

**LIST OF MEMBERS OF THE
NATIONAL ASSEMBLY**

SPEAKER

Dr T-B Gurirab (Mr)

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

Ms Loide Kasingo

THE CABINET

MINISTERS

(21 March 2010 – Elected in terms of Article 133 of the Constitution)

Mr N Angula	<i>(Prime Minister)</i>
Mr M Hausiku	<i>(Deputy Prime Minister)</i>
Dr G H Geingob (Mr)	<i>(Trade and Industry)</i>
Ms P Iivula-Ithana	<i>(Justice)</i>
Mr N Mbumba	<i>(Safety and Security)</i>
Dr A Kawana (Mr)	<i>(Presidential Affairs & Attorney- General)</i>
Ms S Kuugongelwa-Amadhila	<i>(Finance)</i>
Mr J Ekandjo	<i>(Regional and Local Government, Housing and Rural Development)</i>
Mr U Nujoma	<i>(Foreign Affairs)</i>
Mr E Nghimtina	<i>(Works and Transport)</i>
Dr A Iyambo (Mr)	<i>(Education)</i>
Ms D Sioka	<i>(Gender Equality and Child Welfare)</i>
Mr J Mutorwa	<i>(Agriculture, Water & Forestry)</i>
Mr J Kaapanda	<i>(Information & Communication Technology)</i>
Ms N Nandi-Ndaitwah	<i>(Environment and Tourism)</i>
Dr N Iyambo (Mr)	<i>(Veterans Affairs)</i>
Mr I Ngatjizeko	<i>(Labour & Social Welfare)</i>
Mr A !Naruseb	<i>(Lands & Resettlement)</i>
Dr R Kamwi (Mr)	<i>(Health and Social Services)</i>
Ms R Nghidinwa	<i>(Home Affairs and Immigration)</i>
Mr C Namoloh	<i>(Defence)</i>
B Esau	<i>(Fisheries and Marine Resources)</i>

Mr Isak Katali
Mr K Kazenambo

(Mines and Energy)
(Youth, National Service, Sport and Culture)

DEPUTY MINISTERS

(21 March 2010 – Elected in terms of Article 133 of the Constitution)

Ms P Haingura	<i>(Health and Social Services)</i>
Ms Muharukua	<i>(Gender Equality and Child Welfare)</i>
Mr A Muheua	<i>(Labour and Social Welfare)</i>
Ms L Lucas	<i>(Defence)</i>
Mr P Iilonga	<i>(Agriculture, Water & Forestry)</i>
Mr Erastus Uutoni	<i>(Safety and Security)</i>
Mr T Nambahu	<i>(Justice)</i>
Mr T Tweya	<i>(Trade and Industry)</i>
Dr S C Ankama Mr	<i>(Works and Transport)</i>
Mr P Mushelenga	<i>(Foreign Affairs)</i>
Mr P Shifeta	<i>(Youth, National Service, Sport & Culture)</i>
Mr W Isaacks	<i>(Mines and Energy)</i>
Mr S Simataa	<i>(Information and Communication Technology)</i>
Mr E Kaiyamo	<i>(Home Affairs and Immigration)</i>
Ms P Beukes	<i>(Regional and Local Government, Housing and Rural Development)</i>
Mr U Herunga	<i>(Environment and Tourism)</i>
Mr C Schlettwein	<i>(Finance)</i>
Dr. D Namwandi (Mr)	<i>(Education)</i>

SECRETARY

Mr. J Jacobs

DEPUTY SECRETARY

Mr F S Harker

LIST OF MEMBERS AND PARTIES WHICH THEY REPRESENT

ALL PEOPLE'S PARTY (APP)

Mr I Shixwameni *(Chief Whip and Party Leader)*

CONGRESS OF DEMOCRATS (COD)

Mr B Ulenga *(Chief Whip and Party Leader)*

DTA OF NAMIBIA

Mr K Kaura *(Party Leader)*

Mr P Moongo *(Chief Whip)*

NATIONAL UNITY DEMOCRATIC ORGANISATION OF NAMIBIA (NUDO)

Mr K Riruako *(Party Leader)*

Mr A Tjihuike *(Chief Whip)*

RALLY FOR DEMOCRACY AND PROGRESS (RDP)

Mr S Bezuidenhoudt

Mr Hidipo Hamutenya *(Party Leader)*

Ms A Limbo

Mr H Lucks

Mr P Naholo

Mr K Nehova

Mr J Nyamu

Mr A von Wietersheim

REPUBLICAN PARTY

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

SWANU

Mr U Maamberua *(Chief Whip and Party Leader)*

SWAPO OF NAMIBIA

Mr B Amathila	
Dr M Amweelo (Mr)	<i>(Assistant Whip)</i>
Mr N Angula	<i>(Prime Minister)</i>
Dr S C Ankama (Mr)	<i>(Deputy Minister)</i>
Ms P Beukes	<i>(Deputy Minister)</i>
Mr E Dingara	
Mr J Ekandjo	<i>(Minister)</i>
Mr B Esau	<i>(Minister)</i>
Dr H Geingob (Mr)	<i>(Minister)</i>
Dr T-B Gurirab (Mr)	<i>(Speaker)</i>
Ms P Haingura	<i>(Deputy Minister)</i>
Mr M Hausiku	<i>(Deputy Prime Minister)</i>
Mr U Herunga	
Mr P Iilonga	<i>(Deputy Minister)</i>
Mr W Isaacks	
Ms P Iivula-Ithana	<i>(Minister)</i>
Dr A Iyambo (Mr)	<i>(Minister)</i>
Dr N Iyambo (Mr)	<i>(Minister)</i>
Mr J Kaapanda	<i>(Minister)</i>
Mr E Kaiyamo	<i>(Deputy Minister)</i>
Dr R Kamwi (Mr)	<i>(Minister)</i>
Mr P I Kapia	
Ms L Kasingo	<i>(Deputy Speaker)</i>
Mr I Katali	<i>(Minister)</i>
Ms J Kavetuna	
Dr A Kawana (Mr)	<i>(Minister)</i>
Mr K Kazenambo	<i>(Minister)</i>
Ms S Kuugongelwa – Amadhila	<i>(Minister)</i>
Ms L Lucas	<i>(Deputy Minister)</i>
Ms S Makgone	
Ms A Manombe-Ncube	
Mr N Mbumba	<i>(Minister)</i>
Ms A Muharukua	<i>(Deputy Minister)</i>
Mr A Muheaua	<i>(Deputy Minister)</i>
Mr P Mushelenga	<i>(Deputy Minister)</i>
Mr J Mutorwa	<i>(Minister)</i>
Mr B Mwaningange	
Mr T Nambahu	<i>(Deputy Minister)</i>
Mr C Namoloh	<i>(Minister)</i>
Dr D Namwandi (Mr)	<i>(Deputy Minister)</i>

Mr A !Naruseb (Minister)
Ms E !Nawases-Taeyele
Mr I Ngatjizeko (Minister)
Ms N Nandi-Ndaitwah (Minister)
Ms R Nghidinwa (Minister)
Mr E Nghimtina (Minister)
Mr U Nujoma (Minister)
Mr P Shifeta (Deputy Minister)
Ms D Sioka (Minister)
Mr T Tweya (Deputy Minister)
Mr Festus Ueitele
Mr Erastus Uutoni (Deputy Minister)
Mr Piet van der Walt
Ms L Witbooi

UNITED DEMOCRATIC FRONT (UDF)

Mr J //Garoëb (Party Leader)
Mr S Tjongarero (Chief Whip)

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

Ms M Jankowski
Prof. P Katjavivi (Mr) (Chief Whip and Deputy Chairperson of
the Whole House Committee)
Mr C Schleittwein (Deputy Minister)
Mr S Simataa (Deputy Minister)
Ms S Swartz
Ms A Tjongarero

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
13 OCTOBER 2010**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Honourable Kavetuna.

**TABLING: REPORT OF THE CPA NAMIBIA BRANCH
41ST CPA AFRICA REGION CONFERENCE**

HON KAVETUNA: Honourable Speaker, I lay upon the Table, the Report of the CPA Namibia Branch Committee on the 41st Commonwealth Parliamentary Association (African Region) Conference held from the 25th to the 31st of July 2010 at Mbombela, Mpumalanga, South Africa.

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? Any Notice of Motions? Any Ministerial Statements? Honourable Dr Iyambo.

MINISTERIAL STATEMENT

HON MINISTER OF VETERANS AFFAIRS: Thank you very much, Honourable Speaker. Honourable Speaker, Honourable Members, it is a great honour and privilege to have this opportunity to address this august House and to share with you, Honourable Members, Government's efforts since 1990 in addressing the plight of veterans of the national liberation struggle of Namibia.

Namibia achieved its Independence on the 21st of March 1990, closing the dark chapter of foreign occupation and rule, which stretched over a hundred years

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and ushering in the dawn of freedom, Independence and democracy. This was brought about by gallant Namibian sons and daughters through their untiring efforts. Many of these people, the veterans that is, sacrificed their lives, their properties and even their dignity. I would, therefore, before I proceed with my statement like to salute the veterans of the national liberation struggle. These people were members of the liberation forces and these people consistently and persistently participated in the armed struggle or engaged in political, diplomatic or underground activities for the furtherance of the liberation of Namibia. I am talking about those who were convicted and sentenced to imprisonment, people who were severely beaten or killed by the oppressors, whether in Namibia or elsewhere, because of their participation in the liberation struggle and that were their only offence.

That is why Namibia as a country, under the SWAPO-led Government, continues to recognise and appreciate their efforts in bringing about the freedom that we all are enjoying today. I am aware that not all their aspirations have been met. I am also aware that the veterans' needs are complex and sensitive, because they are from different backgrounds. Their needs are different and they are at different levels of development. Some are poor, others are able to make ends meet and a few are relatively well off.

The issue of veterans should be handled with considerable care. Otherwise, it may bring conflict and upheavals, resulting in undesired outcomes. It is, therefore, important that we handle the issues and needs of veterans with adequate consideration and due attention. It is for this reason that the Government immediately after Independence devised a number of interventions to address their needs as a way of integrating them into society, both socially and economically.

The purpose of my statement is to bring to you, Honourable Members, what the Government has done in addressing the plight of veterans in this country since Independence. In my briefing, I will also inform you on what is being planned for the veterans by my Ministry, something that will need your undivided support.

Honourable Speaker, Honourable Members, we may recall that after the ceasefire which was signed by South Africa and SWAPO in 1989, the fighting between the Peoples Liberation Army of Namibia (PLAN) and the South

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African Army of occupation ceased. The last South African troops departed from Namibia and the country gained its Independence on March 21, 1990.

Many Namibians who were in exile returned home. I was honoured by SWAPO to have been appointed to lead the first group of people who returned from exile on the 12th of June 1989. After the repatriation Namibians participated in the United Nations supervised elections in November 1989, which election resulted in SWAPO winning the majority of over 50% and those votes continued to increase to date.

At the beginning of the new Government, not much was done for the freedom fighters. However, later on the Government assisted, realising that something has to be done very urgently to take care of the welfare of the freedom fighters. For this reason, various attempts were made to address the plight of veterans in Namibia by introducing several well-intended programmes to uplift their living conditions, but not much success has also been achieved in that regard since that there was not much time to plan properly.

Some of Government's efforts to address the plight of former freedom fighters before the establishment of the Ministry of Veterans Affairs include, among others, the first initiative to assist veterans were the handing over of animals for animal husbandry purposes. It is unfortunate that this programme did not benefit as many veterans as planned.

The second intervention was the creation of the Development Brigade with the aim to empower veterans with skills and development through training in the fields of agriculture and construction.

There was also the introduction of the Social Integration Programme for Ex-combatants. SIPE was created to contribute to the reintegration of ex-combatants into the civil society by providing them with self-employment opportunities. This programme targeted well beyond the number of 12,000 able-bodied ex-combatants who had the potential to become economically active and who were registered by the Committee of Deputy Ministers.

The fourth intervention was the creation of the Peace Project. The Peace Project was born out of a recommendation of the Report of the Committee of Deputy Ministers in 1996. The purpose of this project was to integrate

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veterans into a number of public offices, such as Defence, Police, Correctional Services and State-Owned Enterprises. It was through this exercise that the Field Force, which is today known as the Special Field Force and falling under the Ministry of Safety and Security, was established. It was established, formed up by ex-combatants, both PLAN and SWATF. These people were recruited still serve there today.

On the other hand, ex-combatants with specific qualifications were integrated into the Civil Service. It is encouraging to note that all the ex-combatants that have been absorbed into different institutions continue to benefit from these initiatives and their lives have improved considerably.

Honourable Members, the list is long, but I will fail in my duty if I do not mention the establishment of the War Veterans Subvention Act, which was promulgated in 1999 through which the War Veteran Trust Fund was created. The objectives of the War Veteran Trust Fund were to pay a monthly subvention to war veterans and dependants of deceased war veterans in accordance with the provisions of the War Veterans Subvention Act. Due to lack of data on veterans then, only a small proportion of ex-combatants benefited from that exercise.

The Government also provided houses to some elderly and disabled PLAN fighters and former Robben Island inmates. To date, 96 houses have been built and the programme is continuing, but covering other categories of veterans too.

In monetary terms, the Namibian Government so far spent millions of dollars on ex-combatant programmes that I just enumerated in the period from 1990 to 2006. These programmes, have however, been criticised for two main reasons. Firstly, they have been very expensive on a per capita basis and ended up benefiting a few. Secondly, some programmes have been poorly coordinated, involving a multitude of organisations and lacked clear organisational mechanisms.

Other challenges experiences in implementing these interventions were that they did not have clear defined roles, outcomes and outputs within a set timeframe, the lack of basic data on aspects such as total number of male and female veterans, their location, levels of education and skills and their needs.

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Without such information, meaningful programmes could not be carried out for all veterans in total.

Another challenge the Government faced at that time was the coordination of these activities. This means there was no single focal entity to coordinate all the efforts of the Government aimed at addressing the plight of veterans in the country and evaluate the effectiveness of the Government's initiative and its long-term viability. This has led to a situation where the achievement of Government in supporting the veterans remained largely unknown to the wider group of ex-combatants and the general public.

It was against this background that His Excellency Comrade Hifikepunye Pohamba, President of the Republic of Namibia, by the power vested in him by Article 23(3)(g) of the Namibian Constitution, created the Ministry of Veterans Affairs in October 2006. The mandate of the newly created Ministry is to coordinate the efforts on all aspects related to addressing the plight of the veterans in the country and to ensure that the needs and aspirations of the ex-combatants and other veterans of the Namibian liberation struggle are properly coordinated and addressed.

Namibia now has a Ministry of Veterans Affairs, which has put in place the necessary machineries to enable it to function according to its mandate. Before it started implementing this mandate, the first step of the first Ministry was to formulate and have an Act of Parliament enacted, replacing the existing War Veterans Subvention Act of 1999, which was very limited in terms of beneficiaries. The enactment of the Veterans Act is the appreciation of the role the veterans have played in the national liberation struggle. It is also the State's acknowledgement of its responsibility to provide financial support to enable veterans and dependants of veterans to reintegrate better into the Namibian society.

While providing financial assistance, the Veterans Act also aims at assisting veterans and dependants of veterans to be involved in economic and commercial projects of their own choice to complement the reintegration process. Furthermore, the Veterans Act defines whom a veteran is and makes provision for all of those people who consider themselves as veterans to be registered and recognised.

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Through registration of veterans, the Government will be able to determine the number of veterans in the country, determine their social and economic status and determine their form of contribution to the national liberation struggle. The information collected through the registration process will assist Government to improve the services to deliver to veterans, in formulating appropriate laws, policies and interventions. The Veterans Act requires that even those veterans who were registered under the Social Integration Programme for Ex-combatants to be registered and be approved by the Veterans Board. Equally, comrades and people who waged the struggle for national Independence underground at home are also to be registered as veterans.

Honourable Members, I am going to inform you about Government's efforts by the Ministry of Veterans Affairs since it was established. Some of the programmes currently undertaken by the Ministry to address the plight of veterans include, among others, a support package programme to unemployed and veterans who get salaries below taxable threshold. The monthly financial assistance of N\$2,000 is paid to unemployed and those veterans whose income is below the taxable threshold. When a deceased veteran who was receiving a monthly assistance subvention is survived by a dependant spouse and/or children under the age of 18, the spouse is entitled to receive 55% of the N\$2,000 and the children are entitled to receive 45% of the N\$2, 000.

Under the same support programme, the Ministry also provides medical assistance to veterans with health problems related to the liberation struggle. Veterans with physical disability are assisted to purchase prosthetic mobility aids, hearing aids and so forth. Veterans with war related injuries are assisted to cover medical treatment at Government health institutions and facilities. For the 2009/2010 Financial Year the Ministry has assisted 200 veterans with prosthetic mobility aids, orthopaedic shoes, wheelchairs, artificial legs, spectacles, dermatological treatment, respiratory system and other treatments of war-related ailments of the liberation struggle.

Through the same programme, veterans who are traumatised by the war or by the efforts of the war of the liberation struggle will receive counselling to be able to cope with the current situation. A consultation conference of stakeholders has just taken place to determine what we can do in this regard and what other stakeholders will be able to assist the Ministry.

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The Ministry is implementing projects as provided for by the Veterans Act of 2008. This national programme will cater for all Namibian veterans who are in need. All veterans are entitled to initiate and implement projects of their own choice to a maximum of N\$200,000 per approved viable project. At the end of September 2010, the Ministry has received 400 project proposals for possible funding by the Veterans Fund. This is a big number and is indication that veterans are eager to run their own projects. It should be mentioned that the process of approving individual veterans' projects has not started yet as the necessary mechanisms are just being finalised.

Other benefits planned for the veterans and already approved in principle by Cabinet include payment of once-off gratuity to veterans of the national liberation struggle to the amount of N\$50,000 per veteran as a lump sum gratuity for their contribution and this payment is to be paid to all veterans irrespective of gender. The modality on how to pay veterans this money is being worked out currently.

I should mention to you, Honourable Members, that the payment of this lump sum will require Government to make available N\$2 billion to pay an estimated 40,000 veterans for a period of three years. May I inform you too, Honourable Members, that while it was being agreed to pay a lump sum of N\$50,000 per veteran as a token of appreciation to those who are alive today, consideration will be given to those who have sacrificed their lives during or after the struggle at an appropriate time after thorough consultation with the relevant institution has taken place. They will not be forgotten, for their blood waters our freedom.

Educational training grants for veterans and their dependants. It is the responsibility of the Ministry of Veterans Affairs to ensure the well-being of veterans and their dependants. This is also in line with the Third National Development Plan as a tool for implementing Vision 2030, which advocates investing in people through education and skills development. The purpose of the educational and training grant is aimed at providing financial support to some veterans and dependants of veterans who wish to further their studies or to obtain vocational skills at institutions of higher learning and vocational training in Namibia to enable them to compete in the labour market and secure employment. This will ultimately result in the improvement of their living conditions. The programme, however, is not aimed to replace the scholarship

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programme implemented by the Ministry of Education.

Funeral grant and expenses: The purpose of this funeral grant is to ensure that all deceased veterans of the liberation struggle are buried in a respectable and dignified manner. This benefit will be implemented through a funeral scheme, which will be set up by the Ministry for veterans where a premium is going to be paid in a company yet to be identified to be able to administer this scheme on behalf of the Ministry. The money to pay for this will be paid from the Veterans Fund. Funeral grants will cover all the following services or costs: Preparation of the body, mortuary fees, coffin, wreaths, gravesite, transport of casket within the borders of Namibia, cremation fees, including urn columbarium/niche and tombstone. This means that N\$20,000 will be used for each burial, of which N\$10,000 are earmarked for the purchasing and erection of a tombstone.

Land resettlement: The Ministry of Veterans Affairs envisages assisting veterans with resettlement through participation in a National Programme on Resettlement, as implemented by the Ministry of Lands and Resettlement.

Honourable Speaker, Honourable Members, once again, while the interventions aimed at improving the lives of veterans appear to be few, the amount of money that Government has made available and that is still to be made available is huge, totalling N\$3,4 billion. I would like to state that the notion and sentiment expressed by our people that little or nothing has been done for the veterans of the national liberation struggle is not always correct. The SWAPO-led Government has done a lot and will continue to do more for the people who brought about the Independence of this country, just as it is done in other countries. I must add, however, that the process of having all these benefits realised is slow. Yes, this is so because one has to make sure that the appropriate mechanisms are put in place to ensure that only those that are eligible receive these benefits. What is important is the thought and consideration that the Government has for the veterans.

In conclusion, Honourable Speaker, Honourable Members, it is the wish of our Government, through the Ministry of Veterans Affairs, to ensure that veterans should know that we acknowledge that their contribution to the national liberation struggle was worthwhile. We will, therefore, address and redress their plight in order to help them to rehabilitate economically, socially,

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morally, physically, spiritually before they depart for the mundane world from the country they so dearly loved, fought and died for.

I hope my statement has given you, Honourable Members, some insight on what has been done and what will be done now and in the future by the SWAPO-led Government in addressing the plight of people who fought and brought about the Independence of our country and I thank you very much.

HON SPEAKER: I thank the Minister for his very important Ministerial Statement. Just to remind the Ministers that Ministerial Statements are limited to 30 minutes under Rule 29, but the Minister pleaded with me and I concurred with him that he needed to provide all the information. The Secretary will read the First Order of the Day.

**RESUMPTION OF SECOND READING: SPECIAL ADVISORS AND
REGIONAL GOVERNORS APPOINTMENT AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned on Tuesday, 12 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Regional and Local Government, Housing and Rural Development, that the Bill be read a Second Time. Honourable Minister of Foreign Affairs adjourned the Debate and he now has the Floor.

HON MINISTER OF FOREIGN AFFAIRS: Thank you, Comrade Speaker. I adjourned the Debate on behalf of Comrade Mwaningange.

HON MWANINGANGE: Honourable Speaker, Honourable Members of the House, I am grateful to proceed after other Honourable Members spoke on this very important Bill, particularly the Prime Minister. I will start by reading from the Constitution of the Republic of Namibia, which provides for Regional and Local Government under Article 102.

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Article 102 provides for the creation of Regional and Local Governments. These are the institutions of the State at regional and local levels. I furthermore would like to refer to Article 109, which deals with Regional Councils.

The Regional Councils are constituted from the Constitution of the Republic of Namibia under the Regional Councils Act as amended. The Amendment Bill on Special Advisors and Regional Governors seeks Amendments for the following reasons and again allow me to quote from Article 109(c) of the Constitution, which deals with the body from which the current Chairpersons of the Regional Councils were appointed. Before I do that, Regional Councils are elected at the regional and constituency level. The 107 Regional Councillors were elected at Constituency level and those who are going to be elected next November will be elected at Constituency level. (Intervention)

HON RIRUAKO: May I ask a question? Do you know how the provisions for Local Governments and Governors are going to be separated?

HON MWANINGANGE: The Honourable Chief will get the answer if he follows very well. After election of the Councils, the law says the Councils of each Region should elect a Chairperson on the first sitting under the Chair of a Magistrate. That Chairperson will chair the Council and the Management Committee. However, *de facto*, we refer to them as Governors, but *de jure*, we need to do something under this Constitution. The Management Committees of the Regional Councils are chaired by the Chairperson and the Chairperson has other constitutional functions under the Regional Councils Act as follows: *The Chairperson is the political and administrative Governor of the Region. The Chairperson oversees all the Constituencies in the Region.*

Article 109(1) of the Constitution reads as follows, “*Each Regional Council shall elect from its members a Management Committee which shall be vested with executive powers in accordance with the provisions of an Act of Parliament. (2) The management shall have a Chairperson to be elected by the members of the Regional Council.*”

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The Chairperson, who is the Governor, oversees the Management Committee, the activities of the Region and twenty-four hours oversees all the interests of the people at the Constituency level.

On the administrative side the Regional Councils, which are in charge of all policy issues of the Regions, could not really meet all these political and policy issues at the regional level. The Governor has to ensure that the policies are implemented at regional level. This is where we say there has been a vacuum.

The law says the Councillor must be in his or her constituency twenty-four hours and as a Governor, I had to bypass some of these. If a Governor has four Ministers visiting the Region for two days and he has a community to attend to at the constituency level, that Governor had to compromise one of the activities and compromise the Constitution of the Republic. That is why there was a need to appoint a Governor to oversee the overall issues of the Region. I would like to challenge Honourable Members who says this compromises democracy, which is not the case.

Having a Governor appointed by the Head of State under the Constitution of the Republic of Namibia, the Governor shall have the decentralised powers from the Central Government policy-wise and administratively wise. He or she will be able to leave the office to oversee activities in the Region at any time, which was not the case in the past. We have a decentralisation policy in place, which has three major stages. (Intervention)

HON SHIXWAMENI: May I ask a question? I hear what you are trying to explain and my question is, would you agree that the creation of a Governor's office, which this Bill attempts to do, and the continued existence of the Regional Councils would create a situation of dual power, because you would have an elected power running the affairs of Government in the Region and the appointed power and now you must also explain which of these two authorities are going to be superior to the other?

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HON MWANINGANGE: Honourable Shixwameni, your question is really on the structure and the functions of the Regional Councils. The functions are stipulated in the Regional Councils Act. The Council as an institution carries out the functions collectively and they are stipulated in the Regional Councils Act. (Intervention)

HON SHIXWAMENI: I want confirmation from the former Governor and my question is straightforward: Are we not creating dual power structures in one Region?

HON MWANINGANGE: No, we are not. The Government of the Republic of Namibia took a big step forward with decentralisation almost ten years ago. It had three stages and some stages are very far advanced. These stages are delegation, de-concentration and devolution.

HON SPEAKER: The House shall rise for refreshments.

HOUSE ADJOURNS AT 15:40
HOUSE RESUMES AT 16:10 PURSUANT TO ADJOURNMENT

HON MWANINGANGE: In conclusion, I would like to emphasise by saying that decentralisation is in full swing in Namibia. It has been emphasised all the way that as the functions are being decentralised to the regional institutions, there will always be a need for enabling Acts of Parliament. This is an Acts in which we are emphasising that there is a need for special advisors and Regional Governors. This is democracy and I would like to call upon those who do not understand this logic that the Governors need to be place to link the central and the regional arms of the Government. On that note, Honourable Speaker, I thank you.

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HON SPEAKER: I thank the Honourable Member. Any further discussion? Chief Riruako.

HON RIRUAKO: I am not here to address you on this issue.

HON SPEAKER: You must speak to the Motion.

HON RIRUAKO: Yes, I have my way of speaking and you know about that. You know I have to tell you why I am saying that. Let us wait and see who is right. We can test the ground, put in a seed and the further it grows it will explain itself, it does not need to be interpreted or translated to this House and I do not want you to say, “oh no, we did wrong”, I want you to say, “Yes, we endorse it.” (Interjection). You are going to spoil the broth. No, I am not going to decline you, I want the public to see who are you and what you are saying. (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: May I ask a question, Chief?

HON RIRUAKO: I am not going to prevent you to say whatever you want to say, go ahead.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I heard you talking about the ground and the logic of the ground.

HON RIRUAKO: The seed that is going to grow from that ground.

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GOVERNORS APPOINTMENT AMENDMENT BILL
HON HAMUTENYA**

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Yes, is it poor ground or poor logic?

HON RIRUAKO: Those who are regular understand me, but those who are so confused, do not. They did not look at the merits of the matter and, therefore, you know why I am saying this. Let us talk about the issue. Look at the people here in the House they are silent. Let us sing that hymn, keep silent, keep silent, silence before Him. Now the whole House is silent like we are a funeral and I do not know who is dead, nobody is dead here. We are supposed to talk about the issue on the Table.

