That is the way to rebut an allegation.

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

Comrade Speaker, we suffered so much under the apartheid system. I can still vividly remember how my white employer insulted me every day. He called me names, he insulted me. (Intervention)

HON KAURA: Honourable Speaker, on a Point of Order. No one refutes the fact that SWAPO was a liberation movement and nobody refutes the fact that the apartheid system was the system which brought misery to all of us, but the reason why cries are going up or certain things are said about SWAPO, is the mistakes that were made during the liberation struggle. Let us accept that during the liberation struggle mistakes were made, let us accept that.

For example, the bomb blast at the bank in Oshakati killed civilians, it did not kill soldiers and the dungeons of Lubango killed fellow SWAPO-combatants. Those are the mistakes and SWAPO-combatants who went into Kaoko, for example, killed innocent Himba's. These were mistakes that were made. Let us accept them if we truly want to be reconciled. But to think you do not have skeletons in your closet and try to play angel, that would not bring reconciliation.

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

Comrade Speaker, the Honourable Member speaks with conviction that the bomb at Oshakati was planted by SWAPO. Can the Honourable Member tell me who

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provided that forensic report that concluded convincingly beyond any reasonable doubt that the bomb was planted by SWAPO?

HON MINISTER OF FINANCE: Honourable Speaker, on a Point of Order. I think on the point raised by Honourable Kaura there that SWAPO planted the Oshakati bomb, I would just like to say that it defeats any logic that SWAPO would plant a bomb in a bank in Oshakati. It is just illogical and I have no doubt that the Honourable Member and all other persons that make this allegation are convinced that it cannot be true, because every action by SWAPO attests that SWAPO would simply just not do anything like that, because SWAPO would not even target white civilians, whites who are known to be sympathetic and supportive of the apartheid system. It singled out its enemy as the system of apartheid, symbolised in the military forces of apartheid. It would therefore not make sense that SWAPO would go to a bank that is actually frequented by even people from the same communities that it was trying to emancipate and plant a bomb there.

Secondly, I want to make the point that there are insinuations that every Namibia who ever left this country with the intention to go and join SWAPO in exile and never returned from abroad, is being said to have been killed by SWAPO in the dungeons and I feel that is unfair and wrong, because some people never made it to Angola or Zambia or wherever they wanted to go, because they were killed on their way by South Africans themselves. Some of them were kidnapped by Unita and held hostage there. Some of them managed to arrive and died of diseases. Some of them died on the battle field. Therefore it is unfair for people to just count every person that ever left this country with the purpose of joining SWAPO abroad and they say SWAPO should account for those persons because we killed them in the dungeons.

The Honourable Member says SWAPO should acknowledge that mistake were made and I think it has been said here several times that even the best judicial systems in the world have made mistakes, where people were tried in courts with all the evidence, even using the most modern scientific methods ever and were found guilty and executed, but years later to be found innocent. You can therefore not say that if there was a mistake, then SWAPO was an organisation that just perpetrated carnage against the Namibian people and therefore, it should be compared to the South African regime.

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And finally, if the Honourable Member is really, really genuine in saying that we should be transparent and admit our mistakes, why is it that the DTA up to this day refuses to acknowledge that it was a collaborator of the apartheid system? It has never done that, but all the Koevoets in the area where I came from made the DTA sign and they beat up people, they told them that they should join the DTA. Therefore, they should come clean and acknowledge that they were stooges of South Africa, that they perpetrated the apartheid system. They were actually the dogs of war, going out barking and biting their own people. Then I would be convince that they are truly genuine in saying that all of us should admit to our own mistakes.

HON KAURA: On a Point of Order. The day when the SWAPO Youth League in Namibia decided there should be no other Political Party in Namibia holding a public meeting and the first fight was there next to the Central in Katutura at a NUDO meeting, that first thing is the one which almost led to a civil war, as it was said by the Honourable Minister, and those were the mistakes that were made by SWAPO which turned fellow-Namibians against each other. It was the SWAPO Youth League.

Then the SWAPO propaganda machinery out of Luanda stated categorically that "*we blew up the imperialist bank in Oshakati.*" It was the propaganda machinery. (Interjections).

HON MOONGO: More information. We just want to clear this problem. During that time when the bomb was planted in Oshakati, Leonard Tsheehama was arrested and he was convicted in Ondangwa by a court and he was transferred to Pretoria. He admitted that he laid a landmine there, he was sent by his commander in Shangongo, and it is true, and when he came back after he was released from the South African prison, Herman Ya Toivo saluted him as a hero. There was a celebration by SWAPO, so you cannot deny this.