My Governor said that this is a good policy for one to follow, but let us wait and see how it is going to happen. If we discover it is not logical, we are going to say take it back where it belongs. Thank you.

HON SPEAKER: Thank you. Honourable Hamutenya.

HON HAMUTENYA: Mr Speaker, if there is nobody else who wants to speak on this, I would like to postpone the Debate until tomorrow.

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

**RESUMPTION OF SECOND READING: SECOND REGIONAL
COUNCILS AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned on Tuesday, 12 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Regional and Local Government, Housing and Rural

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REGIONAL COUNCILS AMENDMENT BILL
HON VON WIETERSHEIM**

Development, that the Bill be read a Second Time. Honourable Von Wietersheim adjourned the Debate and he now has the Floor.

HON VON WIETERSHEIM: Honourable Speaker, the Second Regional Councils Amendment Bill is a very technical one and, firstly, depends on the Special Advisors and Regional Governors Appointment Amendment Bill to be passed. Therefore, I will not speak on it now, leaving it to anybody else who would like to speak, otherwise to adjourn the Debate until tomorrow.

HON SPEAKER: The Debate on this Motion stands adjourned until, tomorrow afternoon. The Secretary will read the Third Order of the Day.

**RESUMPTION
OF SECOND READING: ANIMAL HEALTH BILL**

HON SPEAKER: When this Debate was adjourned on Thursday, 7 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Agriculture, Water and Forestry, that the Bill be read a Second Time. The Honourable Minister adjourned the Debate and he now has the Floor to reply.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you, Comrade Speaker, Honourable Members of the National Assembly for giving me the Floor to respond to issues and questions that were raised by the Honourable Members during the Second Reading Debate of the Animal Health Bill.

Comrade Speaker, the lively, constructive and generally positive contributions to the Second Reading Debate of the Animal Health Bill [B26-2010] is greatly appreciated. Consensus Resolution No. 19 of the National Conference on Land Reform and the Land Question which was held from the 24th of June to the 1st of July 1991 here in Windhoek appropriately captures the prevailing mood and frustrations then in 1991, but also now in 2010 with regard to the

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fact that livestock, particularly cattle from the northern communal areas of Caprivi, Kavango, Ohangwena, Oshikoto, with the exception of some parts that are south of the Cordon Fence, Oshana, Omusati and Kunene, with the exception of areas south of the Red Line, cannot be sold in the commercial zone and on foreign lucrative markets. This restriction excludes approximately 70% of Namibia's total population and more than one million cattle in those areas from substantial economic benefits.

No wonder that the 1991 National Conference on Land Reform and the Land Question took the following two resolutions on this matter:

1. The stock control fence, the so-called Red Line, must be removed as soon as possible, but has to be kept in place for a period in order to preserve Namibia's access to cattle export markets.
2. That during this period the Government should set up quarantine camps to allow farmers in the northern communal areas to market their livestock south of the Fence.

Honourable Members, many important issues and questions were raised during the Debate. With the assistance of experts, and doctors in the Directorate of Veterinary Services, but also legal drafters from the Office of the Attorney-General and the Ministry of Justice, I shall attempt to provide information and answers to some of the important issues and questions that were raised and I will address those issues in terms of the subjects that were raised and not necessarily in terms of who said what.

The first issue was, about the functions of the Division of Animal Disease Control *vis-à-vis* the Chief Veterinary Officer and if the Chief Veterinary Officer is not overloaded with work.

The Division: Animal Disease Control is part of the Directorate of Veterinary Services and is headed by a Deputy Chief Veterinary Officer who reports to the overall Head of the Directorate and that overall Head is called the Chief Veterinary Officer. At the senior management level there are three other Deputy Chief Veterinary Officers heading the Divisions of Diagnostic Services, Veterinary Public Health and Epidemiology Training and Import and Export Control.

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The Deputy Chief Veterinary Officer for Animal Disease Control is further assisted by four Chief Veterinarians at the middle management level who are decentralised and heading the Sub-divisions of North-East, North-West, Central and South.

Another issue that was raised was why are quarantine stations only on State-controlled land? Here I would like to say the following:

The word “quarantine” here refers to quarantine stations where animals are kept and observed for a period before they are eligible for marketing and this is the normal way of marketing livestock in the northern communal areas of Namibia at present. The word should, therefore, not be confused with the temporary closing of farm premises or anywhere in Namibia where a transgression or threat to the animal health of the country had been observed, which is commonly referred to as quarantine and can be instituted on any land, private or public, using other relevant Sections of the Bill, such as Sections 18, 19, 20 and 21.

What is meant by persons in relation to movement into or out of the quarantine areas? “Persons” refer to human beings whose movement into and out of areas that have been declared quarantine areas because of the presence or suspected presence of a specified disease. In such cases, in addition to controlling the movement of domestic and wild animals, the activities of human beings must also be controlled, as they are able to spread infectious agents intentionally or unintentionally through, for example, shoes, clothes, food and utensils, to other areas, which might not be infected. Controls on people might include the need to declare, for example, the possession of certain infectious materials, the need to wash and disinfect vehicles, shoes, clothing, etcetera.

There was a question on what is fair market value for the determination of the amounts payable for compensation according to this Bill and how will it be determined by the Chief Veterinary Officer. Surely, Honourable Members, fair market value refers to the price a person will receive for his or her animals, depending on where he or she chooses to sell the animals. Prices always change, as we know, and can therefore not be predetermined if they are to be considered as fair. The Bill attempts to mandate the Chief Veterinary Officer to, from time to time, collect information about the changes in the prices of the

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livestock and livestock products and to determine accordingly what is considered to be a fair price that can be paid to the owners of the animals.

What is the solution to the continued existence of the veterinary Cordon Fence? This issue obviously came out very strongly and justifiably so. The purpose of the veterinary Cordon Fence is to facilitate trade in livestock and livestock products from areas south of the veterinary Cordon Fence where it had been, and continues to be proven that foot-and-mouth disease virus and contagious bovine pneumonia, lung sickness are not present. Unfortunately, it had never been conclusively proven that these diseases are not present in areas north of this fence.

Further, the animal populations north of the veterinary Cordon Fence are intermingling continuously and regularly with animals from neighbouring countries, which increases the risk of detected or undetected spread of FMD and CBPP to and from such neighbouring countries.

To remove the veterinary Cordon Fence without affecting the animal health status of the areas south of the veterinary Cordon Fence would require that we manage to eradicate this disease from the affected Regions and put in place measures and fixtures, which will prevent the unhindered mingling of animals with different animal health status, as proposed in the policy document.

Government has introduced various initiatives to address this matter, the latest of which is the Policy on the Eradication of Trans-Boundary Diseases in the Northern Communal Areas and I must state here that when you carefully read the policy document, the idea is not necessarily to physically remove the fence, but to deal with the issues until we reach a point where we can convince the Organisation for Animal Health that this disease is not more here, which is not a small task indeed.

The northern communal areas will observe an increase in animal health related activities, such as the tagging of livestock, intensification of animal disease surveillance efforts and the construction of border posts and State Veterinary Offices, among others and we are already busy.

Through our experience in dealing with the issue, we are almost reminded of the human aspect of animal disease control, especially because our efforts,

whilst aimed at addressing issues related to animals and animal diseases, are moderated and affected by people, their beliefs and cultures and I think

Honourable Moongo was driving that point in his contribution in his usual dramatic way. We are, therefore, very aware of the sensitivity surrounding the impact of our efforts and the issues affecting the veterinary Cordon Fence. Our resolve as Government is, therefore, to work closely with all stakeholders and international organisations, such as the World Animal Health Organisation, to find a lasting solution to this problem and with time, we have to reach there.

The destruction of animals without compensation in certain circumstances was also raised by *Honourable Tjihuiko*. Animals will be destroyed without compensation only if, firstly, the identity of the owner of the animals cannot be ascertained, secondly, if the whereabouts of the owner cannot be established after reasonable enquiry and thirdly, if the owner fails to claim the animal within the specified period in the Bill after having been given notice of the seizure of those animals. Under those conditions, the animal could be destroyed without compensation. This destruction of the animals is based on animal welfare grounds and the continued keep and care of such animals can be costly, sometimes exceeding the market value of those animals.

The other category of animals which are destroyed under Sub-section (6) of Section 25 are those animals that have strayed and are infected with a disease which is likely to spread to other animals if they are kept longer. Here I must state that, of course, in the case of human beings, you do not destroy the lives, but for sure, the principle of isolating those that are infected is also applicable. Human beings are isolated and then they are given treatment.

The *Minister of Health and Social Services* raised the placement of footbaths at Ngoma Border Post. The placement of disease control fixtures, such as foot baths at checkpoints, are based on risk assessment and where the greatest need for such fixtures exist, especially because we are dealing with scarce resources. The foot baths on the Botswana side of the Ngoma Border Post is an example of how two countries share resources, because vehicles that are disinfected on the Botswana side remain safe for passing into Namibia and it is, therefore, not necessary for Namibia to duplicate this effort.

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Many Honourable Members mentioned the issue of cross-border awareness and strategies with neighbouring countries to address to animal health challenges and the *Honourable Deputy Minister of Justice* wanted to know what the cooperation between neighbouring countries and us is. This is a very valid question. Namibia, obviously, continues to enjoy good relations with all its neighbouring countries. On a regional level, the Directorate of Veterinary Services is an active member of the Livestock Technical Committee of SADC. In addition, the Directorate of Veterinary Services conducts regular cross-border harmonisation meetings with Angola, Zambia, Botswana and South Africa where issues of trans-boundary animal disease are discussed. In relation to Angola, negotiations have advanced to the level where the two countries already agreed on a common strategy for animal disease control, which entails joint activities and operations along the common border, such as animal identification and traceability, animal disease surveillance, import and export control, information sharing, joint vaccination campaigns, training of veterinary technicians, among others. Angola has also agreed on the establishment and maintenance of a protection zone within Angola, which will benefit efforts geared towards the eradication of FMD and CBPP from the northern communal areas. Therefore, collaboration and cooperation do exist and we need to intensify it on a regular basis.

What is Veterinary Services doing in the mobilisation of the communities to understand the Animal Health Bill? The animal health technicians within the Directorate of Veterinary Services do hold regularly community visits where a number of important issues are discussed, such as the interpretation of the Animal Health Bill. They are assisted in this task by the Agriculture Extension Officers in the Directorate of Extension and Engineering Services who are responsible for organising and conducting farmer training and are involved in farmers' days. The Directorate of Veterinary Services also maintains a close relation with various role players in the livestock sector, such as farmers associations, through which important consultations with farmers take place and information is disseminated.

May I also add that the Honourable Members of this House are a very important source of information about the laws that we are passing here. Apart from political campaigns, which obviously is our preoccupation, it is important for us to highlight some of the provisions of important laws when we interact with our constituencies, especially a technical law such as this one which is important to the livelihood of our people. We should not limit the activities of

popularising the laws that we pass to those Ministries that are tasked to manage and administer those laws, but the responsibility of this House does not end with passing the laws. When we interact with our constituencies, we should highlight some of the important provisions of these laws, especially those laws that have a bearing on the daily activities and livelihoods of our people.

There was also a question on the definition of “*stray*” and whether this includes a giraffe. An animal is considered to have strayed if it temporarily or permanently leaves the care of its owner or the person who normally attends to such animal and who leaves the normal place of residence to find themselves in unfamiliar places or among unfamiliar animals and by the way, human beings do also stray. The Bill defines an animal as any member of the animal kingdom other than the human being, whether alive or dead. Therefore, the definition includes a giraffe and it will be effective if the giraffe happens to stray. However, whether the straying of a giraffe or any other animal will be of veterinary interest will depend on the circumstances at that time, such as when a disease outbreak had been confirmed or if such animals are subject to movement controls.

The Bill has to be broadly interpreted with regard to straying of animals because such movements can potentially spread animal diseases and hamper the efforts of animal disease control and eradication.

The ***Minister of Environment and Tourism*** raised a question on the distinction between a protected area and a national park, and whether that will not create confusion. The words “*protected area*” in Section 20 of the Bill, Honourable Minister, should actually read “*protection zone*”, which is a requirement of the World Animal Health Organisation as a prerequisite to separate the infected zone from the free zone with regard to Foot-and-Mouth Disease. Now, the protection zone refers to the northern part of the Kunene Region, north of the veterinary Cordon Fence, Omusati Region, Oshana Region, Ohangwena Region, the part of Oshikoto Region north of the veterinary Cordon Fence, in the Kavango Region and Tsumkwe Constituency in the Otjozondjupa Region. The National Park can therefore be part of the protection zone, depending on where it is geographically situated.

The issue of the penalties, as explained in Section 87 of the Bill, was also raised and I would like to respond as follows: Experience had shown that the law is not a good deterrent if it is not strict and does not prescribe heavy

penalties for transgressions. The Livestock Industry is a sensitive industry because it is based on trust placed on officials of one country by the people of another country. We can follow the ongoing Debate on smuggling. The effects of mischievous behaviour, therefore, not only affects our country but the livestock industries of other countries and with it the reputation of Namibia as a reliable exporter of beef, a reputation that took years to be developed and must therefore be protected at all cost. I think we all agree on that as leaders here. Trading partners no longer request, but expect heavy penalties and we will be well advised as a country to consider their demands in this Bill. However, it is very important for me to clarify – and I consulted the Attorney-General – that the penalty or fine in Section 87, that of “*not exceeding N\$1 million or twenty years imprisonment*” denotes the maximum, the upper limit, but in practical terms the fines could be much lower than that, depending on the severity of the transgression.

Honourable Tjihuiko took time to belabour the provisions of Section 31 that deals with Appeals and he made the point that this particular provision give arbitrary power to the Minister and he went to the extent of asking why not allow the person to go to the Courts directly. The Courts are there and anybody has the right to approach the Courts, but I would like to advise Honourable Tjihuiko that he should take time to read the provisions of Section 31 again. When you read it carefully, you will not see arbitrary powers given to the Minister and the Section is so well balanced that the Minister is even compelled to establish an Appeal Court within a certain period of time, with different members, including somebody from the Judiciary. Therefore, there is no arbitrariness in that Section.

Honourable Von Wietersheim quoting an expert posed a question whether the strain of FMD affecting Southern Africa is a mild strain and will not spread rapidly, neither harmful to humans or dangerous animals. I think it was. The veterinarians have advised me that strictly speaking it is not true to the Type 2 Southern Africa strain, which is the predominant type of FMD virus affecting livestock in Southern Africa that is more virulent. Only our control measures in these countries, such as movement control, quarantine, vaccination, public awareness mitigate the impact of the virus and, therefore, it gives it the appearance of a weak strain. If these measures are removed with due consideration, the virus will have a serious negative impact on all susceptible animals both in the northern communal areas and can easily spread to the free

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zone of Namibia. Yes, FMD is not an important disease for human health, but it is rather a very important disease for trade of animals and animal products.

The issue of export of animal products with the concept of commodity-based trade is still debated internationally and up to now, there is no consensus with regard to foot-and-mouth disease. However, Namibians are making use of the commodity-based trade internally in Namibia, Angola and South Africa and we are looking towards other markets if they accept the concept of commodity-based trade to expand marketing opportunities for Namibian products.

On the issue of the restructuring and implementation of policy, staffing, infrastructures, which is quite genuine, as raised by Honourable Von Wietersheim, I would like to provide the following information: The Ministry is at the moment undergoing restructuring to address issues such as staffing needs for the implementation of this particular policy. We have submitted our submission to the Public Service Commission for consideration and we hope that we will get a positive response.

Furthermore, the Ministry is also working together with development partners, such as the Millennium Challenge Account, to construct offices and infrastructures in the northern communal areas as well as the extension and implementation of Namibian livestock identification and traceability system in the northern communal areas. Finally, in that regard, the Ministry is investing a significant portion of recurrent and Capital Budgets, which are passed in this House for the full implementation of the policy.

Honourable Von Wietersheim, the managerial positions that are vacant has recently been advertised and the recruitment process is being finalised. Therefore, the key managerial positions will be filled in the shortest possible time. I must obviously also add here that it is not always easy to get experienced veterinarians with the expertise to fill these vacancies, but I must also add on the positive side that Namibia is slowly but surely also producing her own veterinarians. I think this year seven have completed their studies and we are making steady progress. The staffing positions in the past two years have improved significantly, to such an extent that there is currently at least one State Veterinarian at each State Veterinary Office.

With regard to the local Veterinary School, we were in touch with the University of Namibia and we have reached the point where the university is

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introducing a two-year pre-veterinary programme at our university as from next year. Once the students complete the two years, they will be sent to regional universities and in future, they should develop a complete Veterinary Faculty at UNAM, which would train our veterinarians. Therefore, progress is being made in this regard.

On the involvement of staff members of the Division of Veterinary Services in local abattoirs, the Ministry has realised the need for involvement in local abattoirs. Whether you call them a *kapana*, we need to involve our doctors there to certify and ensure that the condition under which the meat is traded is healthy. This is well articulated in the policy that I have distributed to the Honourable Members and with the approval of the policy and restructuring, we will get more involved in meat hygiene in local abattoirs.

Expansion of Central Veterinary Laboratory and accreditation: The Ministry has extended the Food Hygiene wing and I would like to invite the Honourable Members when they have time to visit the Central Laboratory facility here in Windhoek. We have added a wing and the said laboratory is in the process of accreditation by the South African Bureau of Standards and has already signed a twinning agreement with the Istituto Zooprofilattico Sperimentale of Italy for the two institutions to work together to improve the competency of our Central Laboratory.

Lastly, in responding to the specifics, the day Honourable Von Wietersheim made his contribution we had a meeting with the delegates from the OIE. They were here from the 27th of September to the 8th of October on request from the Ministry to conduct a gap analysis following the performance of the Veterinary Services evaluation, which was conducted in 2008. The purpose of the gap analysis is to assist OIE member countries to develop strategies identified during the evaluation. I must also add that they were generally happy with how they were received, and with what they saw and with the information that was availed to them. We are awaiting the final Report and as soon as the Report is received, it is the obligation of this Ministry to share it with the farming community and we will do that.

Honourable Speaker, my concluding remarks is the only political part, because I must also give political responses to some of the issues raised. When one reads the second paragraph on page 8 of Honourable Von Wietersheim's

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statement, I can only state that I am not going to dignify that innuendo with a response, because when you carefully read just that part, it creates the impression as if the people in the northern communal areas, these old stereotypes of those who lived in the Bantustans, are not capable to think for themselves. We reject it with the contempt that it deserves and that is all we can say.

As regards political will, Honourable Von Wietersheim can rest assured that there has never been any shortage of political will in SWAPO. There is an abundance of political will at all levels of the organisational structure of SWAPO and its Government, at section level, at branch level, at district level, at constituency level, regional level, our wings, affiliated organisations, Central Committee, Politburo, Cabinet and Congress. It is not a question of lack of political will. We have the political will. We may not have all the required resources in terms of human, material, physical and financial, there we agree, but political will is definitely not one of those challenges and problems and neither is it a shortcoming in SWAPO.

Comrade Speaker, I rest my case and with your concurrence, we have now reached the stage of moving to the Committee Stage. Thank you.

HON SPEAKER: I thank you. The Secretary will read the Bill a Second Time.

ANIMAL HEALTH BILL

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

**RESUMPTION OF SECOND READING: ARCHITECTURAL AND
QUANTITY SURVEYING PROFESSIONS BILL**

HON SPEAKER: When this Debate was adjourned on Thursday, 7 October 2010, the Question before the Assembly was a Motion by the

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**ARCHITECTS AND QUANTITY SURVEYORS
PROFESSIONALS BILL/NAMIBIA PLANNING & CONSTRUCTION
HON IIVULA-ITHANA**

Honourable Minister of Works and Transport, that the Bill be read a Second Time. Honourable Kaura who adjourned the Debate is not here. Any further discussion? Does the Minister of Works and Transport wish to reply? Minister of Justice.

HON MINISTER OF JUSTICE: Comrade Speaker, since the Honourable Member who requested the Debate on the Bill to be adjourned is not here, I would like to move that the Debate be adjourned until next week, Tuesday.

HON SPEAKER: The Debate on the Motion stands adjourned until next Tuesday. The Secretary will read the Fifth Order of the Day.

**RESUMPTION OF SECOND READING:
NAMIBIAN PLANNING AND CONSTRUCTION BILL**

HON SPEAKER: When this Debate was adjourned on Wednesday, 6 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Works and Transport, that the Bill be read a Second Time. The Honourable Minister of Justice adjourned the Debate and she now has the Floor.

HON MINISTER OF JUSTICE: Comrade Speaker, due to some technical problems that I was attending to, I Move that my intervention be postponed to next week, Tuesday.

HON SPEAKER: The Debate on this Motion also stands adjourned until Tuesday next week. The Secretary will read the Sixth Order of the Day.

**RESUMPTION OF SECOND READING:
EMPLOYMENT SERVICE BILL**

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HON SHIXWAMENI**

HON SPEAKER: When this Debate was adjourned on Wednesday, 29 September 2010, the Question before the Assembly was a Motion by the Honourable Minister of Labour and Social Welfare, that the Bill be read a Second Time. Honourable Shixwameni adjourned the Debate and he now has the Floor.

HON SHIXWAMENI: Thank you, Honourable Speaker. I would like to start off by appreciating the generosity of the Minister to agree to the adjournment of the Debate on the Bill pending the Employment Summit that was held that particular Friday.

I must start off by saying that in fact, with an important Bill like this where we are addressing the very serious problem that afflicts our country with 51 % of our people being unemployed, there is always that need for consultation and for being conclusive. There is also that need to listen to each other's advice because the problem that we are faced with of more than 51% unemployment is indeed a very serious one.

I hope that in future the relationship between the Executive and those of us who are called backbenchers shall improve on national issues. It would have been ideal to give time to all Members of Parliament and all Political Parties to go through the Bill slowly and systematically in order to make their inputs. For that, I would say, well done, Honourable Ngatjizeko.

Currently there is a Directorate of Employment Services in the Ministry. How would this Employment Services Bill and Employment Services Committee coordinate with the already existing Directorate? It is clearly indicated in the Bill that the Secretariat of these two will be from the staff within the Ministry. If they are going to provide the same services, what have been the failures of the current Directorate of Labour Services? What have been the shortcomings and challenges of this particular Directorate, because they have been doing the same thing that this Employment Services Bureau and Employment Services Committee are going to do?

I would also like to know how many people are currently on the list of unemployed, which has been generated by the current Directorate and would the creation of a Bureau enhance the way in which we communicate with the

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employers? I do not get clearly from the Bill as to the interface between these particular Committees.

I would like to say one thing on the Labour Force Survey. It is one thing to have a study done after every three years, but I would like to see a situation where the Ministry of Labour and Social Welfare provides the most recent labour statistics. In the USA, they have a labour report every month. What are the challenges that we cannot have a quarterly report of the employment statistics around the country in order to better planning with fresh statistics rather than waiting for the labour survey to be done every three years.

I have also picked up contradictions in the Bill. That is that the duties of this Employment Bureau and Employment Service, as opposed to the Equity and Employment Commission, are almost similar. I want the Minister to enlighten the House because the Equity Commissioner currently collects almost the same statistics that this Employment Bureau and Employment Service Committee are going to collect. Are we not creating another white elephant instead of harmonising the functions of the Bureau, the Committee and the Equity Commission, so that we have a one-stop shop? Creating so many centres confuses us because you have so many statistics collected and processed by so many institutions and at the end of the day one does not know which statistics to believe.

The employment agencies are going to be regulated by this Bill and I agree with regulating, but sometimes when you over-regulate, you force people out of work. You are trying to say that employment agencies may exist, but in Section 24, you say that they must not charge for their services. On the one side, we are saying employment agencies are allowed, but on the other side, we are saying they may not charge for their services. I am not for a free market, I am leaning towards communism, but if you agree that you may create a company in a free market economy, how can that company function without charging for its services? I want the Minister to explain the logic around this, because either we abolish the employment agencies or they charge for their services because that is their core business and that is where they are going to get their income. (Intervention)

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HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: May I ask Honourable Shixwameni a question? Did you read that Clause carefully? The Clause says the companies will pay the agency and not the jobseekers.

HON SHIXWAMENI: Honourable Speaker, I read it three times and I am still getting the sense of the non-charging of a fee. My interpretation of capitalism is that if you are rendering a service, you must be paid for the service you are rendering. However, it is up to the Minister to amplify on it, because if I do not understand it, I believe that many other people in this House and out there would not grasp the essence of this particular Clause.

What I would like to say is that I think the Employment Services need to focus on internships in this country. It is very important that the unemployed out there be attached to Parastatals, whether they are paid N\$500 or whatever, so that while they wait in this queue of the unemployed, they would be able to gain experience. When they are attached, you have somebody that has gained some experience. That is something the Ministry needs to focus on, that particularly Parastatals be required to take on graduates from the university or the polytechnic. I understand that ten percent of those who are unemployed are graduates from either UNAM or the polytechnic. These people are walking around in the streets with their degrees. Therefore, if you could make provision in the regulations for incentives to Parastatals and private companies to take on graduates, people would not be sitting on the street for five or six years.

Another issue is that Cabinet, after having the Report for almost a year and a half, rushed it. I know there is pressure on the Government that the 51% unemployment must be reduced, but sometimes when you do things in a rush, you may fail to achieve your objective. My advice is, if we could be of the same mind that we discuss and debate this Bill in this House... (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask the Honourable Member a question? You are saying that the graduates or those freshly from school could be attached to private companies to gain experience, but you also said you are tilting towards the left. Are you aware that there are recent

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graduates who are now working in restaurants and the agreement is that they are not going to be paid anything, they have to survive on the tips. How do you view that in connection with exploitation of man-by-man if you are tilting towards the left?

HON SHIXWAMENI: I am aware of not only restaurants, but also many other places where people are attached, whether to do mechanical jobs and they end up not being paid and that is exactly why I am saying you have to find room in the regulations, because that is exactly the highest form of exploitation for a person to work for you the whole month and you are making money out of it, but you are not compensating that person. I do not say he should be paid a salary, but at least give him something to live on, because not everybody gives tips in the restaurants. You can imagine, if you have to depend on tips, you are on starvation. It is like doing forced labour, but because you need skills and need experience to attach to your CV, you are doing forced labour. That should end and I hope the Minister and Deputy Minister of Justice will act on that as people who are responsible for the preparation of the laws.

I was saying that when you do something in a rush, you sometimes falter. You might have noble intentions, but you may not achieve them because you are not looking around. It is good that we had the Unemployment Summit and I welcome that because after more than eleven years that the Right Honourable Prime Minister (Interjection)

RT HON PRIME MINISTER: We had an Employment Summit.

HON SHIXWAMENI: Thank you for that correction. I am saying it is good that we had this Employment Summit even after eleven years that the Right Honourable Prime Minister stated the need for having an Employment Summit when he was the Minister of Higher Education and Vocational Training. It is a welcome move that we are now taking the issues seriously and that we want to bring down unemployment. We need to insist that we bring unemployment down to one digit. It might be unrealistic, but we must set ourselves higher goals if we are to achieve what we want.

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I would request the Minister that after this Debate is concluded on an important issue like employment creation in the country, in order to do proper justice to the Bill, we refer it to a Standing Committee so that people can fill in the gaps in the Bill and we have a product that would be to the benefit of all of us as Namibians. Otherwise, I support the Bill.

HON SPEAKER: Honourable Ankama.

HON DEPUTY MINISTER OF WORKS AND TRANSPORT: Thank you, Honourable Speaker. I too would like to make some contributions to this very important Bill. I was not here for some time and quite a number of people have contribute, but Comrade Speaker, fellow Members of Parliament, the Bill on the floor of this eminent House in my view is indeed long overdue.

For three consecutive sessions of Parliament, I tabled a Motion on Unemployed Namibians, both professional, training and those without training. When I motivated the said Motion for the first time, the idea was to get a prompt reaction from the Floor of this august House across the political spectrum. Certainly, the Debate was shoddy and it had to be tabled for the second time in the hope for improved contributions. Even the second time many of us in this House did not take the Motion on Unemployed Namibians as serious, as shown by the poor Debate and, therefore, the Motion was tabled for the third time.

Comrade Speaker, Honourable Members, the Employment Services Bill is clearly a response to the Motion on Unemployed Namibians with or without professional qualifications as tabled during the last session of our Parliament which was aimed to:

1. Discuss, assess and ascertain the seriousness of unemployed Namibians with professional training and qualifications obtained from recognised educational institutions here in Namibia or abroad;
2. Further examine the general unemployment of all able-bodied people in Namibia in view of Government-sponsored initiatives and projects, such

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as the Green Scheme, agricultural colleges in the country and vocational training institutions as a matter of example;

3. To challenge the Government and private sector partnership to open up in the provision of relevant skills and creation of job opportunities for unemployed Namibians; and
4. Insist that unemployment be critically investigated in relation to our National Investment Policies and further discover the unemployability of all those unemployed for recommendation and appropriate action in favour of their predicaments.

Comrade Speaker, Honourable Members, the Employment Service Bill before us, as introduced by the Honourable Minister of Labour and Social Welfare seeks our undivided support for us to meet the unemployment situation in our country head-on and thereby suppress financial dependency, economic trauma and criminal activities, just to mention a few.

My focus is more on the Employment Service Bureau in Clause 13 and my concern is mostly on the question of how much we know about employees and employers out there, including private institutions and individuals who, by hook or crook, hop from one employment opportunity to the other without notice as employees or those employers who fire and hire jobseekers without registration, in other words the regulatory mechanism. We have this trend of people who would employ one person today and tomorrow that person is fired, but you also have quite a number of people who have been employed one week here, the other week there. It is just the regulatory framework on that.

Secondly, with reference to the Motion on Unemployed Namibians with or without professional qualifications tabled earlier here, I called for the establishment of a centralised research centre in the country with a decentralised databank to facilitate access of date by private and collective research. This tallies with Clause 14(1) and (2) under the heading, “*Integrated Employment Information System*”, on page 10 of the Employment Service Bill.

I think it is just good enough for us to have a centralised unit or databank, that we know exactly how many artisans we may want to have in the country or

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how many veterinarians do we want to have in ten years' time, when we are planning. In other words, when we have a centralised databank it will inform you as the Ministry of Education or as the Ministry of Agriculture or the

Ministry of Health on how many people you would want in a particular department or Section.

Comrade Speaker, Honourable Members, I cannot let go without taking issue with the current system of recruitment and filling of vacancies in our Ministries and perhaps, State-Owned Enterprises. (Interjection). Well, we are within the system but we have to make sure that the system works properly. One can call it confusing and, perhaps, discriminatory or some kind of pathetic recruitment system. Whomever does this will have to understand how things should be done. The system has procedures, but individuals are not following procedures. Such a questionable system, Comrade Speaker, is bamboozled by individuals within our employment, those people who are entrusted with responsibilities of recruitment and management. It may partly be due to a number of conflicting laws we have of which some need to be repealed or amended, including the Public Service Act and the likes of the Tender Board Act and some others. We need to look at this critically.

You have a person who is not performing in your department and you cannot move this person from one desk to the other to see if he is going to improve, simply because the Public Service Act does not allow that. I think that is a serious matter. Equally important, the Tender Board Act has to be harmonised with its regulations and I called for its review some time back. Of course, many people have done so and I understand it is being reviewed. Seriously speaking, the Tender Board Act is our own system, our own machinery and we need to bring it in line with what we want to see.

Comrade Speaker, Honourable Members, recruitment in our system has become a serious concern. Some departments in our Ministries and Agencies are turned into mini empires and are run in a monkey-style management where some individual, heads of such units freeze vacancies, which are budgeted for on their establishments for years, allegedly waiting for their next-of-kin to graduate from institutions of learning and to complete the required years needed for consideration of promotion. If this is the situation that we hear, I think those individuals are suffocating our system and it is high time that we

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should smoke them out. Instead, our Namibians who may be readily qualified for promotion are prevented from applying as a result of frozen vacant posts.

I was also reliably informed that even foreigners are benefiting from crooked behaviour by extending their contracts indefinitely. This is shocking. If foreigners are recruited in positions where Namibians at that time do not qualify, they should have people shadowing them and this system should be taken seriously so that at the end of their contracts, they should go to where they come from and Namibians should take over. Are we saying that Namibians are not capable of leading themselves? I do not understand, some foreigners have been acting in specific positions for many, many years and when the Namibians become frustrated they leave.

Comrade Speaker, Honourable Members, it is therefore, in my view, not just enough to pass the Employment Service Bill alone without identifying those laws that need to be repealed, amended and those that need to be harmonised. I would further like to stress the review of policies and regulations which go along with the laws that we are enacting in order to simply, for example, the SWAPO Party Election Manifesto, which is the SWAPO Party Government's working document, leading this vibrant Nation towards Vision 2030. With these few words, I support the Bill.

HON SPEAKER: Honourable Chief Riruako.

HON RIRUAKO: Mr Speaker, unfortunately the time is so short and I may say that my learned brother who was playing with the language expressed the problem well. With unemployment we are not talking about professionals alone, we are talking about those who are on the street. Those are the people who suffer more than those whom you regard as professionals. We have the money where it belongs, but that money is not applicable to them. This money is being used by those who are well to do and this is the problem. We have 51% unemployment and we have the money to create jobs for those who do not have, but the money is being played around by those who have and even you are going around like a dog who wants to lie down. I am calling a spade a spade. (Intervention)

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HON SHIXWAMENI: May I ask the Honourable Member a question? Is it allowed to call a person a dog?

HON SPEAKER: I did not hear that.

HON RIRUAKO: If you are going to lie down, you go around and around and you cannot even lie down. Come to the point! That is what I said, not that you are a dog. (Intervention)

RT HON PRIME MINISTER: Honourable Paramount Chief, are you saying that the Honourable Member is a toothless bulldog? (Laughter).

HON RIRUAKO: I agree with you hundred percent.

HON SPEAKER: The Chief did not say that in the first place.

HON RIRUAKO: We are here to rescue the Nation, but you do not want to say how we should do it. Why? Who is preventing you to do what you are supposed to do?

That money is going to the banks over there and let me say this, the time has come... (Intervention)

HON SPEAKER: Honourable Chief, you will continue tomorrow. I will say something tomorrow on the rescue of the Chile miners. By now, we have sixteen of the thirty-three miners outside. On that note, the House shall rise under automatic adjournment until tomorrow afternoon, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2010.10.14 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
14 OCTOBER 2010**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENTS

HON SPEAKER: I have two brief announcements to make. One is to invite all Honourable Members to the opening and closing ceremonies of the Parliamentary Regional Workshop on Children and AIDS: “The Social Protection Response, the Role of Parliaments”, co-hosted by the National Assembly of Namibia and organised by the Inter-Parliamentary Union and UNICEF.

The opening ceremony will take place on Wednesday, 20 October 2010, starting at 08:30 and the closing ceremony on Friday, 22 October 2010, 10:00 to 13:00 at the Safari Hotel and Conference Centre. The media is invited to this event.

The second is to the Prime Minister, Colleagues and fellow Namibians. 1 Bolivian and 32 Chilean miners have been rescued and reunited with their families. I saw from my bed last night Luis Urzua coming out at 3 AM local time.

Emotions, laughter, celebration and a high sense of victory filled the air and broke the suspense of 69 long days and nights.

Two weeks ago, I assured the IPU Chilean delegates in Geneva that our Parliament and Namibian people as a whole will keep vigil at all times until all the 33 trapped miners are rescued. We have done that and that is why I stayed awake until the last man reached the surface.

Chile is many things that I and many other Namibians have to be aware of, but for me personally, Chile is the beloved land of President Salvador Gossens

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Allende. He was assassinated by Augusto Pinochet under the direction of the CIA in 1973. Chile was one of the founding members of the United Nations Council for Namibia in 1968 and held its interim presidency for a period. Ambassador Maria Theresa, Chilean Permanent Representative to the UN, played a crucial role in the Security Council in support for Namibia's Independence and in solidarity with the Namibian people themselves.

As temporary President of UN Council for Namibia, Chile invited me in 1972 as SWAPO representative to participate in its activities at all times. That helped my work.

My loss of sleep last night was thus a symbolic sacrifice for me, while in fact I was remembering all those deeds of solidarity and support towards Namibia's Independence. Chile was always there for us.

HON SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Any Notices of Questions? Any Notices of Motions? Right Honourable Prime Minister.

**MOTION ON REAPPOINTMENT OF MEMBERS
TO ANTI-CORRUPTION COMMISSION**

RT HON PRIME MINISTER: Thank you, Honourable Speaker. I join you in congratulating the people of Chile for saving the lives of the miners. Namibia being a mining country, we were very much in sympathy with what was happening there.

Mr Speaker, I move an unopposed Motion, that this Assembly –

Reappoints Mr Paulus K Noa and Adv Erna L van der Merwe as Director and Deputy Director of the Anti-Corruption Commission respectively for another five years in terms of Section 4(1) of the Anti-Corruption Commission Act (Act 8 of 2003). I so Move, Honourable Speaker.

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**MINISTERIAL STATEMENT
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HON SPEAKER: Will the Honourable Prime Minister table the Motion? Any further Notice of Motions? Any Ministerial Statements? Minister of Regional and Local Government, Housing and Rural Development.

MINISTERIAL STATEMENT

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, Honourable Members, I rise to clarify some matters regarding what we saw the other day in the news, especially on television, on the area of Otjomuise informal settlement, where we saw on television that some residents were up in arms because they received eviction orders from the City of Windhoek and the police.

What actually happened is that starting from last week Friday, people have been taken in cars to that area. They were taken there Friday, Saturday and Sunday by the NUDO Council Member of the City of Windhoek. This is the very same Councillor who the beginning of this year when we were approaching our Independence celebrations also instigated people to grab land.

My standing here is to alert our people out there not be used, especially during election time. The NUDO Party should restrain its Councillor who is a member of the City of Windhoek and at the same time, he is the one instigating people to go there so that the picture painted is that the City of Windhoek is evicting people because it is election time. Our SWAPO Councillors countrywide should be alert and vigilant and not be hijacked into this political hooliganism, because innocent people are being misused, especially during the time of elections. I just want to make it clear that this is a deliberate move by NUDO and by next week, I am going address all fifteen Councillors of the City of Windhoek to warn them and for the City of Windhoek to take action against any member acting against the city regulations.

This is just to put the record straight, Comrade Speaker. What we have seen there is a deliberate move by the NUDO City Councillor of Windhoek to create chaos, so that come elections end of November the people will say they will not vote for the SWAPO Party because they have evicted us. It is just

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information and also a warning to the NUDO Councillor in the City of Windhoek.

HON SPEAKER: Any further Ministerial Statements? The Secretary will read the First Order of the Day.

**RESUMPTION OF SECOND READING:
SPECIAL ADVISORS AND REGIONAL GOVERNORS
APPOINTMENT AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned on Wednesday, 13 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Regional and Local Government, Housing and Rural Development, that the Bill be read a Second Time. Honourable Hamutenya adjourned the Debate and I now give him the Floor.

HON HAMUTENYA: Honourable Speaker, Honourable Members of the House, the introduction of the Second Regional Councils Amendment Bill in this august House has come as, yet another disturbing move concerning the reversal of the democratic process in this country. However, disturbing as it is, it is not surprising. The move to amend the Act is perfectly in line with the ongoing process of rolling back the many progressive steps which this country has sought to institutionalise since the achievement of Independence in 1990.

According to Honourable Geingob, who rose immediately after the tabling of this Bill by the Minister of Regional and Local Government, Housing and Rural Development, this Amendment Bill before the House seeks to “*strengthen the unitary nature of the State and to remove the possibility of any antagonistic, divisive or tribal tendencies*”, which according to him, will create unrest. The alleged possibility of threat of unrest is, therefore, the rationale for tabling this Bill. Since there is no evidence or signs of unrest in this country at this stage, to rush to amend a Bill based on this figment of creative imagination is not what the taxpayers pay us to do here. The threat that this country is facing is that of poverty, unemployment, lack of housing, poor healthcare and a

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failing education system. Addressing these problems will be a better use of our time and resources in this House.

However, according to yet another SWAPO Member of this House, Honourable Billy Mwaningange, who rose to give us the reasoning behind this Bill, it is to remove the heavy load of responsibility from the shoulders of the Governors by de-linking them from the functions of Regional Councils. According to the explanation of Honourable Mwaningange, the Governors will no longer be elected as officials to actively participate in the governance of the Regions. They will merely be appointed messenger boys and girls of the President. Surely, this was not the intention of the creators of the Regional Authority structures. That is not what we were attempting to do when we were writing that law. We were trying to create regional structures of authority, which would deepen and broaden the process of democratic governance in this country by enabling the Regional Authorities to govern and participate in the process of development. The authority, therefore, that was meant for the Governors included them participating actively in the management of the affairs of the Regions and making decisions at that level. They were not meant to be mere paper tigers of the President that we are now being asked to endorse.

The move to appoint Regional Governors who are detached from the regional power structure is furthermore in utter contradiction with the aims and objectives of decentralisation, which aims at empowering the citizens at regional level.

Honourable Geingob has attempted to convince us in the House that the appointment of Regional Governors by the Head of State, rather than they being elected by the people, is a better way to run culturally and politically diverse countries. He has given us an example of India whose governors of various provinces are appointed by the president as the best example of governing a culturally and politically diverse country. A brief examination of countries whose Regional Governors or Provincial Premiers are elected by the people gives us a contrary picture to the one Honourable Geingob gave us and there are many. Countries such as Brazil, France, Peru, Japan, the Philippines and our neighbour South Africa have their Premiers popularly elected directly by their regional citizens.

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When Honourable Geingob, Honourable Gurirab, the Speaker, Honourable Ben Amathila, Honourable Kaura, myself and several others were writing and adopting the Constitution of the Republic of Namibia we were guided at that time by a deep yearning for popular participation, democracy that is, and social progress. These were the compelling ideas that inspired us to produce this world-acclaimed fundamental law of our country, which we are all proud of.

Democracy and progress were fundamental to our thinking and our actions those days. We aimed at broadening the active participation of the citizens, including the Regional Governors. To this end, we provided for a multi-party political system because we knew that no country could really enjoy broad political participation without a multi-party political system. Yet, the drift towards a one-party regime has come to characterise our Republic. Yes, we have not yet abolished multi-party democracy on paper, it is still in our Constitution, but this country is being run by a single party. Since 1990, there has been one-party dominance in this country. (Interjections). The truth always hurts, what we have here is a one-party regime being practised and it has not augured well for our democracy and social economic development of our country when a broad majority of the population is not consciously and deliberately galvanised or mobilised to play a meaningful and active role in the process of development. Therefore, we are consolidating stagnation when we remove the Governors who would have been in touch with the people, who would have been tasked with the responsibility to organise, mobilise and, indeed, to educate the masses politically to play their role in the management, decision-making and productive processes. Instead, we now have stagnation, lack of development and progress. This has become the permanent features of our Republic. It is undeniably manifested now by the 51,2% unemployment rate in this country, because we have abandoned the role of mobilising the masses to participate in the process of development. We have become so preoccupied with self-improvement and from where I am listening and hear the reaction, this is the agenda of the day, it is not the mobilisation of the people to contribute to the development of the country to maximise democracy.

Multi-party democracy has been emasculated through misuse of public resources, its institutions and State personnel and corruption. It was not possible to sustain these processes with all those drawbacks.

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Namibia has, indeed joined the ranks of the corrupt States on the African continent and it is sad, but it is a fact that we cannot run away from and this is not what we fought and sacrificed for. Anti-democratic practices, such as rigging of elections, have become the order of the day, prioritising the use of national resources or self-aggrandisement. (Interjections).

As Parliamentarians we have a heavy responsibility to work in the best interest of our citizens, we are not here to shout at each other, scream around and not addressing the issues, which matter. These issues are real. You can say what you want to say, but the issues are real and many.

The Second Regional Councils Amendment Bill is contrary to the letter and spirit of decentralisation and remembers, we are the ones who pushed for decentralisation and now we are reversing it. Is that not shameful? It is contrary to the broadening and deepening of the process of democracy. Appointment rather than election of Regional Governors is nothing else, but autocratic control to suppress the democratic participation of the masses. It does not call for the involvement of the masses in the affairs of this nation. It limits the opportunity for them to participate actively. What I am saying is sad, but those are facts.

Those in this House who choose to support this essentially reactionary Amendment Bill must recognise that what they are doing is not in the best interest of the people of this country and democracy. We know that by the phenomenon of the two-thirds majority that we have seen for the last twenty years, this Bill will be passed with all its harmful effects. We know that by that phenomenon the Bill will be bulldozed through the House. This will be yet another example of further disempowerment of the masses of this country and I ask you to withdraw this Bill because it is not in the interest of the people. Listening to those who took the floor to speak on the Bill, they do not know what they are defending. How do you justify an undemocratic process? (Interjections).

HON SPEAKER: One Member at a time. There are other ways to participate, Points of Order, Points of Information or Clarification.

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HON HAMUTENYA: How can distinguished Members of this House come and tell us that by allowing the Namibian people to elect their Governors they are promoting division? Where is the evidence? There is none.

We are, therefore going to oppose the Bill. We cannot support it and we know that history will absolve us. You will one day be obliged to reverse it or you will be sitting here, watching it being reversed. Thank you, Honourable Speaker.

HON SPEAKER: I thank the Honourable Member. Any further discussion?

HON VON WIETERSHEIM: Thank you, Honourable Speaker. I thought there were going to be plenty of responses, so I kept back for a while, but I would like to contribute on this discussion.

I may echo some of the sentiments of my Colleagues in this House on the Bill introduced by the Minister of Regional and Local Government, Housing and Rural Development and motivated by the first former Prime Minister, Honourable Hage Gottfried Geingob. The Honourable former Prime Minister did not apply his former principles, which I do remember from a long time ago, of approaching things methodically and systematically and above all, he failed to approach and present them scientifically.

We were told it was necessary to strengthen the unitary nature of the State and to remove the possibility of any antagonistic, divisive or tribal tendencies creating unrest. In this regard, he referred to some imaginary centrifugal forces who allegedly want to practise diversity in unity instead of unity in diversity.

Honourable Speaker, apart from the fact that the wordplay with our unity and our diversity, which we all know and accept and also cherish... (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** May I ask the Honourable Member a question?

HON VON WIETERSHEIM: No, I only accept a Point of Order.

HON SPEAKER: I am not going to surrender my responsibility to you. Point of Order is provided for. The question is, what is it on? Point of Order is how you get the Floor and after that, you have to specify what exactly you want to do. Honourable Minister, there are many ways to do it you can do it.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** May I ask the Honourable forbearer of democracy a question? The person who promotes democracy in this House, may I ask him a question?

HON VON WIETERSHEIM: No.

HON SPEAKER: The question has been declined.

HON VON WIETERSHEIM: Honourable Speaker, do we discuss the principle of a Point of Order now?

HON SPEAKER: I give you the Floor. Continue.

HON VON WIETERSHEIM: Apart from the fact, Honourable Speaker, that the wordplay with our unity and our diversity, which we all know and accept and also cherish, does not have any consequential difference in meaning, the

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statement about possible unrest anywhere in our country, I regard as unfounded, non-constructive and fabricated in order to justify the further strengthening of the autocratic structures in our society to the absolute detriment of any possible progress in the democratic development we may have experienced hitherto.

A little research will reveal it is universally accepted that decentralised governance.... (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Comrade Speaker, I just want to get clarity. I do not know whether the Honourable Member is speaking as a member of SWAPO, CoD, RDP or RP? Which side is he?

HON VON WIETERSHEIM: Your ruling, Honourable Speaker?

HON SPEAKER: Can you continue?

HON VON WIETERSHEIM: It is universally accepted, I said, that decentralised governance, even within unitary States, has many advantages, especially for democratic participation, representation and accountability. (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: On a Point of Information in the interest of the public and for the future generation. We cannot sit here and be tortured with untruth. Decentralisation, both academically and intellectually, cannot be misconstrued with elections. It cannot be interpreted as autocratic, because even in democracies of this world.... It is a Point of Information.

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HON SPEAKER: You have been a Cabinet Minister, you have been a Member of this House, the Members have the right to dispute what you are saying, but you have the Floor to finish your point. I have not given you the Floor. Sit down. Minister, you have the Floor.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Decentralisation has nothing to do with appointments or elections, decentralisation is a process of governance, taking the Government to the people and the structures of Government, the Regional and Local Authorities as entities *vis-à-vis* the Central Government will not be affected by the appointment by the Governors and advisors and it is done in all systems of Government. Can we stop the lie?

HON VON WIETERSHEIM: I am saying Honourable Speaker, that it is universally accepted that decentralised governance, even within unitary States, has many advantages, especially for democratic participation. (Intervention)

HON MINISTER OF FINANCE: On a Point of Order, Comrade Speaker. I just want to say that I have noted that the Honourable Member goes to all pains to try and educate this House and by extension, the public out there, about the advantages of decentralisation and the Member is either forgetting or he wants to mislead the public into believing that the SWAPO Party Government is either uninformed or is opposed to decentralisation, whereas decentralisation is the policy of the SWAPO Party Government and the Decentralisation Bill was brought to this House for promulgation by the House and by the SWAPO Party Government and it was due to the two-thirds majority of the SWAPO Party in this House that that Bill sailed through this House to become a law. That is the first point to be made. Therefore, we do not need to be lectured by the RDP or any other person about the advantages of decentralisation. That is the first part.

The second part, which I also think is also a misleading of the public, is one where the Honourable Members want the public to believe that one system amongst many systems of democracy is better than other systems. They, for

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example, want to say that it is only democracy when a public officer is directly elected to an office by the whole society. Therefore, a Governor is only democratically elected if he is directly elected. Then they cite a number of countries that are supposed to be better off because of the way they do things, which is different from what we are proposing, but they overlook the fact that some of the countries that they have cited also have a different way of electing their Presidents. We elect ours directly. Others elect theirs differently. Do you call them autocratic? That is what you are actually saying by extension and I think we should really watch what we say. I know that the elections are coming, but we should not insult other people's intelligence or other countries by extension. Thank you.

HON VON WIETERSHEIM: Honourable Speaker, our Rules say, "*a Member may not be interrupted except on a Point of Order.*" (Interjections). May I continue? "*A Point of Order may be raised when any of these Rules and Orders is alleged to have been infringed; as soon as an irregularity occurs in the customary proceedings; to give an explanation in terms of Rule 116*", which refers to the discovery of clerical errors, "*or to seek clarification on a procedural matter.*" I do not see any of the four factors being attended to by those two last Honourable interrupting speakers and Honourable Speaker, both of those were mini-speeches. You indicated earlier that there is a way to respond to the Debate and both these Honourable speakers misused the Point of Order in our Rules to make speeches while I was speaking. (Intervention)

HON SPEAKER: Yes, you are playing the role of the Speaker, which you are not entitled to do. Rules are there to be interpreted and that is the role of the Speaker. When you make a political point, you are yourself getting out of the Rules and if a political point is made, the other Members have the right to take you on, on the political point and that is what is happening. You are playing politics on both sides.

HON VON WIETERSHEIM: I said, Honourable Speaker, that it is universally accepted and that is not a political point that decentralised governance, even within unitary States... (Intervention)

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HON SPEAKER: The House shall rise for refreshments.

**HOUSE ADJOURNS AT 15:40
HOUSE RESUMES AT 16:10 PURSUANT TO ADJOURNMENT**

HON SPEAKER: Before I give the Floor to Honourable Von Wietersheim, I want to clarify the following: Parliaments, generally speaking, have two ways of doing business. One is speechmaking. That is why it is called Parliament. We come here and make political speeches or speeches about things that we believe in, our religion and so on. That is why Parliament is there. We are expected to do that within certain Rules, understanding, and traditions and so on.

The second one relates to when we specifically deal with Bills and Motions, things that are very specific and disputed on their own merit, that in line so and so, paragraph so and so the bill says this and then one Honourable Member says something and the other one disputes. You can zero in on that specific issue and that is where the Ruling would come.

When you are talking about things like democracy, unitary State, federalism, electoral system, multi-party system, the Rule of Law, I am sure most of you had opportunity to watch the British House of Commons. It is something you are saying out of your own conviction, something out of the perspective of your political party. One says that decentralisation exists, the other one says it is bad and it is difficult to rule on that. Those are political statements, it has nothing to do with whether one side is right or the other side is wrong. This side says the federal system that we put in place exists, it works; this side says the federal system is dying and somebody stands up and asks for a Point of Order. Is it a question of being right or wrong? It is what you convince politically that the decentralisation is bad, it is not working, and others say we have done the following, decentralisation is very much alive and that the election of the Governors has nothing to do with it. One side says the election of Governors will kill decentralisation, the others say it is consistent with decentralisation and democracy that we have. Therefore, it is not that the Speaker does not know. Much of what I am listening to now has nothing to do

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with technical things that the Rules are there for. You are involved in political speechmaking that. With that, Honourable Von Wietersheim, you still have the Floor.

HON VON WIETERSHEIM: Thank you, Honourable Speaker. (Interjections). I thought, Honourable Speaker, that I could hear myself better without the noise in the House.

I did not mention the last point of the advantages of decentralisation, which is for representation and accommodation of territory-based ethnic, cultural or linguistic differences. It will eventually solely depend on the degree of decentralisation whether the unitary nature of the system is watered down or not. The Honourable former Prime Minister himself stressed the fact that the 13 Regions in our country have administrative powers only and no legislative or fiscal independence, therefore Namibia can only be regarded as a unitary State and not as anything else. This so-called administrative decentralisation, which transfers only bureaucratic decision-making authority and managerial responsibilities for the delivery and regulation of public services, is regarded as the most basic form of decentralisation.

Ministries or Ministerial Directorates based in the national capital transfer administrative functions to regional and local offices, who are then still held responsible by the national authorities for implementing national policies. Even this most basic decentralisation of governance to democratically elected local and regional bodies, however, gives citizens multiple points of access, thereby enhancing opportunities for public participation, increasing the accountability and responsiveness of elected officials to local citizens and, therefore, providing incentives for more responsive democratic government.

In short, decentralisation is widely identified with the promotion of managerial efficiency and the enhancement of public services as well as with more open, transparent and accountable forms of representative democracy and the qualities of good governance. (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** May I ask the Honourable Member a question?

HON VON WIETERSHEIM: That Honourable Members in the first place want to ask a question in the middle of a sentence, the Honourable Member could at least wait until the sentence has been completed. Secondly, I am not answering questions in my speech. (Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, Honourable Members, the Honourable Member is teaching us about decentralisation, democracy, Rule of Law, a majority. In the Cabinet the majority, Members were saying something, he was alone, and he walked out. What decentralisation and democracy are you talking about if you walked out of the Cabinet?