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HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

Honourable Speaker, Namibians are too politically mature to be confused by such a misleading and distorting Motion. (Intervention)

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: On a Point of Information, Comrade Speaker. Maybe Honourable Kaura and Honourable Moongo has forgotten how they have collaborated with the Boers, so that after the death of Kapuuu they caused confusion in Windhoek and people killed each other because of them.

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

Our people out there, the general public, should remain calm... (Interjections).

HON SPEAKER: Could the Minister have an opportunity to make his case?

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

The public out there should remain calm and composed and continue...(Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:

On a Point of Order, Comrade Speaker. Some of the issues that are being raised here may not affect some of the Colleagues, but it is touching some of us. Let us bear with each other.

HON SPEAKER: We are all Namibians, we are affected.

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HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Yes exactly, but it look like when somebody is rising to mention these matters, some people are becoming irritated. With due respect to Honourable Kaura, he mentioned that SWAPO killed late Chief Kapuuu. It is very, very sad. Recently when the split of NUDO and DTA took place, SWAPO was exonerated from having killed Kapuuu. It was said that the people who killed Kapuuu were amongst themselves and SWAPO was neither DTA or neither NUDO and it was stated on the radio that these people are known amongst themselves. If they know themselves, why can they not ...(Interjection)

HON KAURA: Give me the name of the person who announced that.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: If the organisation has to accept its mistakes, during the campaign in 1989, right here in the capital city of Windhoek – and I am not talking about before Independence – there was a slogan that *if SWAPO loses the election, they will swallow the flags*. It was a slogan here that if SWAPO loses, SWAPO members, SWANU members – because I have been consistent in this Parliament, that always when I mention SWAPO, I mention SWANU, because DTA was a heartland of Herero politics and SWANU and SWAPO members have always been the underdogs and they were subjected to untold suffering. We were told that should SWAPO lose the election, SWANU and SWAPO members must go and buy Vaseline to swallow the flags. And I wonder, if SWANU did not kill Kapuuu, why they were targeted to swallow flags? And this is the same mindset which continues today in the civil war between DTA and NUDO.

Therefore, we must all admit that mistakes were done and DTA collaborated, DTA intimidated people, beat people and also committed mistakes and if we are an honest society, we must not dwell on mistakes.

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Even the UDF also discriminated amongst the Damara's and non-UDF members. What hypocrisy! Mistakes were committed across the board and let us close that chapter. (Interjections)

HON KAURA: You are practising tribalism in independent Namibia! You are practising tribalism! (Interjections).

HON SPEAKER: Do you still want your Floor back, Minister, or do you want to yield it to somebody else? Could you please try to wrap up?

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION: Finally, finally, in conclusion Honourable Speaker, I would like to appeal to all Namibians...(Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Information. We know that the South African machinery did not want to be seen as not finding the person who bombed Oshakati and they arrested many people. Among those many people they took Tsheehama. Tsheehama was sentenced as he was regarded as the one who bombed the Oshakati bank. He appealed and an investigation was conducted and he was found not guilty. How on earth can Honourable Moongo come with this? He never served his sentence, he was found not guilty on appeal.

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION: Honourable Speaker, I wish to appeal to the people of this country, people of good conscience and goodwill, to continue nurturing the spirit of national reconciliation and peace and stability for Namibia to achieve Vision 2030. I thank you.

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**MOTION ON DUMPING OF BABIES
HON PANDENI**

HON VILJOEN: I Move that the Debate be adjourned until next week, Tuesday.

HON SPEAKER: The Debate on this Motion stands adjourned until Tuesday next week. The Secretary will read the Second Order of the Day.

**RESUMPTION OF DEBATE ON THE DUMPING OF BABIES AND
WHAT EFFECT IT HAS ON THE SOCIETY**

HON SPEAKER: When this Debate was adjourned on Tuesday, the 23rd of October 2007, the Question before the Assembly was a Motion by Honourable Dienda. Any further discussion?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Speaker, Honourable Members, I also want to make a small contribution to the Debate on the dumping of babies and what impact it has on the society.

I think I have followed very well the discussion on this subject and I think before – and that was also said by quite a number of the speakers who spoke before me – we lean to the apportioning of blame, we should put ourselves in the shoes of those people in order to realise what might have happened that might be the pressure on people who fell pregnant, which pregnancy they do not desire and they have not planned for and they are not ready and prepared to manage when the baby is born.