HON VON WIETERSHEIM: Honourable Speaker, I am not sure whether the Honourable Member was present that day. There was no majority. That was an autocratic decision. (Intervention)

HON SPEAKER: No, stick to your speech.

HON VON WIETERSHEIM: I was just answering him.

HON SPEAKER: Stick to your prepared text.

HON VON WIETERSHEIM: For some reasons I quoted, before being interrupted, a strong linkage is found between the degree of Government decentralisation and patterns of democracy even in unitary States like Namibia.

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One can hardly expect an imposed Governor who exerts his or her authority at the pleasure of the President to be more responsive and effective than an elected representative who serves at the pleasure of the people and who is, therefore also in a position to be rejected or replaced by the people in the case of non-performance. That is what I understand as democratisation. (Intervention)

HON MINISTER OF FOREIGN AFFAIRS: May I ask the Honourable Member a question?

HON SPEAKER: I do not know, he may accept from you, but he said he does not want to take questions.

HON MINISTER OF FOREIGN AFFAIRS: Then on a Point of Information. I wanted to say it is not acceptable to say that the Head of State is not the representative of the people. It is totally unacceptable, because in the first place, the President is elected through universal suffrage and that is why he is the President of everybody and even when he was sworn in, he took an oath that he is going to be the President of everybody in Namibia, not only the President of the people who elected him, the SWAPO Member, but the President of all the people, including yourself. Therefore, it is not acceptable to say the President will not serve the people because he is not elected. You got the point?

HON SPEAKER: I do not know where this applies. According to our system, the President is elected directly by the whole Constituency. I do not know where this argument comes in. Continue.

HON VON WIETERSHEIM: Honourable Speaker, I am sure that I did not say that the President is not elected and representing the people. (Intervention)

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:

On a Point of Order. Can one deduce from the confused speech of the Honourable Member that if Governors are to be appointed by the Head of State, that there are not going to be any Local Authority and regional elections?

HON VON WIETERSHEIM: That was not a Point of Order, but a question. I am coming to that.

HON SPEAKER: Honourable Von Wietersheim, when an Honourable Member stands up it is for the Speaker to ensure on what point he is rising to ask a question about something. You seem to draw a clear line between what is a Point of Order and what is a question. I do not have that divide. When an Honourable Member rises, I assume it is on a Point of Order, but I should still enquire what exactly the Point of Order is all about. You have the Floor.

HON VON WIETERSHEIM: To come back to my sentence which was interrupted again, one can hardly expect an imposed Governor, who exerts his... (Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** On a Point of Order, Comrade Speaker. Is the attire of the Honourable Member Parliamentary?

HON SPEAKER: The Speaker has no problem. That is the Speaker's responsibility, can you sit down, Minister? Let us be serious Honourable Minister.

HON VON WIETERSHEIM: One can hardly expect, again, an imposed Governor who exerts his or her authority... (Intervention)

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RT HON PRIME MINISTER: On a Point of Order. Is it allowed, Honourable Speaker, for an Honourable Member to mislead the public by saying Governors are imposed? Is it not true that the current Governors who were elected by other Councillors, not by the people, report to a Minister appointed by the President? What is the difference? What imposition is he talking about? Is it allowed for him to mislead the public deliberately?

HON SPEAKER: I would have expected the Prime Minister to ask the Honourable Member what he means by that.

HON VON WIETERSHEIM: Honourable Speaker, one can hardly expect, an imposed Governor, who exerts his or her authority at the pleasure of the President, to be more responsive and effective than an elected representative, which is the present Governor, who serves at the pleasure of the people and who is, therefore, also in a position.... In the middle of my sentence again. (Intervention)

HON SPEAKER: Well, that is what Parliament is all about. You should get used to that.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: I am rising on a Point of Order, Honourable Speaker, and I would like to say what I said yesterday, that in a democracy of ours I take note of the views of the Honourable Members from that side of the House. That is part of democracy. We agree to disagree. However, I think the Honourable Member is misleading the public. In our democracy we are now debating this Bill, we are putting conditions how the Governor must behave *vis-à-vis* the Regional Councils, *vis-à-vis* the Local Authority Councils, *vis-à-vis* the Traditional Authorities, *vis-à-vis* the Line Minister, *vis-à-vis* the President. This is what we call democracy, this is what we are trying to do here, to say that not because you have a hangover tomorrow you will do something differently. Tomorrow if you see a short man like me, you will do something different. All those things he has to do are to serve the people of Namibia in

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accordance with the law, democratically passed by this House and by this Parliament.

HON VON WIETERSHEIM: Was that a Point of Order, Honourable Speaker or was that a statement? I mean, I am new again.

HON SPEAKER: He is taking issue with what you said, he is disputing what you have said.

HON VON WIETERSHEIM: Can he not do that when it does his statement?

HON SPEAKER: No, but you are on the Floor now, he is disputing what you are saying.

HON VON WIETERSHEIM: One can hardly expect, Honourable Speaker, an imposed Governor, who exerts his or her authority... (Intervention)

RT HON PRIME MINISTER: On a Point of Order. Is it allowed for an Honourable speaker to imply that a President, elected through universal suffrage, can impose? Rather a Councillor who is elected by a Constituency has more power than the person who is elected by universal suffrage. Is he trying to say that Councillors have more power than a person who was elected by the whole country? What is he trying to say?

HON SPEAKER: Continue and respond to that, enlarge on what you are saying.

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HON VON WIETERSHEIM: Honourable Speaker, it is a way of differentiation between – and I see the Right Honourable Prime Minister does not like that word, so I am going to use “*appointed*”. To make the difference between the appointed, whom I call “*imposed*”, and the elected Governor. Now I am continuing. (Intervention)

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: On a Point of Information. Comrade Speaker, I am afraid that if the Honourable Member continues to repeat this up to the fiftieth time that the President who is elected by the people, whose authority is clearly defined in the Constitution that such President may make appointments, that the Honourable Member keeps repeating over and over to the appointment by the elected President, with the authority clearly defined in the Constitution, as “*imposed*” is extremely irresponsible and extremely misleading and I really want to plead that if the Honourable Member wants to add value, he should refrain because this is not helping this House to make progress. Secondly, if the Honourable Member can do himself a favour to get to the end of his speech, because we cannot continue listening to the “*imposed, imposed*”, because this is now becoming unparliamentary and we are not interested to listen to that unparliamentary and undemocratic language. I thank you, Comrade Speaker.

HON SPEAKER: I do not know about unparliamentary or undemocratic, but there is merit in what the Deputy Minister is saying, the mere repetition of the same thing is not going to add to convincing the Government side to consider what you are suggesting. The mere repetition of the same thing is not going to add value and I think he has a point. It is up to you, Honourable Member.

HON VON WIETERSHEIM: Thank you, Honourable Speaker. Unfortunately I was delayed again. (Intervention)

HON RIRUAKO: The point is, Honourable Speaker, he ought to say that because the President belongs to a certain Political Party in Parliament. That is

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why you are saying what you are saying, but differentiate this matter for the people to understand why you are saying this. Put some mark to what you are saying.

HON VON WIETERSHEIM: Honourable Speaker, I have just agreed to use the word “appointed” when the Honourable Deputy Minister rose. Maybe he did not hear me. Do you seriously expect an appointed Governor to report to the President his rejection by the people due to non-performance or will that be the function of a regional structure which will actually continue to be accountable to the central authority. As some Honourable Members had indicated already, there will most certainly be a duplication of authority if an appointed Governor is placed into the regional structure.

Now to the lopsided example of India. I am regarding this example as lopsided as India represents a deeply divided plural society, which holds no comparison at all to Namibia. This illustrates in a profound way why India, as a federation of States, cannot be compared and it demonstrates in fact why India may have opted for presidential governors heading the individual States as representatives of the Head of State of India, why Governments of those States to a large degree are running their own affairs. The Indian President is the Head of State only, similar in position to the British Monarch, while executive power vests in a Council of Ministers with the Prime Minister as Head, being the Head of Government of the Nation.

In the federal States, the Governor is the representative of the President, but the similar limited authority and functions as the real executive power rests with the so-called Chief Minister who heads the Council of Ministers of the State. The President of India as well as the Heads of the federal States has no executive powers, which renders a comparison to Namibia completely irrelevant.

The major question for me remaining, Honourable Speaker: What is the actual intention with the introduction of this Bill? We do have a unitary system with very limited decentralisation only, therefore the final authority is resting in Central Government anyway. The far-fetched argument of possible unrest will certainly not be rectified by appointing an unelected and possibly, unpopular

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Government for each Region. If security considerations are at stake, those are vested in the Central Government anyway.

Appointing, Honourable Speaker, a presidential Government for each Regional Council with its elected chairperson in place will result in a duplication of authority, as indicated earlier already. On the other hand, the appointed Governor will not have voting rights in the Council. Does this imply that it is the sole intention to create a new tier of purely ceremonial presidential representatives across the thirteen Regions, and added to that, a number of special advisors for each of the Governors who will apparently also be appointed at the pleasure of the President. Where does that leave the Public Service Commission? Are we sidelining this most important institution for Public Service appointments from now on? For all this a complete new level of infrastructure.... (Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, the Honourable Member implies that by appointing special advisors we are not adhering to the Public Service Commission. There is already an Act of Parliament passed by this House, Act 6 of 1990, that empowers the President to appoint special advisors.

HON SPEAKER: These are your Bills, Minister, you will have ample time of your choosing to provide the answers at the end. You will have the last word.

HON VON WIETERSHEIM: Thank you, Honourable Speaker. For all this, a complete new level of infrastructure and logistics will have to be created. Can Namibia afford that kind of extravaganza at this moment in time with poverty and unemployment reaching alarming proportions? (Intervention)

HON DEPUTY MINISTER OF WORKS AND TRANSPORT: Honourable Speaker, I rise on a Point of Information. The Honourable

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Member has spoken at length and if we have listened carefully, he is begging for an explanation why the Bill is on the Floor of this House and I think the motivation was given at length and I just do not think it is appropriate to explain to one entity who is unable to understand because he is not at the level of understanding this Bill. Why do we not just allow him to be lectured somewhere outside?

HON VON WIETERSHEIM: Maybe the Honourable Member did not hear and he is again talking to somebody else. Maybe the Honourable Member did not hear when I said, “*What is the actual intention with the introduction of this Bill?*” That is as far as I will go.

Just imagine the expenses for that kind of exercise with regard to State House-like villas or palaces to be required or erected in each of the thirteen Regions, the vast amount of remuneration to these regional representatives and their score of advisors, as well as their probably immense staff complement in order to satisfy their status ambitions, to which the luxury limousines as well as the luxury 4x4 vehicles, of course, have to be added.

I am directing an appeal to my Honourable Colleagues, Honourable Speaker, I should like to quote the highly regarded Dr Frederick Golooba-Mutebi of the Makarere Institute for Social Research in Kampala, Uganda, speaking on a very similar topic and that is not our country he was speaking on. He states, “*Our MPs, or at least many of them, hold distinguished records of lacking the capacity for expressing independent views on any issue save for the most mundane before Parliament. The question on hand should not be exposed...*” (Intervention)

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: On a Point of Information, Comrade Speaker. If the public does not know, when he was an Honourable Member on a SWAPO ticket, he was appointed by the founding President and he was not imposed on anybody. Secondly, what he is quoting now from the Ugandan Doctor is exactly what he is doing, because he is not tolerant, he is not democratic, he is a dictator.

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HON SPEAKER: You have three minutes left.

HON VON WIETERSHEIM: My time?

HON SPEAKER: Your time.

HON VON WIETERSHEIM: “The question on hand” and again I am making sure it is not meaning this Parliament, “*the question on hand should not be exposed to ignorant posturing, which many MPs want to do on many questions of national importance, a tendency that has led to debates on critical issues having outcomes that can only be described as detrimental to the long-term interest of the country.*”

My appeal to the Honourable Colleagues constitutes a challenge to rise above the mannerisms identified here and reaffirm the special standing and status that Namibia has been enjoying since its exemplary process of achieving Independence, by rethinking and rejecting the process of democratic retrogression, which will result in a further increase of autocratic governance. Thank you, Mr Speaker.

HON SPEAKER: I thank Honourable Von Wietersheim for his contribution. Honourable Minister of Justice.

HON MINISTER OF JUSTICE: Thank you, Comrade Speaker. Comrade Speaker, I did not intend to participate in this Debate as I wrongly assumed it was a straightforward Bill, its intentions and purpose properly and adequately motivated by those who spoke before me, at least from this side of the House. However, listening to some interventions, I felt my voice must also be heard.

Comrade Speaker, Namibia is a law-abiding society, governed in terms of this Constitution. Everything done, at least from this side of the House and that part of the House, is governed by this Constitution. Comrade Speaker, time is

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an enemy in every respect. When you lose it, it never returns. It is a non-renewable resource. Listening to some of the Colleagues who some years ago, when they articulated issues you would want to listen some more, I was so shocked this afternoon that their ideas have dried up, that their thinking has retrogressed to the extent that it is only kindergarten children who can be entertained by them. It is shocking and I wonder what happened in those years wherever such colleagues have been, what they have been busy with.

Comrade Speaker, I want us to return to this document here. I am one of the founding members of the Constitution and I studied it at the University of Namibia, I know it very well. Article 32(3)(ee) reads as follows: *“Without derogating from the generality of the functions and powers contemplated by Sub-article (1) hereof, the President shall preside over meetings of the Cabinet and shall have the power, subject to this Constitution, to, (i) appoint the following persons: (ee) any other person or persons who are required by any other provision of this Constitution or any other law to be appointed by the President.”*

What we are doing here, Comrade Speaker, is to enact a law, not to appoint. We could have told the President just to appoint, as others are saying SWAPO has become so autocratic, undemocratic. We have a two-thirds majority here, we could have done whatever we felt like doing, but since we are a law-abiding society and this is a responsible Party, respecting this document, we drafted a law in terms of this Constitution and brought this law here for us to debate and to motivate it based on the principles of Namibia being a unitary State. Namibia is one whole constituency, that is why some of these Colleagues who are here and one can become reckless and call them unelected because they are on the ticket of SWAPO votes, but I am saying reckless because this Constitution says ours is a proportional representation system of elections and out of that flows how we do things. Therefore, nobody squabbles over the surplus votes of SWAPO that went to form the basis for some Members to be here. We are a unitary State and as a responsible Party, we want to secure that principle to exist and not to be violated.

Let us not talk as children who were born in the twenties. Even children who were born in the nineties can remember the secession attempt in Caprivi Region very well. It was hardly ten years ago. Where is the Governor of

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Caprivi of that time when the secession took place? He was part of that, a Governor whom others are characterising as democratically elected. Democratically elected? How, when he was elected by a few Councillors, depending on the size of that respective Region? Those ones elected from among themselves a Governor.

To compare an elected President by the Namibian people to an elected Governor by five, six or seven people, is that comparable. However, the issue is not to compare, the issue is that the security of this State to remain what this Constitution envisages – one Namibian people. Therefore, in Namibia we say One Namibia, One Nation and we are serious. We on this side of the House have foresight and we want to secure that Namibia remains true to this Constitution.

A lot has been said about the powers of the Governors, as they will just be appointed. Obviously, they will just be appointed and these are not the first officers to be appointed by the President. The President appoints very powerful people in this society – the Chief of the Defence Force, the Inspector-General of the Namibian Police, Judges of the High and Supreme Court, powerful people who, when they speak, we all listen. They were not elected and even the appointing authority sometimes listens to them. I am just telling you the facts on the ground.

Appointment should not be taken out of context just because we want to make propaganda and to speak to the gallery because we are coming to Parliament for the first time after a self-imposed exile. We now here, want to be heard because elections are just around the corner and, therefore, we say irrelevant things. Whom are we trying to fool? (Interjection)

HON MEMBER: The donors!

HON MINISTER OF JUSTICE: Not even donors, the donors have intelligence officers who are gathering information, they do not gather trash.

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Comrade Speaker, we should not politicise this law, it has a very, very important role to play in consolidating our democracy, in consolidating our unitary state and therefore, any attempt to politicise this Bill should be condemned with the contempt it deserves. I support the Bill.

HON SPEAKER: I thank the Minister. Chief Riruako, I am informed that you have spoken already. Any further discussion? Honourable Nyamu.

HON NYAMU: Honourable Speaker, I rise to ask for an adjournment of this Bill until the 19th of October.

HON SPEAKER: Before we rose yesterday, I tried to impress upon the Honourable Members that it is the wish of the Minister that we exhaust the discussion today to allow him to reply on Tuesday.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, I object to the postponement, the reason being that I introduced it last week Thursday so that the Members could have time over the weekend. They had a whole week and the Bill consists of only two pages. We are also travelling.

HON SPEAKER: Is it the understanding that you have an engagement elsewhere?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
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HON SPEAKER: He can speak on Tuesday before you reply.

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HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: We have to go to Committee Stage next Tuesday. He may speak on Tuesday, provided we go to Committee Stage the same day and Third Reading.

HON SPEAKER: We can do that. With that understanding, the consideration of this Motion stands adjourned until Tuesday, 19 October. The Secretary will read the Second Order of the Day.

**RESUMPTION OF SECOND READING: SECOND REGIONAL
COUNCILS AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned on Wednesday, 13 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Regional and Local Government, Housing and Rural Development, that the Bill be read a Second Time. Honourable Von Wietersheim adjourned the Debate and he has the Floor.

HON VON WIETERSHEIM: Honourable Speaker, as I said before, this is a very technical matter following on the Bill we just discussed and I will not add anything to what I have said up to now. Thank you.

HON SPEAKER: I take it that the Minister will do the same on Tuesday.

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I can reply on this one now. I thank you, Honourable Speaker, Honourable Members, first I want to thank the Honourable Members for supporting this Bill, but there is only one thing, which I want them to remember:

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Comrade Speaker, this Bill strengthens democracy and I hope next week when I am going to respond on the other Bill, we will do the same. If my memory serves me well, somebody went to Germany and he shared a platform with reactionary UNITA and RENAMO bandits on the ticket of a certain Stiftung and one day when that somebody was a Member of SWAPO the newspaper asked him, “*are you going to resign from SWAPO*” and he said, “*no, I am not an idiot, I do not want to be isolated like Ben Ulenga.*” Today the very same people want to come and tell us here about democracy. We on this side are tolerant, if we want to bulldoze we can do so. We have the mandate from the Namibian people to do so, but we are still tolerant.

The Honourable Members who have come to Parliament for the first time can ask Chief Riruako and others, we listen to their views, but one day the Namibian people are going to judge. With these few remarks, Comrade Speaker, I thank the Honourable Members for supporting this Bill. Thank you.

HON SPEAKER: I now put the Question, that the Bill be now read a Second Time. Any objection? The Secretary will read the Third Order of the Day.

RESUMPTION OF SECOND READING:
EMPLOYMENT SERVICE BILL

HON SPEAKER: When the House adjourned on 13 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Labour and Social Welfare, that the Bill be read a Second Time. Honourable Chief Riruako.

HON RIRUAKO: Honourable Speaker, the Namibian Labour Force Survey of 2008 shows that 51% of all Namibians are unemployed. More than 60% of Namibians between the ages of 15 to 35 cannot find work. In the group of 15 to 19 years, more than 80% are unemployed. More than 67% of Namibians between 20 to 24 years are stranded without employment. For those between ages of 25 to 29, more than 53% are jobless while 46% of people from 30 to 34

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share the same predicament. We are sitting on a time bomb. If you are refuting this, you must come with a different percentage, then I can believe you, but if you cannot overcome this, then you are facing a problem.

The new Commission will also be tasked to promote and streamline employment creation efforts in all economic sectors. What have they been doing in the last twenty years? That is why we are in this mess of 51% in the first place.

In GIPF money has been going to the same hands and look at where it has ended up, from N\$600 million to the now N\$4 billion where companies must derive benefits from the GIPF. I wonder if these companies have made a difference to the unemployment rate in Namibia or if only a few benefited from it. The question is about the ones that took Government to Court. What is going to happen to them? Are they going to follow Clause 19 and if yes, I do not have a problem, but if not, then how is Government going to make sure that the labour hire companies obey the rules? We are here to combat unemployment and we have a method or a motto, we are ready for them. Now you have to come up with something tangible to cope with the momentum and the requirements of the needs of this Nation. I thank you.

HON SPEAKER: Any further discussion? Honourable Bezuidenhout.

HON BEZUIDENHOUT: Thank you very much, Honourable Speaker. On the Employment Service Bill, I would like to seek clarification from the Minister when he replies, just to clarify the Integrated Employment System, whether it will be a manual or computerised system and then in Clause 14(c) the word “*retrenched*” where it mentions training opportunities for retrenched workers and jobseekers. I can understand the training opportunities... (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I want to ask the Honourable Member a question. By the way, who are you? (Laughter).

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HON BEZUIDENHOUT: The question was asked and deserves an answer. The Rules say if we spot any stranger in the House we are obliged to inform the Speaker so that the Sergeant-at-Arms can escort him out and if I am unknown in the House, he must follow his responsibilities.

In Clause 14(c), training opportunities for retrenched workers and jobseekers. I want to understand why retrenched workers specifically, or whether there will also be opportunities for unemployed persons who have not yet joined the market. The second part of the question is, whose responsibility would it be to create training opportunities? When the Minister responds I would like clarity on that.

HON SPEAKER: Thank you. Minister Kazenambo.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you, Honourable Speaker. I rise to support the Employment Service Bill and I want to concentrate my intervention on page 9 where it says the Employment Service Bureau consists of the Director, who is the Head of the Bureau and all the employment officers of the Ministry. The functions of the Bureau are to register jobseekers, to register vacancies in the public and private sector, assist jobseekers to find suitable employment and to recommend suitably qualified jobseekers to prospective employers, provide vocational guidance, career and labour market information to jobseekers and other interested persons.

Comrade Speaker, having read the Employment Service Bill and on the basis of the point that I have mentioned, especially Clause 13(c) and (d), assist jobseekers to find suitable employment and to recommend suitably qualified jobseekers to prospective employers, I would like to address an issue on this one. If what I am going to say is covered anywhere else, then it is fine, but if not I would like the Minister to consider addressing the plight of the jobseekers who stand at the street corners in towns. As far as I am aware, the jobseekers in the street are standing there and I really commend the City of Windhoek for what they have done for these people. They have built shelters for these jobseekers in the area of Pionierspark; however, I am not aware if these people

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are covered by any trade union. If they are, then fine. Maybe a trade union looks after their interests, but for the past ten years... (Intervention)

HON RIRUAKO: Are you worried about those jobseekers in the street or are you worried about the Nation as a whole?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Honourable Speaker, I am worried about the whole Nation, but I said that while I am supporting the content of the Bill, I was specifically enquiring about the jobseekers. I think the concerns of the whole Nation are being covered by this Bill and my query was specifically on the plight of those who are standing on the street corners and I asked whether there is a union representing them, either the Domestic Workers Union or the Farm Workers Union, because those in the Public Service are represented by NAPWU, those who are working in the mines are represented by the Mine Workers Union of Namibia and so forth. However, these people on the streets are not aware of who represents them and I came to experience their plight.

I think I know why the Honourable Chief is worried and can I allay your fears that even the unemployed workers in Aminuis and Gam... (Interjection). Honourable Speaker, I was saying there are categories of workers who are represented and I see that we are well-covered as per the content of this Bill, but for the past ten or twelve years I have been involved on a part-time basis in the construction industry and I have been employing the people who are standing on the street corners, not personally but the small company I have an interest in. I came to hear about the plight of these people. Some of these people are vulnerable to abuse and that is why I am asking how their interests are being articulated, because the Bill here is very good, it states what it intends to do, but when I perused through it, I failed to see anything about the plight of these people.

Some of us employ these people temporarily and the minimum wage is not applicable to them. When a car stops, they rush to the car, they are told to dig a trench or clean a garden or mix concrete, and you decide how much you are going to pay them. The stories that I have been hearing from some of them for the past ten years are really a concern. While dealing with this Bill we need to

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look at how we accommodate the security and protection of these jobseekers that are standing on street corners. Some people employ them, make them work the whole day and after completion of the work they are given the leftover food in the fridge and that is it and they have to walk to Katutura. Not all people are doing that, but these are some of their stories. Some of them are working the whole day and in the afternoon, they are told to take a bottle of Coca-Cola and N\$10 to go to Katutura. (Intervention)

HON RIRUAKO: Why can you not have permanent people working for you? I have six permanent workers, but you just take them from the street. It is a habit.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Honourable Chief, I am not trying to personalise this issue. You know, Honourable Chief, that I have employees on a permanent basis and you can attest to that, but I am talking about specifically the unemployed street workers on the corners. I have permanent employees in my entities and I use the services of those workers on the streets. For the past twelve years, I have been doing that and they will come to me, they know me, I have been employing them.

I was saying that the stories that some of these people are telling is that we employ them, there is no minimum wage and they are at our mercy. We make them work the whole day and sometimes we do not pay them at all and if I may be frank here, the reports are that the people of my colour are the worst culprits. The blacks are the worst culprits in terms of exploitation of these workers. (Interjection). Yes, I call a spade a spade, you can kill me, I am prepared for it, but I cannot be muzzled to cover up an injustice. I will not be muzzled. (Intervention)

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: On a Point of Information. I am not denying what the Honourable Member is saying, but maybe the Honourable Member did not visit Kamanjab-Outjo area where the people are really exploited in the charcoal industry by the colleagues of that other colour.

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HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you, Honourable Speaker, I will stick to my point. Sometimes I feel like crying when listening to denials. It is painful and sometimes I question myself whether I should continue with my career because we live in denial here in this country. We cannot continue this way, to be honest.

I am talking about people who are not far, I am talking about people who are on the street corners of Windhoek, this capital city of ours, I am talking about what they experience, and I am saying that this Bill should also cover for their interest. They are here and I have experience of them for the past twelve years. (Intervention)

HON MINISTER OF FOREIGN AFFAIRS: May I ask a question? Honourable Kazenambo, you are saying that these people who stand at the corners are our people. For sure, they are our people, but have you seen these people in Katutura or anywhere else? Who hire most of these people in the true sense of the word? They are being hired here in Windhoek by the black people or by the white people?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Statistically I have not done a survey and I said I employed some of them. For your information, these people are also in Katutura and if you drive from Eldorado to Otjimbingwe, they are standing there. That is Khomasdal but I cannot statistically say whether the majority are employed by the blacks, but many businesses are owned by whites and I do not know whether those whites who employ them exploit them or do not exploit them. I am not saying that all blacks who employ them exploit them. I said some of them. They are saying that the majority of the people who exploit them are the blacks. Sometimes when we talk about whites in this country, we have unanimity, but it is a problem that that we cannot criticise ourselves. Apparently, we are angels, we are good, we do not commit evil and we do not like self-criticism. This is the attitude that we sometimes display and this is how we massacred people across the world, because when an African is massacring a person, either it is the white behind him or you do not have sense to think that you are killing your people or discriminating against your people.

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I am saying that I have spoken to those people and I am not here to penalise blacks, I am a black person and maybe I am also a culprit, but I am saying that there is that plight and these people themselves are saying we, not all of us, are the biggest culprits. I am appealing that this Bill also caters for these temporary workers.

With regard to the charcoal workers, in the early or mid-nineties there was a Commission of Inquiry headed by Bishop Kameeta on the issue of farm workers. If you could read that Report, even in the north the worst exploiters were blacks. I am talking about scientific research that was done in this country; people were not building accommodation for their people.