I think it was also said here that many of the ladies, and particularly many of the young people who fall in this category, are very young, possibly inexperienced, possibly having gone into such activities not exactly knowing the consequences that it has. I agree with those who were saying we have a responsibility as

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parents, as adults to, with a positive mind, talk to our youth in order for them to realise the consequences, not only the consequences of dumping, but also the consequences for a young person to indulge in sexual activities that would lead to pregnancy, because they might not have the capacity to manage during such a period.

I also believe that the situation is not likely to change if we adopt an attitude of reminding them, *“look, because you are not listening to us, that is why you are where you find yourself”*, but rather a situation where we at all times will still be available to advise, to educate, so that they are still able to manage without saying that we condone. We would like them to behave in a manner that will enable them to finish their schooling, so that tomorrow they qualify and make a positive contribution in life. But we must always be available to educate them and advising them what to do. It is just like a sick person and imagine if a doctor would say, *“I told you not to remain in a mosquito area without protecting yourself and look, now you have picked up malaria.”* That would not help at all.

I believe we still have a responsibility to educate, but more so to educate them on the consequences and that we all have a responsibility to ensure that the action we are taking, rightly or wrongly, at the end of the day we have to accept those responsibilities and to also proceed to manage the situation until the baby is born and assist that person to become a responsible person.

If we adopt an attitude of blaming and a harsh attitude that we apportion to the young people, we are in actual fact driving them away to where there is no advice. They will be there alone, maybe among other young people that might not have the experience to advise them and we can only believe we have assisted them in the advice that they may fail to get from the other people, like parents and other adults.

I believe many of the speakers have indicated the importance that we do not abdicate that responsibility. It does not matter whether it is your biological child or your neighbour's child, but we all have a social responsibility and I believe those who have spoken have also in the process educated the people in the public.

Before I conclude, there is just one little thing that I want to share. Young people, whether boys or girls, want to experiment and people are preventing them, but not preventing them by showing the consequences surrounding that, but

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just saying you cannot do that, wait until you are at that age, and because the reasons are not given, the likelihood that young people would experiment is big. But even at that stage you will still need advice, because if you do not have advice, then definitely you will be alone and when you are alone, many things may happen. You may even take an unpopular decision, such as the one of dumping, which we are really discouraging.

Some people have attributed this to the fear that people may not have enough resources to manage the situation, but it is not only resources, it is also the reality that there is life developing and you also need to manage this life.

Mr Speaker, I wanted to make that simple contribution. Thank you very much.

HON SPEAKER: I thank the Minister for his contribution. Any further discussion? Honourable Dienda now has the opportunity to reply.

HON DIENDA: Honourable Speaker, I would like to adjourn the Debate until next Tuesday for my response.

HON SPEAKER: The Debate on this Motion stands adjourned until next Tuesday for reply. The Secretary will read the Third Order of the Day.

**RESUMPTION OF DEBATE ON THE CURRENT DISCREPANCIES
CONTAINED IN THE MEMBERS OF PARLIAMENT AND OTHER
OFFICE-BEARERS PENSION FUND ACT**

HON SPEAKER: When this Debate was adjourned on Tuesday, 16 October 2007, the Question before the Assembly was a Motion by Honourable Venaani. The Motion was adjourned by Honourable Gertze who now has the Floor.

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**MOTION ON OFFICE BEARERS PENSION FUND
HON GERTZE**

HON GERTZE: Thank you, Honourable Speaker. I would like to contribute to the Motion by Honourable Venaani and my intervention will add to other aspects of that Motion that has to do with the way in which backbenchers are expected to perform their duties and to cast a quick glance over the differences between public office-bearers and political office-bearers and the benefits that go along with it. Ironically perhaps, they share the same abbreviation which is “*POB*”.

Public office-bearers are civil servants and the WASCOM recommendations are concomitant to their remuneration packages. Even the requirements for employment and that of civil servants in accordance with the Civil Servants Charter are far different from that of a Member of Parliament or what we call a backbencher and in fact being abbreviated as a POB.

The conditions of service for Members of Parliament, and I could venture to include Members of our Second House, the National Council, must be considered during and after the five years of political term of office.

Honourable Venaani advances a very considered argument when he says that while the term of Members of Parliament is bound to a maximum of 5 years, the Fund is ironically and selectively age-bound or even in certain cases perhaps death-bound to a maximum term of five years and within that time.

The Fund is ironically, as I said, age-bound on the bottom and not age-bound on the top. I will explain what I am saying. If a Members of Parliament decides to quite before or after or at the expiry of the five-year term, he or she will only get his or her fair share of the pension at the age of 55, which is the minimum requirement. I see this slightly different in that of an Member of Parliament, that an Member of Parliament can only get his or her fair share of the pension only if the Member of Parliament resigns after the age of 55. So there must be resignation, as the bottom-line, from Parliament, even for those who are beyond 55. The irony is that no Member of Parliament is compelled to retire at 65 or even after 55. This is contrary to the civil servants. Why is it that what is expected from them and from the political office-bearers, the age-bound is only applicable when it comes to younger than 55? Sometimes there is that limit because you are young, but then there is no compelled kind of rule to resign and get your pension.