I also own a commercial farm and I know blacks who are involved in the Charcoal Industry. (Intervention)

HON RIRUAKO: On a Point of Order. The ones working in the charcoal industry go to both sides. White and blacks are acting the same way. I have never come across blacks who work on a white farm building houses for them and foreigners ask you questions, under whom are all these people working? Those whites who are taking them home, use them and leave them the next day. It happens that way but you are reluctant to give that answer. This evil is on both sides, I am sorry about that. It cannot be pure black, it cannot be pure white, all the farmers sometimes act in the same way and you are supposed to put your foot down.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: If I may continue, I do not know whether the crime that I have committed here was to say that the street workers are there and they have needs and among their complaints they say that they are not paid and from their experience it is us, the people of this colour, who are the biggest culprits. I have not advanced that there are no whites who are not committing crimes. I do not see the correlation. (Interjection)

HON MEMBER: Now you are calling a spade a spade.

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HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:

It is what I said, but maybe it would have been politically correct if I said blacks are culprits and the whites too, but when we talk about whites in this country, there is no addendum of bringing a black equation. Why? Can we start building this Nation? At least I am not being intimidated.

I am appealing to you, Honourable Minister, that whether they are employed by blacks or by whites, their conditions of service should be in this Bill. It should include the way they are treated, their security and payment and to see how they can be covered.

In conclusion, in Sub-Clause (e), “regulate and control the use of psychometric tests for selection and recruitment purposes in accordance with the Social Work and Psychology Act, Act 6 of 2004. I have a serious problem with psychometric tests. To be honest, sometimes it is a barrier. Firstly I have a problem with it because I know if it is applied to me I will not pass and maybe it is personal, but I know qualified people are not from the same social background and they are not groomed. My language has been a problem in this House because of the way I was socialised.

HON SPEAKER: The House stands adjourned until Tuesday, 19 October 2010 at 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2010.10.19 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
19 OCTOBER 2010**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: Honourable Members, I will vary the routine at this stage and under the item called Ministerial Statements which comes at the end of the list, give the Floor to the Minister of Health and Social Services and listening to his speech, you would understand why I am doing this.

MINISTERIAL STATEMENT

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Honourable Speaker, Honourable Members, I rise to give an update on the progress being made at the Cardiac Unit at Windhoek Central Hospital.

As the Honourable Members will recall, the Cardiac Unit was officially inaugurated by His Excellency President Hifikepunye Pohamba and His Excellency President Thabo Mbeki on the 5th of August 2008 to provide comprehensive care and treatment for Rheumatic heart disease. This is the first cardiac unit in the history of our country. Indeed, I am informed by the experts that this is the fourth public health facility on the African continent, which is up, and functioning after that of South Africa, Egypt and Sudan. There are other cardiac units running in some African countries, but by-and-large are manned by the private sector.

I am therefore pleased, to announce that since the Cardiac Unit was first opened to the general public on the 23rd of June 2008, eight open heart surgeries have been successfully performed on patients with Rheumatic diseases. In addition, about two hundred patients with heart and lung-related diseases were treated. The operations were performed by a joint team of health professionals from South Africa and Namibia. However, the Cardiac Unit did not have a functioning Catheterisation Laboratory and that the operations were carried out with the assistance of the South African experts from Groote Schuur Hospital.

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**MINISTERIAL STATEMENT
HON DR KAMWI**

I now have the honour to inform this august House and the entire Nation that this morning I had the rare privilege to commission the Catheterisation Laboratory, which is one of the major components for the smooth functioning of the Cardiac Unit.

Last week we extended an invitation to a limited number of Cabinet Members and it was our intention to invite the Honourable Members of Parliament, including the Speaker, but because of the limited space where the Cathlab is treated, we only extended an invitation to selected Honourable Cabinet Minister and leaders of Political Parties in this Chamber to have joined us this morning to witness the commissioning of the Cathlab and the first open heart surgery to be carried out by the Namibian medical team.

However, this plan was only honoured by two, which are the Honourable Minister of Veterans Affairs and Honourable Chief Riruako. The plan was to allow Honourable Members to have an opportunity to witness open-heart surgery and to see for themselves what the Cathlab is all about. In short, its function is that of opening the closed heart valves. The Honourable Members will therefore be informed when a chance of this nature will arise for them to witness.

I am immensely grateful to Honourable Dr Nicky Iyambo in his capacity as the first Minister of Health and Social Services, along with Honourable Riruako, who honoured us with their presence. As I speak, the second patient is at the table.

I am also pleased to inform the general public that we now have a full functioning medical team of experts, composed of Dr Henning Du Toit, a cardiac thoracic surgeon, Dr Chris Hugo-Hamman, a paediatrician cardiologist and Dr Andreas Wilberg, an adult cardiologist, a perfusionist Mr Mthiyani Nontombeko, radiographers and theatre technique nurses, including a team of medical personnel in support of the Unit. In addition, the team is assisted by Professor John Rossouw who is a veteran cardiologist.

The cardiac unit consists of two wings, five Intensive Care Unit beds, twelve in-patient beds, monitors and a Catheterisation Laboratory. All these units are equipped with state-of-the-art medical equipment.

Following the above, this afternoon we are witnessing the first open heart

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**MINISTERIAL STATEMENT
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surgery while another one will be carried out tomorrow. Honourable Speaker, the invitation still stands to the Honourable Members who did not make it. We still need you to attend.

Namibia records more than three thousand cardiac cases annually, some of them needing surgical correction to improve the quality of the lives of the patients. Previously, Namibian heart patients would have to be flown to South Africa and Kenya for treatment, an exercise that was not only expensive to both the patients and the Government in terms of resources, but also had an emotional drain effect on those who had to travel miles away from home. I wish to take this opportunity to express our profound gratitude to the Government of South Africa for the technical support in this endeavour. We are also very grateful to the Government of Kenya who extended immense support during the early stages of the establishment of the unit.

What then is the way forward? About 160 heart patients are expected to be treated on an annual basis with effect from 2011. The plan is to move from easier to cases that are more complicated once the staff complement of the Cardiac Unit will have been expanded. I am grateful to announce that this cardiac unit will not only treat Namibian patients, but will also be extended to treat patients from the rest of SADC member states and beyond in the future.

As we pride ourselves of this achievement, we are also mindful of the fact that cardiac care is an expensive adventure that requires adequate financial resources and political commitment from both sides of the spectrum. I am confident that as Government we will strive to ensure sustainable service delivery of this important unit through the allocation of adequate financial resources and required personnel.

On this note, Honourable Speaker, Honourable Members, I would like to thank you most sincerely for your kind attention.

HON SPEAKER: Thank you very much, Minister. We are proud, we are happy, we are thankful to you as the incumbent Minister of Health and Social Services and your worthy predecessors who have laid the foundation stone for

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RT HON N ANGULA**

health care in our country and appreciating how far we have come down the road. In congratulating you, I remember your late Colleague, Dr Shabalala, of South Africa who was also present on that occasion, that she is happy, smiling, sitting next to the God's side upstairs and witnessing this. Keep up the good work, there is still a lot to do. There are some hearts, even sitting in this Chamber that would need repair. Thank you.

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

**TABLING: 2009/2010 ANNUAL REPORT
PUBLIC SERVICE COMMISSION**

HON DEPUTY PRIME MINISTER: Comrade Speaker, I lay upon the Table, the Annual Report of the Public Service Commission of Namibia for the period 1 April 2009 to 31 March 2010.

HON SPEAKER: Will the Honourable Member table the Report? Any other Reports and Papers? Any Notices of Questions? Any Notices of Motions? Honourable Prime Minister.

NOTICE OF MOTION

RT HON PRIME MINISTER: Thank you, Honourable Speaker. I give Notice that tomorrow, Wednesday, the 20th of October 2010, I shall Move –

That this Assembly –

In terms of Article 112(3) of the Namibian Constitution, “*the Public Service Commission shall consist of a Chairperson and not less than three and no more than three other members nominated the President and appointed by the National Assembly by resolution*”.

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Additionally, the Public Service Commission Act of 1990 (Act 2 of 1990) states 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.”*

In this regard, His Excellency has nominated Mr Eddy Amkongo who is currently serving as the Chairperson of the Public Service Commission and appoints Mr Philemon Kondja Kambala, Ms Veronica Magdalena Deetlefs and Mr Steve Motinga as members of the Public Service Commission on recommendation by the President by resolution.

HON SPEAKER: Will the Honourable Prime Minister table the Motion? Any further Notices of Motions? Honourable Van Der Walt.

HON VAN DER WALT: Thank you, Honourable Speaker. Honourable Members of the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration were tasked to scrutinise and report to this august House on the Motion on Industrial Property Bill tabled by Honourable Tweya on 6 April 2008.

Honourable Speaker, Honourable Members, I beg for the lenience of this Assembly to grant the Committee additional time to properly scrutinise the important Bill and report back on the 15th of March 2011. As this Motion could have implications on the broad spectrum of the Namibian population, it is absolutely necessary to ensure that all stakeholders are consulted.

Honourable Speaker, your kind consideration and agreement to this request will be highly appreciated. I so Move.

HON SPEAKER: Will the Honourable Member table the Motion? Any further Notices of Motions? Ministerial Statements? The Secretary will read the First Order of the Day.

**COMMITTEE STAGE: SECOND REGIONAL COUNCILS
AMENDMENT BILL**

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**COMMITTEE STAGE: REGIONAL COUNCILS
AMENDMENT BILL
HON EKANDJO**

HON SPEAKER: Does the Honourable Minister of Regional and Local Government, Housing and Rural Development move that the Assembly now goes into Committee?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I so Move, Honourable Speaker.

HON SPEAKER: Any objection? Agreed to. The Chairperson of the Whole House Committee shall take the Chair.

ASSEMBLY IN COMMITTEE:

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to order. The Committee has to consider the Second Regional Councils Amendment Bill.

Clauses and Title put and agreed to.

I shall report the Bill without Amendment.

ASSEMBLY RESUMED:

Bill reported without Amendment.

**THIRD READING: SECOND REGIONAL COUNCILS AMENDMENT
BILL**

HON SPEAKER: Does the Minister Move that the Bill be now read a Third Time.

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**THIRD READING
REGIONAL COUNCILS AMENDMENT BILL
HON EKANDJO**

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I so Move, Comrade Speaker.

HON SPEAKER: Any objections? Agreed to. Any further discussion? Does the Minister wish to reply?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, Honourable Members, first of all I would like to thank all those Honourable Members who supported the Bill, except Honourable Von Wietersheim who was confused. We still remember what happened forty years ago in the seventies, but the Honourable Member left the House yesterday.

With that, Comrade Speaker, Honourable Members, I thank everybody who supported the Bill, except one Member who was confused.

HON SPEAKER: I now put the Question, that the Bill be now read a Third Time. Any objection? Agreed to. The Secretary will read the Bill a Third Time.

SECOND REGIONAL COUNCILS AMENDMENT BILL

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

**RESUMPTION OF SECOND READING:
SPECIAL ADVISORS AND REGIONAL GOVERNORS
APPOINTMENT AMENDMENT BILL**

HON SPEAKER: When this House adjourned on Thursday, 14 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Regional and Local Government, Housing and Rural Development,

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HON NYAMU

that the Bill be read a Second Time. Honourable Nyamu adjourned the Debate and he now has the Floor.

HON NYAMU: Honourable Speaker, Esteemed Colleagues, since this is my so-called maiden speech following my swearing-in some three weeks ago, I would like to seize this opportunity to acknowledge the good reception accorded to us by fellow Members of Parliament, both from the Ruling Party as well as from the other Opposition Parties represented in this House. My Colleagues and I look forward to a promising future and cooperation based on mutual interest between members of the Rally for Democracy and Progress and those of other Political Parties represented in this august House. The cooperation so envisaged would propel us to debate and pass good laws to consolidate our democracy. We owe it to ourselves to work as a team despite our political differences in order to continue to build a strong and prosperous country, which our generations will be proud of.

Honourable Speaker, while Political Parties in the House will continue to retain their identities, the time for cooperation envisaged requires parties to put emphasis on those commonalities that bind us together, rather than incidentals that divide us. It requires that we oppose and listen to each other before we shout each other down. Listening to each other would lead us to discover and appreciate the fact that all Parties in this House can contribute to the enrichment of decisions for the good of our common homeland. After all, our cardinal task in this House is to serve our country well. Needless to stress, we are all proud sons and daughters of the same country.

Honourable Speaker, I would now like to make pertinent observations regarding the spirit and the content of the Bill before us.

In the first instance, the title of the Bill appears to be lopsided, putting more emphasis on the advisors than the Governors themselves do. In my humble view, the title should read as follows, “*Regional Governors and Special Advisors Appointment Bill*”. Then the emphasis would be on Governors and not on the advisors.

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Honourable Speaker, the timing for the tabling of this Bill just a few weeks before the commencement of the next Regional and Local elections suggests that this Bill is indeed a political ploy, intended to provide the Ruling Party with a face-saving mechanism or device in the event it fails to dominate the coming elections. With the exception of the Kunene Region, the Ruling Party has had the monopoly of political control over the rest of the administrative Regions through the Regional Councils, but today the same Party is afflicted with real and different problems due to its dismal failures to deliver on its promises and its transgressions of the national laws.

Meanwhile the birth and growth of the RDP Party, which is today the Official Opposition, have added to the state of political panic in which the Ruling Party finds itself today. These fears are the main cause for the tabling of this Bill. This Bill is a result of panic and fear. Therefore, the RDP categorically submits to this House and to the country at large that the statements alleging possible threats to the unity and security under the present political structures at the level of regional administrations are far-fetched, misleading and outright false.

Twenty years after Independence Namibia is, in our view, united in spite of dismal efforts to declare certain parts as no-go areas during election periods. If we one day encounter national divisions, it would be due to political intolerance and incitement, for which SWAPO is well known.

Honourable Speaker, we are clearly witnessing history repeating itself in this House. Some ten years ago in this same House, we were treated to a similar comedy. A plea was made for this House to extend the presidential term of office for our first President beyond the presidential term as provided for by the Constitution. (Intervention)

HON MINISTER OF JUSTICE: Honourable Speaker, I stand up to seek clarity. When a question was posed previously whether a Member was speaking under the protection of a maiden speech, we were told the person has served Parliament before and, therefore, cannot seek that protection. Now I want to be guided in this instance.

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HON SPEAKER: That stands. It was a good Ruling. I agree with that Ruling.

HON MINISTER OF JUSTICE: May I ask the Honourable Member a question?

HON NYAMU: It is my maiden speech. Arguments were advanced to justify the Amendment to the Constitution. (Intervention)

HON MINISTER OF JUSTICE: On a Point of Order.

HON SPEAKER: What I understood in terms of the Ruling by my Colleague was that we would deal with each case on a case per case basis. Some of you are veterans, you are the founders of this Parliament and drafters of the Constitution. Somebody that I recognise as being brand-new, that person is protected. Honourable Nyamu is not a newcomer to this Chamber, neither Honourable Hamutenya nor Honourable Von Wietersheim. Therefore, you are on your own, Honourable Nyamu.

HON MINISTER OF JUSTICE: Honourable Speaker, it is true that the marriage two weeks ago between the Party for which the Honourable Member is speaking and another Party, a one-man Party, has been dissolved? Is that true?

HON SPEAKER: Minister, that is irrelevant,. Continue.

HON NYAMU: The tabling and motivation of that Bill was by no other than Honourable Gottfried Hage Geingob, our first Prime Minister. Figuratively speaking, he sold us a product he very well knew was defect. Sadly, he is again trying to sell us another defect product. (Intervention)

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HON MINISTER OF FOREIGN AFFAIRS: On a Point of Order. I want to be guided. Are we discussing the Special Advisors and Regional Governors Appointment Bill. Has the Honourable Member taken the Floor to abuse the Floor in order to attack SWAPO and to launch a campaign, because he is talking about areas declared by SWAPO as no-go areas. We want to clear so that we can launch our own attacks, because we cannot allow a Member to attack the Ruling Party while we have a special topic under discussion. I did not hear anything about the Regional Governors and special advisors.

HON SPEAKER: Minister, you made your point, I do not find what you are talking about. It is a continuation of the discussion that was adjourned and Honourable Nyamu now has the opportunity to make his contribution.

HON NYAMU: Sadly, today the Honourable Minister is again trying to sell us another defect product. (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask the Honourable Member a question? Honourable Member, you stated in the press that you regret being a leader of the national liberation movement. Does it mean that all the years you were just a reactionary and you realised that you were wrong or you pretended to be a revolutionary?

HON NYAMU: He is again trying to sell us another defect product. After the tabling of the Bill under discussion by the concerned... (Intervention)

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Speaker, I need to be guided. I do not have my Standing Rules and Orders here, but the Honourable Member is referring to an Act that was passed by this Honourable House regarding the term of the President as a defect. It is clearly

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stated in our Standing Rules and Orders that an Act has been passed by this Honourable House may not be denounced by a Member of this House. He should withdraw the remark he has made.

HON SPEAKER: Honourable Nyamu, that is a very valid point and I am sure you understand. Withdraw that part and continue.

HON NYAMU: Honourable Speaker, those particular references or remarks are withdrawn.

After the tabling of the Bill under discussion by the concerned Minister, Honourable Jerry Ekandjo... (Intervention)

HON MINISTER OF FOREIGN AFFAIRS: I am rising on the same point, the regional Governors. I want to respond to Honourable Nyamu. On a Point of Order. He made a statement that we have declared the Omusati Region as a no-go area. I want to clarify that on a Point of Information.

Comrade Speaker, you know that Africa has gone through civil wars because of tribal hatred. We have gone through that dark chapter and the Honourable Member is known for coining terms such as "*Omusati Clique*". It is well known that he has coined those things.

HON SPEAKER: Stick to that particular one.

HON MINISTER OF FOREIGN AFFAIRS: Yes, I am sticking to the *Omusati Clique*, that Omusati has been declared a no-go area. Honourable Speaker, we want to make it clear to the public that a lot of suffering has been caused in Africa through the incitement of tribal hatred and Nyamu has been well-known for coining these types of terms and I want to make it categorically clear that Omusati Region is like all the other Regions, there is no difference

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between the Regions. The Honourable Member is free to go and campaign, but because of his own tribal incitement and hatred, he is afraid to go to Omusati now. Not a single SWAPO Member will prevent you from going to Omusati. Why are you saying that the Omusati Region has been declared a forbidden area? It is because you incited tribal hatred. Be careful.

HON NYAMU: I am sorry, Honourable Speaker, I am not in the mood to respond to senseless remarks.

I was saying that the law before us was tabled by Honourable Ekandjo, but suddenly after that Honourable Geingob stepped in to provide lame and false justification for this regressive Bill when he begun to compare the incomparable.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: On a Point of Information, Comrade Speaker. Comrade Speaker, I just want to find out whether it is allowed for the Secretary-General of a Party, especially the RDP, to publish the names of people to stand in certain constituencies but suddenly change those? Is that allowed? They always talk of corruption, but is that not corruption to publish people's name who will stand in constituencies and then to change it? Is this not corruption, Honourable Nyamu? Why did you do this? The Act must be clear so that you do not parade people like that and now you regret that you were a freedom fighter.

HON SPEAKER: The Speaker is at a loss as to where this list is. Maybe Honourable Nyamu would confirm.

HON MEMBER: It has nothing to do with the Speaker.

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HON SPEAKER: I am expected to clear the air. I have not seen the list and the point is directed at Honourable Nyamu to speak to the existence of such a list and you did as alleged.

HON MEMBER: That has nothing to do with the Speaker.

HON NYAMU: If there is somebody who needs those types of explanations, they should come to my office. It is practical to differentiate federal States from unitary States with straight lines. (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: On a Point of Information. Honourable Nyamu has painted a scenario that Dr Geingob, by virtue of having moved a Motion on the third term, which was correctly addressed by Honourable Peya Mushelenga, and he based his argument on falsehood. Deducing from that line of thinking, one would conclude that when the third term was moved, Honourable Nyamu was a Member of Parliament of SWAPO, a serving Minister...

HON SPEAKER: That is something else. That is over. The Deputy Minister of Foreign Affairs reminded us of that Rule, so the third term is history now, we must respect decisions made by this Honourable House. You can say something else but not on the third term. Continue

HON NYAMU: I say it is not practical to differentiate... (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: On a Point of Information. The public outside there should know the Honourable Member was dishonourable by virtue of his actions and what he is repeating here is dishonourable, because he made his notes and when he crosses this side, he will behave the other way around and he is always dishonourable.

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HON SPEAKER: I hope will we refrain from that. The people who elected us expect us to be honourable. That is why keep calling one another as honourable. Whatever the political issues are, we will always regard each other as honourable. Withdraw the charge that the Honourable Member is not honourable.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I withdraw.

HON NYAMU: It is not practical to differentiate federal States from unitary States with straight lines. (Intervention)

HON KAURA: Honourable Speaker, is it possible for us to discuss in the Standing Rules, Orders, and Internal Arrangements how we should conduct business in this House, because before a person has said two words, somebody stands up. How would posterity read the HANSARD of this House? We are turning this House into a charade, we are turning it into a circus. We have listened to other Parliaments in the SADC Region, a person is given a chance to say what he wants to say. Maybe we should discuss it in the Standing Rules.

HON SPEAKER: As long as I am the Speaker and as long as I have this, it will not become that, but I am in your hands. I said the other day that sometimes you play politics and the business of the House gets lost and I have always said, it is not only what we say here to one another, but it is what we are advertising as Parliament outside. We are perceived collectively by the public out there.

HON NYAMU: India, which is a continent of a sort, cannot be compared to Namibia, which is only comparable to a small Indian village. Since Honourable Geingob has always been in the forefront of bulldozing unpopular legislation in this House... (Intervention)

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HON SPEAKER: He can defend himself. I have known him for more than fifty years, he is more than able to defend himself. You should not jump because Honourable Geingob's name has been mentioned.

HON DEPUTY MINISTER OF SAFETY AND SECURITY: I just want the Honourable Member to confirm to this House, because he pretends to be a democrat and he is against this Bill of appointing special advisors and Governors. Can Honourable Nyamu confirm to this House that his candidate for Uukwiyu Uushona is not a voter of that particular constituency? Was this person then elected by the residents of that community or was that person appointed or imposed to go to that constituency? Can you confirm to this House?

HON SPEAKER: The Speaker does not even know about those things. It is the integrity of the Deputy Minister, it is the integrity Honourable Nyamu whether what is alleged is so.

HON NYAMU: Would it not be in order to assume that in addition to his portfolio.... (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Speaker, Honourable Nyamu says since Honourable Geingob is known for bulldozing unpopular legislation in this House, which unpopular legislation did we bulldoze through this House? Can he withdraw? This House never in its twenty years of existence bulldozed legislation. Which one is he referring to? He must withdraw that word.

HON SPEAKER: Honourable Nyamu, you must be specific about which legislation. It is a very important point on the HANSARD of the Parliament. If you could help the Speaker before we rise for tea, which legislation did Honourable Geingob bulldoze through the House and if you can answer

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precisely, as I know you can do, then we shall rise for tea, but for now you must first answer that question.

HON NYAMU: If it is your preference, Honourable Speaker, I will withdraw that remark.

HON SPEAKER: On that note the House shall rise for refreshments.

**HOUSE ADJOURNS AT 15:40
HOUSE RESUMES AT 16:10 PURSUANT TO ADJOURNMENT**

HON NYAMU: Honourable Speaker, in my starting remarks I referred to the title of this Bill and suggested that a correction is made to make it read appropriately, although I do not agree with its tactics. Like many of my Colleagues on this side of the House... (Intervention)

HON MINISTER OF JUSTICE: On a Point of Information, Honourable Speaker. I would like to make an appeal to my SWAPO Party Comrades that they should allow the Honourable Member to finish his statement, because this Honourable Member is known to us, he is the author of the infamous notes that are calling for this Nation to rise up under the leadership of Comrade Hifikepunye Pohamba and revolt. Therefore, there is nothing that we do not know about. Let him talk and finish.

HON SPEAKER: Honourable Minister, as much as I as Speaker welcome that, to instigate revolt in the country is a very serious act. I do not know the extent to which the law enforcement agencies were alert to what would have amounted to bloodshed in the country, whether that is actually, what the Honourable Member was advocating as former Member of Parliament and one of the former top leaders of the SWAPO Party. I very much appreciate as it comes from the Secretary-General of the Party, senior Cabinet Minister that

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the expression of advocating revolt might not be the best way to caution. However, if you want it to stand, it stands. Honourable Nyamu, continue.

HON NYAMU: In my starting remarks, I referred to the title of this Bill and suggested that correction be made to make it read appropriately, although I do not agree with its plan. Like many of my Colleagues on this side of the House, we have certified this House as retrogressive and undemocratic. I would dare to sound a warning that it is counter-productive and a source of unnecessary conflict at regional level. The question is, does the Ruling Party expect majority democratically elected Councillors to cooperate fully or toe the line of unelected Governors who belong to a different party from which they receive orders and instructions? Do you expect them to cooperate with these types of Governors?

The person who is the appointing authority for the Governors and even the advisors is also the same authority apparently to determine their salaries, benefits and conditions of service. This will likely cause the President to transgress the powers of the National Assembly and also the Public Service Commission. It will put our President *on par* with President Robert Mugabe of Zimbabwe who, by the very recently appointed... (Intervention)

HON SPEAKER: Honourable Nyamu, before I give the Floor to Honourable Kawana, would you leave President Mugabe out of this equation? There might be some justifiable grounds in the future.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Speaker, I rise on a Point of Information. The Honourable senior Colleague who is speaking here was part of the Amendment of the principal Act. He supported that Act and in terms of that Act, for the information of the public, it is clearly stated that the President appoints special advisors, determines the terms and conditions. To date those advisors have been appointed from the level of Deputy Director, Director, Under-Secretary, Permanent Secretary, Deputy Minister and Minister. It has been happening even during the tenure of office of the

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Honourable Member when he was part of the SWAPO Party Government, when he was part of the Cabinet. Now he turns around and tries to mislead the Nation.

I also want to ask a question to the Honourable Member. I read the name of a potential candidate for the RDP in Otamanzi and yesterday he never turned up. What happened to that candidate?

HON NYAMU: I will not mention the name of the President, but as you know, appointments were recently made to regional Governors and Ambassadors outside the framework agreement for the Constitution of the Government of National Unity.

Finally, Honourable Speaker, a word of advice: One Honourable Member asked me a question or accused me of tribalism in respect of Omusati Region. If I condemn Omusati on a tribal basis – if you do your research, you will find out that I hail from that Region, which would suggest that I would be naïve to condemn that region on tribal basis. What I have mentioned is the Omusati Clique and most of you will experience the bitter experience I had with that clique, it is just a matter of time. Omusati Region is not tantamount to the clique, the clique is a special and different element and some you are members of that clique. Thank you.

HON SPEAKER: I thank the Honourable Member for his contribution. Any further discussion? Honourable Naholo.

HON NAHOLO: Honourable Speaker, Honourable Members ..
(Interjections)

HON MINISTER OF JUSTICE: I am sorry that I am intervening. Comrade Speaker, I would really like the House to come back to its original form. Maiden speeches have been respected in this House, but maiden speeches were made in such an honourable fashion that other Members do not feel provoked

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to react. The Honourable Member who is about to take the Floor is going to give his maiden speech and I want to accord him that respect, if his speech is truly a maiden speech.

HON SPEAKER: Yes, indeed, I agree and I gave a Ruling, separating some of the former Members who were here from those who are clearly newcomers.

The maiden speech applies to the last category and that is why I allowed interventions why such former Members of this House spoke earlier. As much as I agree with you, Minister, what might be provocative to one side might not necessarily be provocative to the other. It gives the Speaker room to rule, because I would not quite know what is provocative to whom or not. I am sorry that I do not have King Salomon's wisdom, I am just a ordinary boy from Usakos, I am trying my level best to be as impartial as I can. There would be areas where I would have to make judgment as to what is provocative or not.

HON NAHOLO: Thank you, Honourable Speaker, Honourable Members, first and foremost, I would like to use this opportunity to deliver my maiden speech in this august House to express my profound gratitude to the Namibian people for making it possible for me to represent them in Parliament and in particular, members and supporters of RDP. They have gone to lengths through thick and thin to ensure that democracy continues to exist in the Land of the Brave.

Honourable Speaker, democracy entails three major components. One, the people must freely elect their representatives in the system of governance at all levels. Two, the representatives of the people so elected as servants of the people must ensure that the mandate given to them by the electorate is fulfilled to the letter and spirit. This is to say that every citizen enjoys the most fundamental right, the right to livelihood. Three, the people shall have the right to interact with their representatives in the Government, to demand the fulfilment of all promises made during the campaign, among others, health services, education services, social security, shelter, water, employment

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opportunities, etcetera. All these relate to the principle of accountability to the people. This is indeed practical, living, genuine, real democracy.

Honourable Speaker, I will come back to the issue of democracy later for I believe it is the axle around which the political dynamics of Namibia evolve.

There is an old saying, which says it is a nobler fate to be envied than to be pitied. About five years ago, I was pronounced to be history. Peter Naholo is history, so they said, but by that time, I have not even conceived it possible to write my own biography because I felt physically, mentally and politically so strong that I knew I was still useful to the people of Namibia. I also agree with the scientific concept that history is a process and witness of times. Although I am not a Moslem, as you might think, but I am a Christian, allow me to quote the famous statement made by Prophet Mohammed when he returned to Mecca from Medina. He said, *“Praise be to God who made His servant triumph and who fulfilled the promise He made to him. He promised to bring me back to Mecca and He routed my enemies.”* Hilifavali Peter Naholo is back to Namibian politics. Indeed, today my Colleagues and I have returned from the much-celebrated political dustbin to active politics and I thank the Almighty God for that.

Those politicians who do not or cannot understand the dialects of human history shall one day find them disappointed or perplexed by the unfolding political dynamics in Namibia.

Honourable Speaker, Honourable Members, many of us in this august House were one way or the other dedicated freedom fighters who spent years in the bushes and jungles of Namibia, Zambia, Angola, be it at the battlefield, diplomatic field, in offices, in the food production fields inside the country during the liberation struggle. Our physical structures and our emotional behaviours today bear testimony to the bitter, arduous and long struggle for freedom, democracy and national Independence.

Now, I am honoured to quote the historic statement in Pretoria in 1966 by the authentic father of the liberation movement in Namibia, then known as Herman Toivo Ya Toivo, the man known as Tatekulu Andimba

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Toivo Ya Toivo. He said, *“I know that the struggle will be long and bitter, I also know that my people will wage that struggle whatever the cost.”* Indeed, this famous statement and others made by Namibian heroes and heroines at different stages of the struggle sustained us during the decades of liberation war against colonial occupation and foreign military domination.

Honourable Speaker, today we should all be sons and daughters of the Namibian soil without any discrimination based on the colour of skin, ethnic origin, and place of origin, sex, religion and other social vices. We all should have the obligation of protecting our hard-won Independence, in particular our democratic principles and our system of governance as enshrined in our Constitution. We did not fight for our Independence just for the sake of it, we wanted to improve the quality of life in our country by obtaining access to education and training, health services, shelter, social security and most importantly, to the economic mainstream of our country’s natural resources.

Honourable Speaker, Honourable Members of this Honourable House, there is a Bill in this august House. The objective of the Bill, we are told, is to provide for the establishment of a National Employment Service in order to control employment agencies in Namibia. I am not impressed by this piece of legislation. I will be interested in discussing employment creation. It seems we are being asked to climb the tree from the top to bottom. What a futile exercise! It was meant to waste time and energy and, indeed to divert the minds of the people from real problems facing and affecting them, basically the lack of jobs in order to provide a basic income. In fact, there is no point in holding employment summits in expensive hotels or lodges to talk about employment or unemployment. (Intervention)

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:

Comrade Speaker, just to help the Colleague who is a new Member. The Bill on employment creation is still coming and he is supposed to rise under that Bill. For now, we are dealing with a different Bill.

HON SPEAKER: I will allow the Honourable Member to continue, it is a maiden speech.

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HON NAHOLO: I need to stress that the unemployed Namibians need their plight to be addressed now, not tomorrow. The 51.2 % unemployment rate, which is currently ravaging our country, is a time bomb and any iota of delaying employment creation and implementation is shooting oneself in the foot.

Honourable Speaker, serious Governments include in their national development programmes a complement of job creation, the establishment of industries and other development projects, particularly in the field of agriculture and food production. However, for a Government to embark upon those economic ventures, it has to provide in particular financial capital. Everybody in Namibia knows that large amounts of funds, hundreds of millions of dollars and probably tens of billions are being depleted from the State coffers and State financial institutions by unscrupulous and selfish individuals, including members of the Government and yet we are told... (Intervention)

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Comrade Speaker, I am rising on procedural Point of Order, not to disturb the Honourable Member on the Floor, but Comrade Speaker, on the Order Paper we are dealing with Order number 2 and that relates to the Second Reading of the Special Advisors and Regional Governors Appointment Bill and under number 3 we will deal with the Employment Service Bill. The issues that the Honourable Member is raising, which are very relevant, I would like to believe would be very relevant under point 3, which is the Employment Service Bill. I am seeking your guidance, Honourable Speaker.

HON SPEAKER: Yes, we agreed that this is a maiden speech and maiden speeches are all over the place, that there is 51% unemployment, something that we all talk about, that there is a sorry state of education, something that we all talk about at home and wherever we are. A maiden speech is as broad as possible. I am still listening to the Honourable Member to see that he is still in that realm of a maiden speech or getting into what I call politics.

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HON NAHOLO: Honourable Speaker, I was saying that hundreds of millions... (Intervention)

HON MINISTER OF FOREIGN AFFAIRS: On a Point of Information. As Honourable Mutorwa has just mentioned, it seems that there is confusion, because the Debate is centring on the other Bill.

HON SPEAKER: It is maiden speech, we agreed and maiden speeches are allowed to be broad. That maiden speech will, no doubt be touching on issues of unemployment, education and so on, but I am listening to discover something specific that does not border on a maiden speech but entering the area of politics, in which case he will be open for fire and I will allow that.

HON MINISTER OF FOREIGN AFFAIRS: On a Point of Information, I see confusion in his speech and I thought it has been written with the assistance of the hibernators.

HON NAHOLO: If I may continue, I was saying and I have to repeat this because it is very important for the public out there. The public needs to know, the people who are suffering in the streets without a job.

I was saying that hundreds of millions of dollars and probably tens of billions are being depleted from the State coffers and State financial institutions by unscrupulous and selfish individuals, including Members of the Government and yet we are told that Government is now willing to create jobs. (Intervention)

HON SPEAKER: Now you are in the realm of that area, you are accusing some members of Government. Unless you have given me a list somewhat secretly, I would not now whom you are talking about. You are generally accusing members of the Government, including those who are sitting here, meaning Ministers and Deputy Ministers and others. You are now leaving the

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area of a maiden speech and getting into the political arena and I will rule on that basis, I will allow them to take you to task on what you are saying. Continue.

HON NAHOLO: Honourable Speaker, job creation has an unbearable interlink with education and training.(Intervention)

HON MINISTER OF JUSTICE: On a Point of Order. Now that the Honourable Member is accusing those in the Government and others for having enriched themselves, I would like to request the Honourable Member to provide a list. Failing to do so, he must withdraw that statement. (Intervention)

HON SPEAKER: I also said that I do not have the benefit of the list of those who may have enriched themselves. That is in the arena of Party politics, but I will allow any Member from the Government side to take the Floor and to refute what he has said. I do not have the list, but I will not ask him to withdraw, but I would allow the free-for-all as we do with others. On that one, you do not have my protection, you have to survive on your own.

HON NAHOLO: Honourable Speaker, I did not attack any Member personally, I made a general statement. If there is a Member who is affected personally, then he should stand up and I will apologise. (Interjections).

HON SPEAKER: Let us listen to one another. In response to the Minister of Justice, I have said I will not honour a request to ask the Honourable Member to withdraw what he has said in making the allegation against the Government Members, but I said on that one I am not going to apply the Rule under which you protect the one making a maiden speech. The Floor is now open to you to take the Floor and to refute what he has said.

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:

Honourable Speaker, on a Point of Order. Can the Honourable Member deny or accept as truth that while he was the Acting Secretary-General of the National Union of Namibian Workers he was entrusted with poor people's money, N\$20,000 to be exact, that up to today he could not account for?

HON NAHOLO: Honourable Speaker, I want to withdraw the remarks that I made about the Government Members, but the other point is irrelevant and it is a lie. It is a big lie. I do not think the Member is expressing his own opinion. (Interjections).

HON SPEAKER: I have the Deputy Speaker to assist me and if we reach a point of breach of law, I have the Attorney-General present in the Chamber to assist me on matters of law. I do not invite other assistance other than my Deputy Speaker to assist me.

HON NAHOLO: Honourable Speaker, I was just saying job creation... (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: On a Point of Information. Five years I have been part of this Government and there is definitely no proof that I have stolen any money.

HON SPEAKER: If you were all Members of my traditional community, I would have allowed you to confess to me, but I do not expect you to do that. If you feel that you should stand up one by one to confess, I am not interested in that. However, for those of you who are Members of my traditional community, I will make arrangements.

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HON NAHOLO: Honourable Speaker... (Intervention)

HON DINGARA: On a Point of Order. Honourable Speaker, a maiden speech must also reflect the truth, but I am rising to be assisted by you because I have experienced that if someone says “*you lie*”, you used to correct the people that must withdraw. Is it allowed when a person is making a maiden speech to say somebody is lying, because I heard him saying to Honourable Muheua he was lying? Is it allowed to use that word during a maiden speech?

HON SPEAKER: This word exists in the real world, but here in Parliament, the House of Honourable Members, we try to say the same thing but we use other words, partial truth, be economical with the truth. We do not have to use the word “lie” even if we have evidence that indeed the lie has been committed. We do not have that language. You are right and that is what I wanted to say.

HON NAHOLO: Honourable Speaker, job creation has an unbearable interlink with education and training. The billions of dollars being misappropriated and mismanaged by the Government of the day could create sufficient schools and institutions of learning in all corners of Namibia, but we all know the deplorable state of education and training in Namibia. How can we talk about employment creation when our children are not being provided with... (Intervention)

HON MINISTER OF JUSTICE: Comrade Speaker, I will continue to rise as long as the Honourable Member is being economical with the truth or wants to twist facts. The records of this House cannot remain with the statement he just made that huge amounts of money are being misappropriated. He should prove to this House how this money is being misappropriated by the Government. If we are so ignorant, as Members of Parliament, then I do not know what education we are giving to the public. If we cannot make a difference between the Government, the Legislature and the Judiciary, to which of these three branches does GIPF belong and where is Air Namibia?

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Please let us speak about factual things that can stand the test of time, entered into the records of this Honourable House, and not give political statements to buy votes. The statement made by the Honourable Member is not true and, therefore, cannot be recorded as the truth unless he provides specific and quantitative examples of the money misappropriated by this Government. Moreover, we have money that went missing from the ODC. ODC is a department within the Ministry of Trade and Industry. There were two consecutive Ministers, who are now in the Opposition. Moreover, this Opposition is telling us, the Government has misappropriated money.

Where is that money, hundreds of millions of Namibian Dollars? The list is long but please, let the Official Opposition take an Official Position that is credible, factual and the Nation will take them as such and not to make propaganda here.

HON SPEAKER: Before I come to that point, I had earlier said something but I did not ask you to withdraw the word “lie”. Will you do that? That is what I am asking those who are taking issue with the Honourable Member to do, to refute, provide evidence, provide arguments and to refute the record and that is what you have done. Continue.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Speaker, I am rising on a procedural issue and I need to be guided on that. The *onus* or burden of proof, according to our Rules, does not rest on he who opposes. According to our Rules, and I quote Rule 108(g): “*A Member may not refer to the names of persons or any statements of fact unless they are necessary to render the question intangible and can be authenticated*”. In this case, the burden of proof is not upon Government, but the Member is prohibited to make the statement that he made, Honourable Speaker. The statement that the Honourable Member has made goes out to the public and the impression created is that the Government of the day is misappropriating and based on this Rule, I ask the Member to withdraw.

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HON SPEAKER: Yes, that is what the Minister of Justice just said and that ought to reflect on the Record that what the Honourable Member said has been disputed and the Minister of Justice provided arguments. Therefore, it is not only his allegation that stands but the refutation also stands. The public will judge on that basis.

HON NAHOLO: This will be the responsibility of any responsible and accountable Government to provide vocational institutions in order to arm the young people with the knowledge that is required in the job market, whether in Namibia or outside Namibia. Once knowledge has been acquired, automatically you become marketable. Therefore, what the Honourable Minister needs to do is to create a Department of Employment Creation within the Ministry if it is not in existence already, employ the most competent staff who is capable of analysing employment trends in the whole country, analyse statistics of unemployed versus vacancies and recommend employment opportunities.

Honourable Speaker, Honourable Members, now I come to the issue you wanted me to address earlier. Before us there is another Bill called Special Advisors and Regional Governors Appointment Amendment Bill, which invites us to appreciate an opportunity to review certain decisions in a more critical approach rather than business as usual. The institutions of Regional Councils throughout the country are given the mandate by law to appoint from amongst themselves a Councillor who is qualified and competent to hold office as Governor of the Region. It is repeatedly said that if you accept to live in a democracy, you must get ready to pay a very expensive price because apparently it is not cheap to live in a democracy. This Bill in its form and style represents a desperate measure by a desperate sponsor, who has lost touch with reality and the needs and aspirations of the masses.

You cannot substitute democratic process with undemocratic ways of doing things. (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT: Comrade Speaker, I just want

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clarity. When we agreed here last week, we agreed that only one member of the RDP, one member of “*really the people are disappointed*” will speak. We agreed that Honourable Nyamu would take the Floor on condition that we go to Committee Stage. I could have used the Rules to block it and then we agreed that he would speak on condition that we go to the next stage. I want to be guided.

HON SPEAKER: Probably it was an oversight on the part of the Speaker. My own recollection is that Honourable Nyamu adjourned the Debate on the Motion. I do not know whether we actually said that only he would speak. I cannot stop him now in mid-stream. I take blame for it, but I cannot stop now.

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Just for clarity, once he has spoken, then we go into the Committee Stage because that was the agreement. Otherwise, we could have stopped it on Thursday.

HON SPEAKER: It must have slipped my mind. I clearly remember that Honourable Nyamu who adjourned the Debate would be the first to speak, but we are already too far we are really too far into it, so let him continue.

HON NAHOLO: We cannot substitute the democratic process with undemocratic ways of doing things and the people of this country are there to judge. The Regional Governors are servants and instruments of the people who should be welcomed by them as their true representatives, elected by them and not imposed on them to serve a political master.

Let me quote the words of another African leader who hailed from West Africa and who was one of the pioneers of Africa’s liberation movement. He once said, “*The people are only sovereign for only one day that is Election Day. Once they have elected the Members of Parliament for a five or a seven-year*

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term, those Members are now free at all times to oppose the aspirations of their supporters, to pass reactionary resolutions and laws against the interest of their mandators.”

Honourable Speaker, Honourable Members, you can speak here in rhyming language whatsoever, you can speak in languages similar to those spoken by angels to defend this Bill, you can now and again boast about your numerical strength, which is also questionable, but the point remains that you are reversing the achievements and gains made so far in our democratic process. I must point out that the people out there are shocked.(Intervention)

HON MINISTER OF JUSTICE: The numerical strength of the SWAPO Party Members of Parliament is not questionable. We were elected by the Namibian people in November last year. We were sworn in here by a Judge of the Supreme Court. Nothing is illegal here and your statement is out of context and out of place. It does not belong to Parliament and, therefore, you must withdraw it.

HON NAHOLO: For the sake of progress, I withdraw. I must point out that the people out there are shocked and highly apprehensive to learn that the institution they have democratically elected is now used as a launching pad for the Head of State to seize the sovereign power of the electorate. (Intervention)

HON MINISTER OF FOREIGN AFFAIRS: On a Point of Information. We know that all failed politicians always say that they are the representatives of the people. Once you have entered into a contest and lost, please accept it. You are bad losers and that is the problem of Africa. SWAPO is the sole and authentic representative of the Namibian people. It has been proven at the UN, we have proved it here through all the consecutive elections and we have proved it last year again. Now you are questioning the authenticity of our presence here. Who are you? You are quoting, “*the people out there*”. Which people? You have been rejected!

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HON MOONGO: I would like to ask my Colleague, do you know how many times was SWAPO taken to Court? How many times were they taken to Court after elections? He has now been captured red-handed.

HON NAHOLO: In conclusion ... (Intervention)

HON DINGARA: On a Point of Information. Since the Honourable Member has withdrawn his entire speech he has nothing to conclude.

HON SPEAKER: That is not how the Speaker sees it.

HON NAHOLO: Honourable Speaker, in conclusion, in the true sense of the word, I wish to express my strong conviction that a multi-party system of Government is a prerequisite for a socio-economic progress. Multi-partyism, however, shall not thrive in a country where dishonesty and blatant violation of democratic principles, in particular with regard to the holding of periodic elections for the people to elect their representatives in the Government. I thank you very much for your lively attention.

HON SPEAKER: I thank the Honourable Member for his contribution. Any further discussion? Does the Honourable Minister of Regional and Local Government, Housing and Rural Development wish to reply?

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you, Comrade Speaker. Comrade Speaker, in the first place, the last Honourable Member said the purpose of this Bill is that the Head of State could seize the sovereign power of the people. Article 32(3)(dd) of the Constitution of the Republic deals with Functions, Powers and Duties of the President. It says, amongst others, "*appoint the following persons: (ee) any other person or persons who*

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are required by any other provision of the Constitution or any other law.” Therefore, the President has the power. I am saying this because he implied that the President wants to seize the sovereign power. The President has been elected by the people, he has been given that power, he must understand that, and it will forever be a SWAPO President, not an RDP one.

Comrade Speaker, in 1989 the DTA had twenty-one seats, in 1994 they had fifteen, with the third election seven, the following election five and today two.

In 1999, the CoD had seven seats, the following election five and today one. Honourable Speaker, what I want to say, in the seventies you were the SWAPO Representative at the UN and when the Security Council came up with the idea of Resolution 435, P W Botha and Pik Botha called Dirk Mudge, Jannie de Wet and Kosie Pretorius to Pretoria. They were told that the sanctions were biting South Africa, because in the late seventies South Africa was spending more than R7 million per day to sustain its army here. Then they were told that they should come back and start the so-called Turnhalle Beraad to collect some of the so-called tribal entities in Namibia and to bring them together so that they can form the so-called Interim Government.

In 1978, there was a so-called election here, which South Africa claimed the DTA won. Now the South African racist apartheid white minority regime is no more here, including the South African flag, not in Namibia, nor in South Africa. The animal that created the DTA is no more there, therefore the DTA is falling apart. Now it is the RP, NUDO, they are disintegrating and it means after the next election the DTA will not be here. (Intervention)

HON KAURA: With all the power at your disposal, why do you have the CoD, you have the RDP, you have people in Okahandja that are breaking away from SWAPO? You no longer have fifty-five seats. You have fifty-four.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Coming to the CoD, Honourable Speaker, how did the idea of the third term come about in 1998,

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the third term that Honourable Nyamu claims that Honourable Geingob bulldozed through here? The third term came about as follows: In 1989, the people voted for the Members of the Constituent Assembly and towards the end of 1989, the Constituent Assembly was constituted. The Constituent Assembly came up with the Constitution of Namibia, which was adopted on the 9th of February in front of the Parliament Building. This Constitution says the President of the Republic will be elected by the people. The UN term of office was only for twelve months and it was about to end in March. That is why the Constituent Assembly transformed itself into a National Assembly. That time we were sitting in a horseshoe-like circle in this building. Honourable Geingob was the Chair of the Constituent Assembly, but on the day the National Assembly was sworn in, the late Chief Justice Becker asked the Members of the Constituent Assembly when it transformed itself into a National Assembly to elect the Speaker. We nominated the late Tjitendero and the DTA nominated Matjila. Then we defeated them through secret ballot. Then the question was asked to elect the President of the country and we elected Dr Sam Nujoma unanimously, there was no opposition. Then he served for the first five years.

HON SPEAKER: Minister, are you responding?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I am responding. He mentioned the unpopular legislation. In 1994 we went for elections and the people elected Sam Nujoma for the first time in 1994 and he served his second term and he was supposed to go, but the people said according to the Constitution we must elect our President, he should serve two terms. We told them no, it is his second term, he was elected in 1990 and they said no, in 1990 it was only the 72 Members of the National Assembly who elected him, not us, we want to physically elect him for the second time and an opportunity was created for the people to elect him for the second time and not a third time. (Interjections). It is not an unpopular demand if the people of Namibia say they want to elect Sam Nujoma two times.

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Comrade Speaker, the same year the rebels almost took over Kinshasa and then the SADC countries came together and asked Members to assist because there was a request from the DRC. Angola, Namibia and Zimbabwe said they are going to assist. Honourable Ulenga was the Namibian High Commissioner in London and because the NDF were in the DRC...

HON SPEAKER: Honourable Minister, your reply is losing the essence of a reply. You are replying to the Motion, so many things were said. Why do you particularly want to zero in on this chronology? You should answer specific questions or arguments.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** In short, the third term is no more there, our forces are no more in DRC, that is why the CoD is disintegrating because the things that held them together is no more there.

Coming to Honourable Nyamu's questions, we had an extraordinary conference and the Honourable Member was on this side. When for one or other reason they were not elected, they opted to resign. Honourable Nyamu loved SWAPO very much, he did not leave SWAPO voluntarily, and we had to force him out. He even appealed and said, "*Please, I want to be readmitted*" and we put our foot down and refused. He is the only Member there who did not leave SWAPO voluntarily, we had to kick him out

Honourable Von Wietersheim, who wanted to lecture us yesterday, resigned without knowing in the Cabinet. He talks of democracy, but when the majority of Members of Cabinet took a decision, he became so angry that he took his books and walked out of Cabinet. (Interjections).

HON SPEAKER: It is a reply, I did not allow the others. If I order you to sit down, you should sit down, Von Wietersheim. I know you are stubborn, but I am also stubborn. There is only one boss in this House. I did not give the others a Point of Order. Honourable Ulenga wanted a Point of Order.

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Honourable Kaura, I had to give him the Floor, but they did not demand as you are trying to do.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** The people of Namibia have given SWAPO power. The next election we are going to cover all those seats. We have the power even to block a Motion moved by any Member of the Opposition, but because we believe in democracy, we allow you to make your speeches. We could easily block you from taking part in the discussions and I hope the new Members will not get high blood pressure. Once you are here, you have to know the game.

If somebody says the President wants to seize power, Honourable Naholo, you were not here when the Constitution was written. We are the founding fathers, it was based on SWAPO's constitution. When we drafted the Constitution, Comrade Geingob, who was the Chair, requested the Parties to bring their draft constitutions and the SWAPO Party Constitution served as the working document. Now you cannot come and lecture us on something we did here, not you. We are the ones who should lecture you.

The Regional Councils Act and the Local Authorities Act are our babies, I was the Deputy Minister of Local Government and Housing, and we brought it here. The Constitution says the Regional Councils on the first day after being appointed by the magistrate will elect the Chairperson of the Management Committee. That is here, they will elect a chairperson who will chair the Management Committee, not a Chairperson to rule the whole Region – never! A Chairperson to chair the meetings of the Regional Council and after that to concentrate on his or her constituency. The Constitution does not say the Chairperson should supervise the whole Region.

In 1992 when we were passing, the laws here and we were talking of a Chairperson and Honourable Rukoro proposed the word Governor. He said, could we not make it the Governor because we have some old people here, Ya Toivo, the President Pohamba, late Peter Mweshihange and one day they will be Governors. That is how we coined the word Governor. It was coined from here. That is why, when Comrade Nicky Iyambo was the Minister of

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Regional, Local Government and Housing, he made an Amendment to put in the powers and functions of the Governor. It is in the Act and the Act is amendable, it is not static.

You cannot now come, teach us here, and say the President wants to seize the power. Who gave the power to the President? The President can dismiss this Parliament if he wants to. It is here. He has the power to dismiss the Parliament.

HON SPEAKER: Yes, the President can initiate that process, but the President also has to declare new elections.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** This Constitution is the Supreme Law and it gives the President power to appoint any other person he or she deems fit. Therefore, do not come and lecture us here that he wants to seize power of the people. Who is the power? The President is the power of the people, SWAPO is the people, and the people are SWAPO! I thank all the Members for supporting the Amendment Bill.

HON SPEAKER: I now put the Question, that the Bill be now read a Second Time. Any objection? Agreed to.

**SPECIAL ADVISORS AND REGIONAL GOVERNORS
APPOINTMENT AMENDMENT BILL**

HON SPEAKER: Does the Honourable Minister of Regional and Local Government, Housing and Rural Development move that the Assembly now goes into Committee?

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HON EKANDJO/HON VON WIETERSHEIM**

**COMMITTEE STAGE: SPECIAL ADVISORS AND REGIONAL
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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I so Move, Comrade Speaker.

HON SPEAKER: Any objection? Agreed to. The Chairperson of the Whole House Committee will take the Chair.

ASSEMBLY IN COMMITTEE:

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to order. The Committee has to consider the Special Advisors and Regional Governors Appointment Amendment Bill.

Clauses 1 and 2 put and agreed to.

Clause 3 put.

HON VON WIETERSHEIM: Honourable Chairperson, in Clause 3, the terms and conditions of employment of Regional Governors shall be determined by the President. The determination of remuneration and benefits by the President is subject to the Public Office-Bearers Remuneration and Benefits Commission Act. Therefore, this is basically a very technical point and I would like to move an Amendment.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can you repeat the Clause and Sub-Clause on which you want to move an Amendment?

HON VON WIETERSHEIM: Are we talking on Clause 3 now? Honourable Chairperson, can you give me the exact name of the 2(1)?

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HON IIVULA-ITHANA**

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Member, I have already put Clauses 1 and 2 and we are now busy with Clause 3. Do you have any Amendment on Clause 3?

HON VON WIETERSHEIM: Yes, I have an Amendment on Clause 3 and I was explaining that this is a rather technical Amendment, because the terms and conditions of employment of Regional Governors shall be as determined by the President in terms of the Public Office-Bearers Remuneration and Benefits Commission Act.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Member, it seems your Amendment relates to Clause 2 and we have already passed Clause 2. We are now at Clause 3, which is the short title. Honourable Minister of Justice.

HON MINISTER OF JUSTICE: Comrade Chairperson of the Whole House Committee, I think the Honourable Member has two problems. The first problem is that he probably did not consult the Line Minister on the proposed Amendment. The second problem is that he was left behind, we have already adopted Clause 2 and we are now on Clause 3, the short title. They are not very new and that is what I referred to when I said that the time that passed has done damage to their minds. It is unfortunate that there were no consultations and we have already passed that Clause.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: I again put Clause 3.

Clause 3 put and agreed to.

I shall now report the Bill without Amendment.