Members of Parliament are politicians and for a younger member who is

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resigning out of free will or even, in other cases perhaps, if he happens to be fired by – and I want to use the word – a despotic leader or even by a genuine Party decision, will forcefully be made to quit politics, because he or she will then have to work elsewhere to earn a living while waiting for 55 to get access to the Pension Fund.

In the case of Honourable Venaani, for example, he will have to wait for 25 years from this year on to access his pension money and this is unfortunately the fate of the young politician. I agree that it needs a firm argument when it comes to that sort of thing. Therefore, in the case of those Members of Parliament who retire after 55, the good thing is that they can receive their fair share and benefits as offered.

Even here I do not think that we are fair to Members of Parliament who retire, we do not use their accumulated experiences or we do not create an enabling environment for them to either write about parliamentary democracy or to serve as consultants and advisors in the lawmaking process for new Members of Parliament or even students of Political Science or judicial studies. Retired Parliamentarians could help to design Motions, Bills and private members' bills. No such benefits are associated with Members of Parliament at retirement or even at resignation in this country.

In the case of the general conditions of service for Members of Parliament during their term of office, there is much left to be desired. Members of Parliament, and I would like to speak as a backbencher, work like students. Characteristic of what a student does is to research on any issue intended for tabling in Parliament, writing it and presenting it. In addition, some backbenchers are expected to lead Standing Committees, while others are expected to be members of up to four or five different Standing Committees. Each backbencher has an office cubicle and is expected to liaise with citizens and mind you, our perception of constituency is contrary to reality. There is a telephone in each office cubicle with an extension. Who takes calls when the backbencher is not in? Like now in the afternoon? Who takes appointments? (Intervention)

RT HON PRIME MINISTER: I am sorry to disturb my fellow academic, but I am seeking the Chair's advice. With the first question of age-bound I have no

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problem, but on the second issue of conditions, since we now have a Commission looking at the conditions of service of political office-bearers and so forth...(Interjection)

HON DE WAAL: That thing is also taking 25 years.

HON SCHIMMING-CHASE: Venaani will be pensioned before that.

RT HON PRIME MINISTER: This discussion should not create the impression that we are trying to put pressure on this Commission through public Debate. I just want advice as to how this would be understood either by the commissioners themselves or by the public.

HON SPEAKER: The Chair does not really see any problem with this matter being discussed publicly. The commissioners themselves considered it prudent when they commenced with their work to talk to the Members of Parliament and to that end, the Speaker made an arrangement for the Members of Parliament to meet with the commissioners, to share their views with them and I intend repeating the same following the last consultations I had with the commissioners. I do therefore not think that we are infringing by allowing discussion, infringing on the work of the Commission that is, by allowing this discussion to take place. At the end of the day the Commission's report to the appointing authority, being the Head of State, the final print that they would submit before the President is what would be the last word.

HON GERTZE: Thank you, Honourable Speaker, I hope that that was made clear. I was just busy asking, who takes appointments when the backbencher is out of the office? There is no one to assist in research, finding information and I

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am not advocating for drivers and bodyguards or television sets in the offices, just simple assistants to Members of Parliament. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Order. The problem which I see with what the Opposition is doing, whenever a decision has already been taken and I think they have a good network supplying information, that there is already a decision which will be announced and then they come up with a question in order to pretend that they are the ones who made it to happen. It has become a habit, Comrade Speaker. I know that Honourable Venaani gets classified information and the intervention by the Prime Minister is supposed to be taken very seriously. I do not argue with your advice, Comrade Speaker, but I am sure that these people have something and they came up with the Motion. We must really reject this sometimes.

HON SPEAKER: I understood the Prime Minister's contribution for what it was and that is the risk of democracy. I absolutely do not see how the Opposition would untwist the outcome of the Report in such a way that they would benefit from it. I have much more trust in the Namibian people's judgment that they could not be misled by the Opposition, not even by the Ruling Party for that matter. We are discussing openly, we do not know the details. Even when we meet them – I met them – there are those details that they reserve for the appointing authority, the President, they do not tell us those things. They are telling us about what they are doing, their roadmap, not the details of what they are planning to do. Nobody can benefit out of the roadmap.

The House stands adjourned until tomorrow at 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2007.11.01 AT 14:30