ASSEMBLY RESUMED:

Bill reported without Amendment.

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**THIRD READING
SPECIAL ADVISORS AND REGIONAL
GOVERNORS APPOINTMENT AMENDMENT BILL
HON EKANDJO/HON VON WIETERSHEIM**

HON SPEAKER: Does the Honourable Minister of Regional and Local Government, Housing and Rural Development move that the Bill be now read a Third Time?

**THIRD READING: SPECIAL ADVISORS AND REGIONAL
GOVERNORS APPOINTMENT AMENDMENT BILL**

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, I so Move.

HON VON WIETERSHEIM: I object.

HON SPEAKER: The House is divided.

In favour: 44
Against: 11
Abstentions: 2

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, I wholeheartedly thank all the Members present on both sides for supporting the Bill.

HON SPEAKER: The Secretary will read the Bill a Third Time.

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

19 October 2010 **SECOND READING: EMPLOYMENT SERVICE BILL**
HON KAZENAMBO

RESUMPTION OF SECOND READING:
EMPLOYMENT SERVICE BILL

HON SPEAKER: When the House adjourned on Thursday, 14 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Labour and Social Welfare, that the Bill be read a Second Time. The Honourable Minister of Youth, National Service, Sport and Culture had the Floor.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Honourable Speaker, in light of the time, I would like to adjourn this Debate until tomorrow, 14:30.

HON SPEAKER: Any objection? Agreed to. The House stands adjourned until automatic adjournment until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2010.10.20 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
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The Assembly met pursuant to the adjournment.

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

HON SPEAKER: Any Petitions? If my memory serves me well, since the birth of this Assembly we only had one petition and of all things, it was about the Shebeens, but the Speaker must start with enquiring about petitions. This is one of the ways in which there is interaction between the Parliamentarians elected by the people and the broader society. Maybe we need to do more to encourage the people, maybe at our own peril that they have that option to bring their preoccupations about what we are here for to the attention of the House.

HON SPEAKER: Any Reports of Standing or Select Committees? Other Reports and Papers? Any Notice of Questions? Any Notice of Motions? Ministerial Statements? The Notice of Motion is one of the Prime Minister. Does the Right Honourable Prime Minister Move the Motion?

**NOMINATION OF MEMBERS TO THE
PUBLIC SERVICE COMMISSION**

RT HON PRIME MINISTER: I so Move, Comrade Speaker.

HON SPEAKER: Who seconds? Any objections? Agreed to. The Prime Minister has the Floor.

RT HON PRIME MINISTER: Thank you, Comrade Speaker, Honourable Members. Article 112 of our Constitution established the Public

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**NOMINATION OF MEMBERS
TO PUBLIC SERVICE COMMISSION
RT HON N ANGULA**

Service Commission, which has the function of advising the President on matters, referred to in Article 113 of our Constitution. In terms of Article 112(3) of the Constitution, the Public Service Commission shall consist of a Chairperson and no fewer than three and no more than six other persons nominated by the President and appointed by the National Assembly by resolution.

The term of office of the current Chairperson of the Commission will come to an end on 14 February 2011. In that connection, His Excellency President Pohamba has decided to renew the terms of Ambassador Amkongo as Chairperson of the Public Service Commission in keeping with the provisions of Article 112(3) of our Constitution.

Furthermore, three vacancies will occur on the Public Service Commission due to the expiry and non-renewable of the terms of office of the current three members of the Public Service Commission. In keeping with the provisions of Article 112(3), His Excellency President Pohamba has nominated the following individuals, Ms Wilma Deetlefs, Mr Steve Motinga and Ambassador Philemon Kondja Kambala, for appointment as Members of the Public Service Commission.

In order to provide the Honourable Members of this august House with relevant background information, yesterday I have circulated copies of the nominees' *curricula vitae*. It is, therefore, my hope that all the Honourable Members have had a chance to go through the *curricula vitae*. All three nominees have served with distinction in various capacities in the Public Service of Namibia.

However, for the benefit of those who may not have had a chance to go through these documents, I should mention that Ms Deetlefs is a committed and experienced Civil Servant who will bring a wealth of her experience to the Commission. Equally, Mr Motinga has served with distinction in the Public Service for many, many years and will bring a very welcome perspective to the Public Service Commission. Ambassador Kondja Kambala comes with an exposure not only of the Civil Service but also of the Diplomatic Service.

Honourable Speaker, I request this august House to reappoint by resolution Mr Amkongo as Chairperson of the Public Service Commission and to appoint

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SERVICE COMMISSION
HON TJIHUIKO**

Ms Wilma Deetlefs, Mr Steve Motinga and Mr Philemon Kondja Kambala as members of the Public Service Commission. I so Move and I thank you.

HON SPEAKER: Any further discussion? Honourable Tjihuiko.

HON TJIHUIKO: I thank you, Right Honourable Prime Minister, for having introduced your Motion, requesting us to support the candidates you have just mentioned. Looking at the background and personally knowing some of these colleagues, I do not have a problem with the appointment of the colleagues. There you have my support. However, there are a few things that one needs to know.

The objective of the Public Service Commission is to ensure that Namibians have equal access to employment opportunities in Government. Among others it is also to ensure that there will not be any nepotism or favouritism in employment of people in the Public Service and being one of the people who had an opportunity to look through the Auditor-General Reports of the various Ministries, what I have seen is that in almost all Ministries there are vacancies that have not been filled for years. I do not know the reason why these vacancies are not being filled. Here we are fighting about high unemployment and I can assure you that these vacancies, some of which have been budgeted for, have not been filled up to now.

Right Honourable Prime Minister, we need to know what the problems are. We have the Public Service Commission in place, we have the Ministries who have budgeted for vacancies, we have unemployed youngsters. We are all concerned about job creation. We had a Motion in this House on unemployed qualified youth while we have vacancies in the Public Service. What are the problems? Why are these vacancies not filled? Right Honourable Prime Minister, maybe you can shed light on the problems that have led to these vacancies remaining vacant for years and years, some of which have been budgeted for. When are these going to be filled? I thank you and I support the Motion.

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**NOMINATION OF MEMBERS TO PUBLIC
SERVICE COMMISSION
HON MOONGO / HON RIRUAKO**

HON SPEAKER: I thank Honourable Tjihuiko. Honourable Moongo.

HON MOONGO: Honourable Speaker, some of us have known these colleagues for quite long and they are doing a good job, but sometimes they fail to advise the President in good time, the GIPF saga being an example. I appeal to them to be vigilant as we need an accountable Government and with this I accept the appointments.

HON SPEAKER: I thank Honourable Moongo. Chief Riruako.

HON RIRUAKO: I appreciate what has been said, but unfortunately I was arguing about unemployment and my words were so straightforward. I think one has to bear in mind what we need in this House and what we need in this country. The vacancies exist in the Ministries, money has been allocated to fill these vacancies, and they remain there without anything being done. Is that fair to this House? Is that fair to Public Accounts? How long will they be kept without being filled while we have been arguing with the Government about unemployment?

Despite certain unfair things being done that I could detect, these are unfair appointments. It cannot be a routine, the same people from the same Region. I do not want to argue with anybody, but please, if you do not have any kith and kin in line, look for persons who are in line and appoint them. Do not look around and appoint my cousin or my nephew. I am not accusing you, it is there in the Public Service Commission where the problem lies. Do it better. You will deserve the credit if you do that. I support the Motion.

HON SPEAKER: I thank the Chief. Honourable Mushelenga.

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**NOMINATION OF MEMBERS TO PUBLIC
SERVICE COMMISSION
HON MUSHELENGA**

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you very much, Honourable Speaker. I rise to support the Motion by the Right Honourable Prime Minister. Initially I did not want to participate, but I see I have to give some clarifications.

However, before I go to those clarifications, I must say I am quite impressed that the President has decided to appoint people from various professional backgrounds as this is going to enrich the Commission, as it advises the President on the appointment of members of the Public Service. It is going to enrich the Commission as it looks at other human resources development aspects of the Civil Servants.

Ms Deetlefs has served for quite a long time in the media and information arena, while Mr Motinga, the former boss of Honourable Tjihuiko who was speaking with mixed feelings, is also very experienced. Ambassador Kambala, obviously, brings a wealth of experience as far as Public Service management is concerned. Having served as a Diplomat outside Namibia, he has insight in the operations of the Public Service institutions of some other countries.

Coming to the clarifications I was talking about, I think Honourable Moongo did not read the Constitution properly. There is a Clause in the Constitution that speaks about qualifications of Members of Parliament. It says for one to become a Member of Parliament you must not be a member of a Regional Council, Local Authority or Public Service and then it says, "*For this specific purpose, Public Service will also be deemed to include Parastatals.*" I think this article in a way has confused Honourable Moongo, thinking Parastatals in general are members of the Public Service.

Therefore, Honourable Speaker, I want to clarify that the responsibility of the Public Service Commission is people working for Government Ministries and Agencies. They do not have functions over Parastatals. That is why Parastatals have Boards of Directors or Boards of trustees, which have the responsibility for policy issues of those Parastatals. They have their own human resources practitioners who take care of human resources aspects of those institutions. The Public Service Commissioners are like human resource practitioners of members of the Public Service, employees of the Government

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SERVICE COMMISSION
HON DR KAWANA**

Ministries and Government Agencies and Offices, agencies such as the Namibia Central Intelligence Services or offices, like the Office of the National Assembly, National Council and so on and not the GIPF. The GIPF is a Parastatal, it has a Board of Trustees. Therefore, the Public Service Commission does not recommend any appointment, not even of the Board members, not even of the Chief Executive Officer, not even of any staff member of the GIPF.

I hope this has helped Honourable Moongo. I know last year the Honourable Member attended a basic legal course under the Honourable Deputy Speaker when she was Chairperson of the Legal Committee and I think if the Honourable Member reviews his papers on statutory interpretations, it would help him to understand that Clause on what Public Service constitutes. I thank you, Honourable Speaker.

HON SPEAKER: Let me say I was happy to see Honourable Moongo sitting for that course among much young people and receiving a certificate. Education is an ongoing exercise, some of us are still doing it. The more the merrier and I hope that some of you would also take advantage of such offers. Honourable Kawana.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Thank you very much, Honourable Speaker. I rise to support the Motion before this august House and join the Honourable Members who have spoken before me to support the Motion wholeheartedly.

I am really happy with the background of the people who are being considered for appointment by this august House and I am happy to say there has been a consideration of inclusiveness and, indeed, this must be the culture of not only our Government and the State, but also Political Parties, because I am aware that some of the Political Parties are maybe not tribal, but family or village oriented. This must be the culture, because this culture of all-inclusiveness is, indeed, a weapon against instability and discrimination and I am happy that within the SWAPO Party... (Intervention)

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HON TJIHUIKO: I need to ask the Honourable Minister a small question. Honourable Minister of Presidential Affairs, you are saying there are tribal Political Parties and family Political Parties. When I was in South Africa, I saw a big article in the Windhoek Observer with a big photo of the Attorney-General, trying to clarify the tribal trial that he has conducted in the Caprivi Region, excluding the Mafwe. Is that the kind of tribalism that we are talking about or is it different? (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Speaker, I think the Honourable Member has read that article out of context. Since he raised it and it is on record, at least give me the opportunity to inform the Nation through this august House.

When the current Governor stood on the ticket of the SWAPO Party during the primaries – and in fact, we are the most democratic and transparent Political Party in Namibia. If there are those other Parties, which are doing, what the SWAPO Party is doing, they could only have copied from us. For your information, what happened there, I personally went to the Caprivi Region and personally informed the Traditional Authority of the Masubia. The Chief was kind enough, he called all the Indunas from the areas and I took the current Governor, Honourable Leonard Mwilima, to the Khuta to say we need the support of this young man. Once we support him, we support the SWAPO Party. I was assured by the Chief and the Traditional Authority that as far as they are concerned, he is their son.

Equally, I made an appointment with the Sangwali Khuta. I personally took Honourable Kabula, the Honourable Councillor of the Linyanti Constituency who happens to be a Member of the National Council. The Chief was also kind enough to call all the Indunas and after that, we had a big rally at Sangwali. Equally, I had a number of rallies in the Sibinda Constituency to campaign for my Comrades regardless of tribal affiliation. Maybe it is the Honourable Member who wrote that article, but this is what I did, so I challenge the Honourable Member to check with those Traditional Authorities, to check with the Honourable Governor, to check with the Honourable Kabula, to check with the Honourable Councillor Mokuti of Sibinda Constituency. We were campaigning for them. Unfortunately, Honourable Doreen Sioka is

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not here, we were campaigning together.

Therefore, for me as a child of SWAPO who went through the SWAPO school and the SWAPO philosophy, tribalism is an enemy. That is why we won Independence, because under the leadership of Comrade Sam Shafishuna Nujoma he succeeded to unite all of us under the umbrella of the SWAPO Party. That is why you see the colours here, tribal, gender, racial. We are all together. That is the philosophy of my Party, the SWAPO Party. That is why we succeeded to procure the struggle successfully, because we came from different tribal backgrounds, different ethnic backgrounds, and different racial backgrounds. That is my record. Please verify those facts. Therefore, whatever appeared there was more political than anything else was and I dismiss it with the contempt it deserves. (Intervention)

HON RIRUAKO: On a Point of Order. SWAPO was founded without you, it was founded by these people, one here, one there and others. You were not there. We taught you politics, we taught you how to manage. Where you come from is ours, not yours. How many NUDO names are announced? Read in the newspaper how many Caprivians were announced and count how many of us are in the newspapers. I do not look at where people come from, I look at their intelligence and capability and accuracy.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: I want to thank my Chief but also correct him. There is no such thing as a Caprivian, let me make that very clear, they are Namibians. They are Namibians from the Caprivi Region, not Caprivians. Then I also want to thank the Honourable Chief because he said he is not a tribalist and on that one I respect him and I want to thank him for that.

Honourable Speaker, as I said, I wholeheartedly ... (Intervention)

HON TJIHUIKO: May I ask a last question to the Honourable Minister? Honourable Minister, I appreciate your explanation wholeheartedly and I think

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it is a good thing that I have asked so that you can have an opportunity to explain, but there is something that is still hanging that you also need to explain so that we can have clarity.

You are saying that you are not a tribalist, you are a leader of the Ruling Party SWAPO, which is not a tribal Party. You are part of the people who have approved the Traditional Authorities Act that clearly stipulates that Traditional Authorities should not be involved in politics. If they want to play politics, they should resign their positions and come and sit here. The question I want to ask is, you went as a SWAPO Party leader, and you took a SWAPO candidate to the Traditional Authority's Khutas and you said that these people have helped you, SWAPO, to campaign. You misused the Traditional Authorities that were not supposed to be part of politics for your Political Party campaign. Am I right to understand that?

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: In terms of our Constitution, every citizen is entitled to participate in political activities, including Traditional Authorities, including my Chief who is seated there. Do not mix two issues. Indeed, during the rallies of whatever Political Party, you will find Traditional Authorities there. What offence did I commit?

Honourable Speaker, I had the opportunity to work with some of the Colleagues on this list and I have no doubt, in terms of their capabilities, that they will enhance the work of the Public Service Commission and I can only say to the Right Honourable Prime Minister that we wholeheartedly support this Motion and I thank you.

HON SPEAKER: I thank the Honourable Minister. Honourable Ankama.

HON DEPUTY MINISTER OF WORKS AND TRANSPORT: Thank you very much, Comrade Speaker. I would equally like to underscore that I am at peace with the appointments of the members as Commissioners to the Public

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Service. Why I stood up is simply to underline one or two issues that I think are of utmost importance, particularly for the Public Service Commission.

As you know, it is the Public Service that helps to propel this country to greater heights and public servants need guidance and by guidance I mean that, indeed, the Commission is doing its work as mandated, but I think there is perhaps a need to go an extra mile to make sure that Public Servants remain committed to the work they are entrusted to do in order to deliver service to the best of their ability to the people of this country.

At times, you will find that Public Servants would be adamant in neglecting their functions and responsibilities in their portfolios. You have a situation whereby a Public Servant is charged with misconduct fifty times or more. The question is, does this problem of disciplining the culprit in the Public Service lie with the Commissioners who are supposed to regulate or does it lie with the supervisor who is serving the Public Servants and perhaps does not do anything to bring this person to book? The answer may be very lengthy and perhaps that is not what I want right here, but what I am trying to address is that I would want to see the Commissioners' powers strengthened by probably reviewing the Act to bring this situation of non-compliance in the Public Service to book, because we really want to see progress in our responsibilities. In all, I would like to thank the Right Honourable Prime Minister and the President for giving these colleagues a chance to be part of the Public Service Commission.

Further, I would like to say I am at peace with the appointments and I would like to support the appointments. I thank you.

HON SPEAKER: I thank you. Honourable Von Wietersheim.

HON VON WIETERSHEIM: I thank you, Honourable Speaker. I wish to state that it was very convenient to have the Annual Report of the Public Service Commission also tabled, which made it possible to have many of the questions that arise when you have this kind of Motion in front of you

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answered. For example, some of those that were raised now, that the Public Service Commission in many instances refer applications for officials back to the Ministry or could not accept them because of mistakes or negligence inside the various Ministries. Therefore, it was not so much in that case the Public Service Commission to blame, but the Ministries.

Repeatedly, it is mentioned that applications for posts had to be sent back, because the advertisements for that post had been out more than a year ago or enquiries to finalise the application were not answered by the Ministry and then the whole thing lapsed. This is just to put things a bit into perspective.

I can only, after seeing that Annual Report, wholeheartedly support the Motion of the Right Honourable Prime Minister. It is an excellent piece of work, very detailed and gives a lot of information, as I said before.

Something that I did not find in there and which I have questions about is the filling of the Permanent Secretary posts. It may be that the Annual Report did not cover that period, but I would like to pose these questions and if it is not possible for the Right Honourable Prime Minister to answer straightaway, I will gladly rephrase them for Question Time.

I would like to know where and when the Permanent Secretary posts were advertised before being filled. I would also like to know who applied for them and whether interviews were carried out. One cannot find that information in the Report. This is all I would like to put to the Right Honourable Prime Minister and otherwise, as I said, I can only support the appointments. Thank you.

HON SPEAKER: I thank the Honourable Member. Honourable Mbumba.

HON MINISTER OF SAFETY AND SECURITY: Thank you, Honourable Speaker. As a former Civil Servant whose first job in the Republic was that of Secretary to Cabinet, I am in support of the three nominees to work and to serve on the Public Service Commission of Namibia.

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This is an uncontested and an incontestable team. Anyone who looks at them in terms of age, gender, training, language and experience, cannot challenge that combination. They are also well-known people in the Public Service. They know Government programmes, Government policies and they also know the difficulties of working as a Civil Servant. They also know the interface between political leadership, senior Civil Servant, middle level Civil Servant and even those who are just joining the Civil Service. These three colleagues, Director Motinga, Ambassador Kambala and journalist Wilma Deetlefs a Director now, deserve to continue serving their country and their people.

I only want to mention a few things, that these are citizens of the Republic, committed, dedicated to do their jobs quietly without unfair and without interference from other people. We in the political arena have the tendency to try to convince some Civil Servants that *“you are mine and the other one is not mine”*. Civil servants are there to serve the Government of the day, to carry out its policies to the best of their ability and their skills.

I do not have to say anything about Ambassador Kambala, he is known, maybe just to mention in addition to what the Prime Minister has said and it is in his CV, it is not hidden, that is a freedom fighter and a commander. I do not have to mention anything about Director Motinga. He is known, he has worked as a Member and Chairperson of many Boards of Trustees. I want to mention something small about somebody I have known from 1989, somebody I worked with in the Office of the Prime Minister under Dr Geingob, somebody who is small, who is dedicated, who has no fuss, which does not fear work, does not get confused when she gets too many instructions or advice. I also had the honour to work with her when I was the Minister of Information and Broadcasting for a year and half then. That is Wilma Deetlefs, somebody who was young in the Civil Service, we found her here upon Independence, she dedicated her life to work as a Civil Servant and to serve all Namibians. I think this is a lesson, that we should avoid being grasshoppers and try to follow promises of Governments to come, but to serve the Government of the day. I support the Motion.

HON SPEAKER: I thank the Minister. Dr Geingob.

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HON MINISTER OF TRADE AND INDUSTRY: Thank you. I did not know he was going to talk as a former Civil Servant, but I thought I should also get up and say how happy I am about all three nominees or appointees, starting with Ambassador Kambala. When he was not reappointed as a High Commissioner I was wondering what was going to happen to this dedicated son of Namibia. Therefore, I am glad to see that at least he is getting the ultimate appointment that any Civil Servant can look forward to, that of being in the Public Service Commission after they have gained experience through the ranks of the service.

Steve Motinga was in my office, I found him there. This could have been the best thing that could have happened to him. He has been in that office since about 1992 and nearly at the same level, reaching the peak and I was wondering what can one do for this man and now to my surprise I hear his name here that he is going to be a Commissioner of the Public Service. I think you could not have chosen a better person who has gone through the ranks, served the Government of the day and also served in many other important boards. He has the requisite experience and I am very glad that he was honoured that way.

The third person, that young woman, surprised me. The day of the adoption of the Constitution here in this building some of us were new and did not know each other and we were going to have the adoption outside there on the 9th of February. They were working here, setting up the stage and I like to look at things and I walked in here. There were two – let me use that word because our system is that way in our country – two white ladies, no shoes, carrying this heavy thing to put up the stage and I saw the men standing there, just watching. I said, “*Why do you not help these ladies?*” She caught my eye there and then after that she was leaving because her contract expired and I brought her back. I brought her back and we worked together and then she left for another reason I will not tell the public and again I brought her back.

Therefore, Comrade Prime Minister, I am very happy that you and the President have recognised a jewel of a Namibian citizen who served this country for twenty years and I am very happy with the recommendations. I thank you.

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HON SPEAKER: Honourable Nyamu.

HON NYAMU: Honourable Speaker, I rise to support the Motion before the House, but before I proceed, I would like to pose one or two small questions. We are aware of the fact that the Public Service Commission is under the supervision or jurisdiction of the Office of the Prime Minister and before I continue, I want to know what the proper designation of the Prime Minister is. Is it Honourable Prime Minister or is it Right Honourable Prime Minister? Is it one or the same thing or are we talking about different persons? The Constitution speaks of the Prime Minister. Where do we get this “Right” from and what does it help to add that “Right” to the Honourable Prime Minister’s title? I was being confused, some people are saying Honourable Prime Minister, and others are saying Right Honourable Prime Minister? What is the proper designation? We should have one, not several. (Intervention)

HON MINISTER OF MINES AND ENERGY: May I ask Honourable Nyamu a question? Honourable Nyamu, you served fewer than three Right Honourable Prime Ministers and it is only now that you do not know what you served. What was so difficult that you could not ask that question when you were even closer to them?

HON SPEAKER: You will have an opportunity to reflect and then provide the answer when we resume.

HOUSE ADJOURNS AT 15:40

HOUSE RESUMES AT 16:15 PURSUANT TO ADJOURNMENT

HON NYAMU: Honourable Speaker, I will start by giving a gentle response to the question posed by the Honourable Minister as to *how did I feel when I was under*. When you are under, your feeling is different from when you are

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out. (Laughter) I was not free to pose that question. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: I am sorry to interrupt my senior Colleague there, but I am tempted to ask him a question following his answer to the Comrade who asked the question. May I ask the Honourable Member a question? Honourable Nyamu, Secretary-General of the RDP, you are saying when you are under you are not free. You have a President of the RDP, which means you are still under.

HON NYAMU: Indeed, there are certain things, which I shall be careful about to ask regarding my President. (Intervention)

HON DEPUTY MINISTER OF EDUCATION: May I ask a question to the Honourable Member? I am getting a bit concerned now, does it mean the Opposition Member is akin to rewriting history, number one and secondly, reinventing the wheel irrespective whether you were part of that history? Can I have an answer from Honourable Nyamu?

HON NYAMU: I would like my Honourable Colleague to be patient, I will come back to his question. Honourable Speaker, there is something that has always been bothering me when I was in Government, something which I did not understand, nor did I get a proper answer when I asked questions. That is in respect of the powers of the Permanent Secretaries and I hope this question is not out of order, because we are talking about the Civil Service of which the Honourable Prime Minister is supervisor.

We have a Government, Ministers are called heads of Ministries, but in my view, they are ceremonial heads with a few exceptions. Most of them are ceremonial heads. The true heads of the Ministries are the Permanent Secretaries. My Colleague already asked you how they are really appointed. I will further ask, who is managing them? Are they on their own, or who is the real manager? When they go wrong, who corrects them? (Intervention)

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:

On a Point of Information, Honourable Speaker. As a brand-new Member of this House, I stand to be guided. The guidance I want to seek from you and the Honourable Members of the House is in light of the famous or infamous “*Nyamu Notes*”. The fact that the Honourable Member was kicked out of SWAPO and was very bitter about that and developed a passionate hatred for the SWAPO Party and its leaders, especially the Founding Father.....

HON SPEAKER: I do not see any relevance

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:

The question is related to that heavy hatred, is it not possible that it is influencing his thinking capacity to meaningfully contribute to the deliberations of this House?

HON SPEAKER: As the Honourable Members know, there is a Motion by the Right Honourable Prime Minister, the Right Honourable Prime Minister is waiting for all of you on both sides of the House to make your contributions according to the Rules. He will have many opportunities, some of you attempted to answer for him, but he is more than capable to answer the questions relevant to this Motion. However, of course, the House continues to be open for contributions and I would not want to pre-empt the prerogative of the Prime Minister who would have many opportunities to respond to all the queries. He is right now looking at the Constitution in preparing his reply.

HON NYAMU: I was at the point where I requested clarification or information regarding who is managing the Permanent Secretaries of the Republic of Namibia. (Intervention)

HON RIRUAKO: On a Point of Information. Mr Speaker, I did say before that the Permanent Secretaries control the Ministers and this was rejected and

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after that accepted and all the Permanent Secretaries changed from their positions to others. That is an indication that you accepted what I told you.

HON NYAMU: I thank you, for the information Chief. I would like to have more information on this issue. I submit that most Ministers are honorary members of Ministries. Some of them do not even know what is going on in their own Ministries, but the Permanent Secretaries are in charge and some, more often than not, do not even listen to their Ministers. Where did you copy this system from and is it not time to review this structure after twenty years of Independence? I want the Prime Minister to reflect on this.

Finally, I want to speak a little bit on the candidates who have been proposed. I know two of them and by extension, I know the third one and I support them fully. I want to say a few words in addition to the Curriculum Vitae of Ambassador Kambala. Ambassador Kambala, in spite of some of you who are trying to rewrite history, it is not me it is you who are trying to rewrite history. I knew him, he was fiddling with his photos. I met him when he was young and I was also young in 1971 when he arrived in Lusaka from occupied Namibia. Four of them came and we had celebrations because for years we have not received people from home, the doors were closed. How they managed to get through and to come out was indeed a surprise. These two Comrades made history. They were very brave. They were sent and I do not have to go into details and when they came back, they fought bravely. Two of them were critically wounded and Kambala was one of them. He escaped death narrowly.

However, what I want to say about him is that he has a good soul, he can deal with other human beings, he has that special talent and I think he will make his contribution. He is tolerant and he listens to others and I think he will make a contribution to the Public Service Commission.

Steve Motinga, my Director, when I was the Minister of Trade and Industry before the notes... (Laughter). He is a hardworking compatriot, but I want to add here for the sake of the Record and history that he is one of the people who went through difficult ordeals in exile. Instead of praising him, we owe him an apology just like the rest of them. Thank you.

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HON NANDI-NDAITWAH**

HON SPEAKER: Honourable Ndaitwah.

HON MINISTER OF ENVIRONMENT AND TOURISM: Thank you, Comrade Speaker. I rise to support the resolution under discussion, which is in line with Article 112(3) of the Namibian Constitution, the appointment of the Commissioners. Those who spoke before me have eloquently informed us of the characters of those who are being proposed and I fully agree with the character of those four candidates and I have no doubt in my mind that they will be able to do their work.

The Constitution is very clear that the Public Service Commission shall be independent and act impartially and what I am going to say should not be understood as trying to influence their impartiality.

I know that the Public Service Commission has a responsibility to recruit the civil servants and by doing so, they also have to look into the appropriate structures of Ministries. For that purpose, I strongly feel that as Commissioners they really need to be encyclopaedias in the sense that they need to understand the demand of each and everybody of the Government, be it a Ministry or wherever they will be required to provide services. I am saying this because when the staff running Ministries, supporting the political office-bearers, see there is a demand for change in the structure because new challenges arose in the Ministry, the Commissioners will be in a position to understand and really appreciate the demands of a particular office. It is only when they really make themselves understand the challenges of each and every institution that they would be able to provide the service needed by those institutions and in this, way the Government structures will be able to function smoothly and deliver service to the people of Namibia as required by the Government.

With the CVs before us, as I have said earlier, I have no doubt that those nominated will carry out those functions. As others have mentioned, I also know many of them, if not all, but I may not claim to have worked closely with all of them, especially in one office. However, I have to mention the one I worked with in one office and that is Wilma.

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Honourable Members, if there is anything I have done in the Ministry of Information and Broadcasting, a subject that was very new to me when I was appointed and of course, as a politician you take what comes your way and you try to learn, but if you are unfortunate and come in an institution where you do not have a person who is really ready to part with knowledge for you to understand what is expected from you, it will be extremely difficult for you to perform. I can say with confidence that when I was appointed as Minister of Information and Broadcasting, I was lucky to find Wilma in that Ministry as she has really inducted me into the work of the Ministry of Information and Broadcasting and if I have done anything in that Ministry that the public can say Netumbo has done something, it is because of Wilma who was really helpful and I think the same she did in this Ministry she will apply as a Commissioner and I wish all of them well and congratulations to all of them. I support the resolution, Comrade Speaker.

HON SPEAKER: If there are no further contributions, I give the Floor to the Prime Minister.

RT HON PRIME MINISTER: Thank you, most Honourable Speaker. That is now the title, Most Honourable. You are Honourable he is Most Honourable. From here, that is the title.

I thank all the Honourable Members who took part in the discussion of this very important Motion. We are filling vacancies in a constitutional institution and we are therefore fulfilling a constitutional mandate and, therefore, I thank all those who have participated and those who listened very carefully. I thank you particularly that there are no dissenting voices. I think all of us are happy that these three citizens of Namibia, including the Chairperson, will be able to fulfil the requirements of our Constitution.

Just to address three issues, the question of filling of posts in the Public Services is actually a matter of concern to all of us. The process is initiated by Offices, Ministries and Agencies. Posts are advertised, that particular Ministry, Agency or Office shortlists people, interview them, compile a profile and it is only at that point that the Public Service Commission gets involved.

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In other words, the Public Service Commission does not initiate the process of recruitment. Therefore, you cannot really blame them if there are vacant posts in the Public Service, which are not filled, you should question the Ministers who are here and ask why there are so many vacant posts, which are funded, and we have people in the street who are not employed. Honourable Tjihuiko, I know you are good researcher, you will be able to discover which Ministries have too many posts which are not filled and ask that particular Minister, not the Public Service Commission. The Public Service Commission is the last end and their job is just to backstop what the Ministries, Offices and Agencies are doing. I hope you understood that.

Favouritism is like tribalism, it is very difficult to halt. I was told a story – I am not saying it is true – where apparently, posts are advertised, people apply, but sometimes when the human resources officers do not like the applicants, they do not proceed further. It is an allegation. I do not have proof. Human beings are human beings, but I hope that is not really happening because our Constitution requires that our Public Service must be balanced in all respects. There must be a balanced restructuring of the Public Service and that balance should be maintained throughout so that all the citizens of Namibia who qualify should have access to employment in the Public Service. That is why the Public Service Commission is there to backstop the process as independent and impartial people.

Accountability is a key notion in the Public Service. The Public Service must be efficient, effective and accountable and if it is so, then the Public Service should be able to deliver good services to the people and I fully agree with those who are calling for accountability. That is actually the clarion call in the Public Service.

The Public Service Commission advises the President and the GIPF was mentioned. It is true that the Public Service Commission nominates people to be trustees of the GIPF.

The question of misconduct is a problematic one, whereby a person is sometimes suspended and it takes so long to complete the misconduct proceedings. We now have a Labour Law, which has procedures for the resolution of these kinds of things. We are now trying to synchronise the

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Public Service Act in relation to the misconduct and disciplinary cases to the Labour law. I hope that in the next session of Parliament we will bring Amendments for the Honourable Members to approve so that this process should be fast-tracked.

On the question of appointment of Permanent Secretaries, if you can put your question properly I would be able to inform the House and the public at large, Honourable Von Wietersheim.

I think I have explained the title of “*Right Honourable*”, the Speaker is going to be the “*Most Honourable*”. I am the Right Honourable. You are the Honourables. Those are the titles. There is no title of “*Honourable*” in the Constitution for the Members of Parliament, but you accepted it. You really like to quote that you are honourable, but it is nowhere in the Constitution, so it is the same thing. There is not even a title of Mrs or Master or Doctor or anything, but you call yourselves by these titles. For now, the right title is His or Her Excellency the President, Right Honourable Prime Minister, Most Honourable Speaker, Honourable Members of Parliament. That is the hierarchy of our titles.

The powers of Ministers *vis-à-vis* Permanent Secretaries - I want to draw the attention of Honourable Nyamu to the Constitution. The powers of the Ministers are constitutional powers. Article 40 of your Constitution determines the powers of Ministers. They are constitutional. The powers of the Permanent Secretaries are found in the Public Service Act, which is a subsidiary role to the Constitution. In the unlikely event that the Ministry is being led by the Permanent Secretary, that Minister is betraying the Constitution and it is not supposed to happen. A Minister has constitutional power, a Permanent Secretary does not have constitutional power, they have statutory powers and that is the difference, which is a big difference.

Yes, apology to Mr Motinga, you want me to apologise and I hope he will accept it.

Honourable Members, I thank you for your support and I thank the Civil Servants who help us to govern this country. Thank you.

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**COMMITTEE STAGE ANIMAL HEALTH BILL
HON MUTORWA**

HON SPEAKER: Any further discussion? I now put the Question, that the Motion be adopted. Any objections? Agreed to. The Secretary will read the First Order of the Day.

COMMITTEE STAGE: ANIMAL HEALTH BILL

HON SPEAKER: Does the Honourable Minister of Agriculture, Water and Forestry Move that the Assembly now goes into Committee?

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: I so Move, Honourable Speaker.

HON SPEAKER: Any objection? Agreed to. The Chairperson of the Whole House Committee will take the Chair.

ASSEMBLY IN COMMITTEE:

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to order. The Committee has to consider the Animal Health Bill.

Clauses, Title and the Schedule put and agreed to.

I shall report the Bill without Amendment.

ASSEMBLY RESUMED:

Bill reported without Amendment.

HON SPEAKER: Does the Honourable Minister of Agriculture, Water and Forestry Move that the Bill be now read a Third Time?

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HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: I so Move, Comrade Speaker.

HON SPEAKER: Any objections? Agreed to. Any further discussion? Honourable Moongo.

HON MOONGO: Honourable Speaker, we have highlighted the draconian Clauses, which deal with the penalties, that if somebody brings cattle from a neighbouring country he has to pay a million dollar. It was ignored by the Minister and we thought that he would come with an Amendment. Therefore, we want to put on Record that we are not happy with many of the Clauses and we thought the Minister would come with Amendments. (Interjection)

HON MEMBER: Who are “we?”

HON MOONGO: Some of us here, but you are always absconding the things. Thank you.

HON SPEAKER: Does the Honourable Minister wish to reply?

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you, Comrade Speaker. First of all, I would like to most sincerely thank all the Honourable Members of this Honourable House, not only for their support but also for the constructive contributions that were made during the Second Reading debate by almost the majority of them, with the exception of one.

Secondly, Comrade Speaker, in response to Honourable Moongo I wish to record that when I gave a very comprehensive eleven-page response to the issues that were raised by the Honourable Members of this House during the Second Reading, the Honourable Member was conspicuous by his absence in the House. However, I want to repeat on that particular issue by simply saying

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that the penalty provision for twenty years or N\$1,000,000, is the maximum penalty, which means that in practical real life, I suppose very few people will commit offences to that extent to warrant that maximum. However, if it so happens, it is fine, but that was the explanation I gave here and with that I would like to appeal to the Honourable Vice-President of the DTA to be magnanimous and to say that yes, we do care about the health status of ourselves as human beings and that is the same concern that we should express to take care of the health of our livestock and animals.

Comrade Speaker, we are now passing this Bill and there is no law that is cast in stone. In fact, I would like to say that it is during the implementation stage that as the implementers and the owners will realise what the shortcomings are and we will strengthen such a law as we continue. Thank you very much for the support by all the Honourable Members of this august House.

HON SPEAKER: I thank the Honourable Minister for his reply. I now put the Question, that the Bill be now read a Third Time. Any objections? Agreed to. The Secretary will read the Bill a Third Time.

ANIMAL HEALTH BILL

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

**RESUMPTION OF SECOND READING:
EMPLOYMENT SERVICE BILL**

HON SPEAKER: When this House adjourned on Thursday, 14 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Labour and Social Welfare, that the Bill be read a Second Time. The Honourable Minister of Youth, National Service, Sport and Culture had the Floor.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:

Thank you, Honourable Speaker, in conclusion, on the issue of psychometric tests for selection in recruitment purposes in accordance with the Social Work and Psychology Act (Act 6 of 2004), I am unfortunately not privy to this Act and forgive my ignorance, but I hope my experience with psychometric tests will be taken into consideration when this Bill is going to be implemented. Psychometric tests are not easy to manage, because some people test the IQ of a person, their intelligence level, some test their behavioural level. I appreciate the importance of these tests because some jobs are sensitive. A pilot is in a very high-risk position compared to a politician who can stand, talk, and even hosting flags illegally on trees. I would appreciate if jobs could be categorised to say that this one would require a psychometric test and it is transparently managed. Namibia is a very diverse cultural society and sometimes we misunderstand each other because of the way we were socialised, because of the way we were brought up. When I make a joke with, for example, the Honourable Chief, some people may think that I am being disrespectful to him, but I am making jokes on my cultural grounds, which some people will not understand. Sometimes these tests, as a result of cultural background and socialisation and psychology, may bar certain people if they are tested by someone who do not understand their social background, their social and psychological upbringing. I am respecting it, but I am saying that its implementation must be treated sensitively, because something, which is taboo in your culture, may not be in my culture. If you expect me to behave according to your culture, I may be like a parrot. (Intervention)

HON NYAMU: May I ask the Honourable Member a question? The Honourable Member has gone to great lengths to justify his remarks in this House, particularly towards the Honourable Chief, on the basis of culture, tradition and ethnicity. Does the Honourable Member know that in some cultures in this Africa, particularly in Kenya, there is one ethnic group whose tradition is that children have the right to insult parents? They can insult anybody older than them and this is on the basis of the tribe. Does the Honourable Member propose that we adopt the same practice here in Namibia?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I think Honourable Nyamu is explaining exactly what I have

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said, but I am not saying that Namibians should start insulting each other. If it is not our culture, it is not our culture, why should we insult one another?

In some cultures in this country, you crawl when you are addressing a person. In my culture, if we were circumcised at the same time, I can go into your wife's house and sleep and you will not beat me. In my culture, you are not supposed to do it, you give the right to your wife. In some cultures, it is taboo. (Intervention)

HON SPEAKER: This requires, at the pleasure of the Speaker, a special session where we would transform the plenary into a Committee of the Whole House, and share different cultures and each person who would want to do that, would be required to bring an interpreter, because we are not going to speak in English because most of the things get lost and I do not see how by using the English language we could actually do justice to it. We have different cultures, some things that are taboo in our culture are allowed in the other, but it is not an outrageous idea if we are going to understand one another. In South Africa they speak in all the eleven languages in Parliament, you can get up and speak in any of the eleven languages that they have in South Africa and it is simultaneously interpreted. We are not there and I think we are moving away from what this Motion is about. Continue, Minister.

HON RIRUAKO: We are talking about the standard of education. Secondly, we based our argument on ethnology surrounding the particular person involved. You have to talk on the merits of the education you have and it has nothing to do with your culture. The IQ test has nothing to do with your culture and therefore, we are talking about how you are supposed to approach your fellow human being at that level. Then we do not have to mix issues.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: In conclusion, the psychometric test should not be on how to use a fork. Maybe you have grown up in Gam, you are being interviewed for a job, and you do not know how to use knives and forks. You already have a problem with work experience and our people should not be subjected to psychometric tests on psychology because your psychology will not be my psychology. With these words, I support the Bill.

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HON SPEAKER: I thank the Honourable Minister. Honourable !Naruseb.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Comrade Speaker. I am primarily rising to register my unconditional support to this Bill and at the same time, I want to register my deep sense of welcome to the new Members of the National Assembly. I am also at the same time recognising their individual capabilities and that at the end of the day we shall all be guided as Members of this august House to be true to our aspirations as a nation and that we shall, without any other considerations, render the service that our people need in terms of the socio-economic aspirations of our people and that that would be the only guiding principle for all of us to be true representatives of the masses out there.

Coming back to the Bill, the Bill highlights the different aspects of how the Employment Service as an institution will be created, set up its various administrative functions and duties. It is envisaged that the Ministry of Labour and Social Welfare will further expand through the regulatory framework on the functions and how the said functions will be undertaken. I also believe that the functions must adequately demonstrate how as an organisation they would be striving to serve the interest of the Namibian people as far as employment creation is concerned. The regulations are also expected to give guidance and credibility to the said functions and set standards to be adhered to in the administration of this Bill when it becomes an Act. It is expected that the regulations will place emphasis on the monitoring and evaluation mechanisms to be used to assess compliance with its statutes.

After having said all this, I think the litmus test will probably be stationed in the way the Employment Service Bill and its regulatory framework will be able to give meaning to combating unemployment and also if we as a Nation could be able to combat unemployment, then we would also be able to address the levels of poverty that is inevitably so prevalent in our country.

One mechanism that I thought of is at the level where we as a Nation are opening up the opportunities of our natural resources to the investors. Coming from a region where the mushrooming of uranium mines has become the order of the day of late, but a place like Usakos situated in close proximity of so many mines, probably sixty, seventy kilometres from Usakos, remains the very town set-up that I grew up in and I am close to 57 years old now. You see the

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state of poverty in Usakos and there are many similar towns in our country, similar in socio-economic state to Usakos.

Comrade Ngatjizeko, the point I wanted to make is, why we do not at the point of signing the agreement with the mining companies, put a caveat that would compel these mining houses to do something about the plight of our respective villages and towns that happen to be in their proximity?

I would say that if Valencia or any other mine would have been compelled to put up their administrative headquarters in Usakos, thereby creating employment opportunities for people in the surrounding area, not forcing them to come to places like Windhoek and Swakopmund and end up in squatter areas, we would have been able to address unemployment.

I do not want to say a lot, but maybe that example could be taken up as part of the functions, if my understanding is correct of the realm of the responsibilities of the Employment Service and what it wants to achieve, but we could look into that in our regulatory framework and have a similar approach to address the issue so that or people do not feel compelled to come to urban areas and end up in situations that we all do not want them to be subjected to.

With those few remarks, Comrade Speaker, I fully support the Bill and I want my Colleague to consider the remarks that I have made. Thank you.

HON SPEAKER: I thank the Minister. Dr Abraham Iyambo.

HON MINISTER OF EDUCATION: Honourable Speaker, Honourable Members, I would like to make a few comments on the Bill, particularly on Clause 13 which reads, "*Employment Services Bureau*". This part indicates that one of the functions of the Employment Services Bureau will be to register jobseekers. It is very good that we do that, but I would want the word "*jobseekers*" to be defined, to appear somewhere in the Bill. I am saying this because when some of the international bodies we are party to calculate unemployment, it is not done as if we do it here in the Land of the Brave. Some of them include children of fourteen years old, fifteen and sixteen. We want those children to be at school and not to be seen as jobseekers, because

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our Constitution demands from us that we send them to school. Therefore, I would like this term “*jobseekers*” to be defined and to exclude the children who should be at school.

Comrade Speaker, we have so many children in the streets and many people are calling them unemployed. I want them to be learners who attend school and it is our joint responsibility to make sure that Namibian children of school-going age attend school and are not seen as jobseekers.

At times, I get worried and wonder whether we should have education police to make sure that all Namibian children are taken to school, and that the responsibility is put on the parents so that these learners attend school. I am proposing, Honourable Minister, that we define the word “*jobseekers*” and exclude those from fourteen to sixteen years who are taken as unemployed in some of the documents.

The other point is in respect of the involvement and that we as Members of Parliament should be concerned. (Intervention)

HON MINISTER OF FOREIGN AFFAIRS: May I ask Honourable Iyambo a question? You are saying that children have been registered, probably in this latest Labour Survey, as jobseekers and as unemployed. Does it suggest that in the true sense of the word this Labour Survey, which puts the unemployment figure at a so-called 51%, is wrong? It means that the figure, which was given, is not correct if you have registered children up to the age of fourteen years as unemployed. Our Constitution provides that a child is a child until the age of eighteen or twenty-one. (Interjection). No, am not asking you. You are Von Wietersheim. I am asking the Minister.

HON MINISTER OF EDUCATION: Thank you very much, Honourable Colleague, and I also congratulate you for standing your ground and not be disturbed by some Colleagues who are not asking me now, I am listening to you.

What I am saying is that when we calculated the unemployed, we use the international formula, because we are members of specific organisation and I am worried that these formulae accommodates young people of fourteen to

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sixteen years old. I am saying that Namibia should ensure that our children of fourteen, fifteen should attend school and not be encouraged to be jobseekers because we will need them in the future. Your worry is my worry, Colleagues, but today I will not dwell too much on it today, because I know that the formula also does not include our nurses, does not recognise that they are employed, neither the Defence Force, neither the Police or the doctors. Therefore, if we go to the mathematical calculation, I will have my own number. However, today we will not talk about it, some people will get worried about it.

Another issue, Comrade Speaker, is the enrolment in schools in the country, which is very high. (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: May I ask Dr Iyambo a question? On the issue of children and children's rights and their protection, would you also suggest that the education police should also see to it that no Political Party in this country would be allowed to walk around with small children unless they are accompanied by their parents at the rallies? Some of these parties steal children without their parents' consent and they must be stopped.

HON MINISTER OF EDUCATION: Honourable Speaker, I got advice from some of the Colleagues that because of time, I should not speak and maybe I should discontinue what I wanted to say, but I have a lot to say on some of these things. (Intervention)

HON NYAMU: May I ask the Honourable Minister a question? Honourable Minister, I take note of your serious concern regarding the upbringing and education of our children. I think that is a noble endeavour and we should all strive that our children attend school, but I want to ask you this question, Honourable Minister. Have you ever seen children of five, six or seven years carrying SWAPO flags at SWAPO rallies? Have you seen that? If you have and we all have seen it, is your party not violating the rights of these children through indoctrination?

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HON MINISTER OF EDUCATION: Honourable Speaker, the Honourable Member is inviting me to say things and I can say them. (Intervention)

HON MINISTER OF TRADE AND INDUSTRY: May I ask the Honourable Professor a question? Dr Iyambo, just a few days ago we introduced a new culture of democracy and Parliamentary Debate where those who claim to be democrats refused flatly to take questions and I was very disturbed by that, because this House is used to asking questions for clarity. Now the same Honourable Member who was refusing to take questions is asking you. What kind of democracy is that?

HON MINISTER OF EDUCATION: Honourable Vice-President of the SWAPO Party, I do not think the D in the name RDP is very useful, I do not think there is democracy.

My other point is about the attachment of internship under (f). I would like to propose that apart from the attachment of students coming from vocational training centres, this should also include the University of Namibia and all the tertiary institutions. I am saying this because I am coming from Russia, I met with the students there and we have so many students all over the world, in Cuba, Ukraine and South Africa, who are looking for these attachment and they are not getting these attachments. We cannot tell the private sector to have these attachments, it should start with each and every Ministry to have attachments of our students at university, the polytechnic and from outside the country.

I support the Bill, but I am worried that some of my Colleagues asked me not to speak. I thank you, Honourable Speaker, I will discontinue my speech, it is only half of it.

HON SPEAKER: Honourable Tjihuiiko, you have the Floor.

HON TJIHUIKO: Thank you, Honourable Speaker. There are a few things that I want to find out from the Honourable Minister and for now, I will only be concentrating on this one.

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On page 9, the very same Employment Service Bureau that the Minister of Education was talking about, there are one or two things that I also want to know, but before I do that, Honourable Speaker, I was trying to understand the objective, the purpose of this Bill. What is it that we want to achieve with this Employment Service Bill?

Looking at page 9, "*The Employment Service will consist of a Director who is the Head of the Bureau and all employment officers of the Ministry.*" In other words, this Bureau will become another bureaucratic structure of Government. People who are going to work in this Bureau are Civil Servants and from my experience, even existing employment vacancies in Ministries are not being filled because of the bureaucratic system in Government. If we are taking the very same system that has paralysed the effectiveness of the Public Service to the private sector, we are saying that if somebody from the private sector wants to employ a cleaner in a restaurant, he has to go through the system. It means that a job, which you could have created in hours, in days, will be like a job that we are creating in the Public Sector where, when you need to employ a cleaner, you need six months to employ that person. That is not the best way to do it.

We are now frustrating the effectiveness of the private sector to act in good time. People are in the private sector to make money and you will have to wait six months to employ a manager. If we are creating a bureau staffed by Civil Servants, there will not be any difference from what we have now. Now we are frustrating the private sector, we are also sending a wrong signal to the prospective investors that once you invest in Namibia, you will not employ the people you want to employ, but you will employ the people that this bureau wants you to employ.

It says, "*Register vacancies in public and private sector; assist jobseekers to find suitable employment and to recommend suitable qualified jobseekers to prospective employers*". (Interjection). If you can read English, read it. I am not talking about employing prostitutes, I am talking about employing real people.

Honourable Speaker, if we look at (c) on page 9, the bureau will find a suitable employer for you. What does that mean? It means that if Rössing needs a manager, then the Bureau would say, the manager that we recommend for you to employ is Honourable Tjihuiiko. (Intervention)

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HON MINISTER OF FISHERIES AND MARINE RESOURCES: May I ask the Honourable Member a question? Honourable Speaker, the Member is really twisting facts, because when you talk about delaying employment in the private sector, there is a body in the Ministry of Home Affairs and Immigration called the Immigration Selection Board that normally clears job permits. Is the Member aware of such kind of arrangement, because he is coming from the Ministry of Trade and he knows that we normally go through that Board when we clear members.

HON TJIHUIKO: I will come to that, Honourable Minister. I have three Ministers, two Deputy Ministers and a Permanent Secretary who can say I am very good.

The point I am trying to make, Honourable Speaker, if you look at (c) of this Bill that is exactly what it means. Therefore, I hope that the Honourable Minister will take it serious when he looks at these things. If we really want to create employment, let us create a conducive environment that would make it easier for the private and public sectors to employ people. We need to revisit the system we have in Government where vacancies are not being filled because of the bureaucratic system. This is where we need to start, not to frustrate the smooth functional part. (Intervention)

HON MINISTER OF JUSTICE: Comrade Speaker, I would like to raise a Point of Information on account of what the Honourable Member is painting what the Bill id to want to do, which is not true. Currently there is nowhere to get the various categories of employable Namibians in our society. There is no such a list. I am speaking from a point of knowledge in that regard, because most of the times a question comes up, a Minister wants to appoint a certain category, for example a professional female person. Sometimes you only think in the circle of people you know and you end up giving the name of a person you went to school with, who speaks either your language or comes from your village and when you do that, obviously it will be seen that you are either tribal. If we have an office with records of all the qualified, non-qualified, semi-qualified, all the categories of employable citizens, then obviously you can go to that office and get what you want immediately. That is the information I want to give.

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HON TJIHUIKO: Let me move on. (Intervention)

HON NYAMU: May I ask my Colleague a small question? If it is established that this country's bureaucracy is hurting the investors, both local and foreign... (Interjections). I have many examples where prospective employers have applied for work permits, for example, and I think good laws would be that an investor has the right to employ the right people of their choice, be they local or foreign, but in our case we have distinguished ourselves on sitting on applications up to six, seven years without responding yes or no. I had the experience myself, I can prove that and if you ask the Ministry of Home Affairs and Immigration they would say it is not them, it is Trade and Industry. If you go to Trade and Industry, they say it is Labour. What a mess!

HON TJIHUIKO: Honourable Speaker, I think that was not a question, it was more of a comment. In this Bill, there is nothing that refers to the collection of statistics or setting up a statistical information centre. (Intervention)

HON DINGARA: May I ask the Honourable Member a small question? Honourable Tjihuiko was saying that one of the reasons why the Government has many vacancies is because of the bureaucratic system of recruitment. Two years ago, I was working at the Ministry of Health and the Ministry had about one thousand positions for registered nurses and the Ministry searched for any person with a qualification of registered nurse and there was no one on the streets of Namibia who had that qualification. The Ministry went even further and said all those who retired must come back to deliver service. Some of them returned. Does it mean that those vacancies existed because of the bureaucratic system or because we did not have the skills?

HON TJIHUIKO: I do not know why I should try to answer that question, maybe I will try tomorrow, because the very same moment the Honourable Member is saying that there was nobody on the streets. If that was the

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situation, then there would not have been anybody in the statistical information. What type of question is that? This is the Director of GIPF.

Coming back to the Bill on page 12(7), it says, *“If the Bureau refers a jobseeker to any designated employer or prospective employer for employment, the employer must report to the Bureau whether it employed the jobseeker or not and provide such additional information as it may prescribe.”*

HON SPEAKER: You will have an opportunity tomorrow, Honourable Tjihuiiko. I want to remind the Honourable Members of the outstanding invitation to a conference that started this morning, co-hosted by your Speaker, the IPU President and friends of UNICEF and the other UN agency partners. It is about our children, it is about AIDS, it is about the role of Parliaments. You are invited to a reception and it will be a good way to wash down the ideas that were generated. It is at the Safari Court Entertainment Centre. There are Parliamentarians from Eastern and Southern Africa. Her Excellency Bience Gawanas, was the keynote speaker this morning with her usual wonderful work. Others also spoke, including this Speaker. We stand adjourned until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2010.10.21 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
21 OCTOBER 2010**

The Assembly met pursuant to the adjournment.

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

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

TABLING: ANNUAL REPORTS

HON DEPUTY MINISTER OF EDUCATION: Honourable Speaker, I lay upon the Table the –

- Annual Report of the University of Namibia for the year 2009;
- Annual Report of Polytechnic of Namibia for the year 2009;
- 2009/2010 Annual Report of Namibian College of Open Learning,;
- Financial Statements of the Polytechnic of Namibia for the year ended 31 December 2009; and
- Financial Statements of the Namibian College of Open Learning for the year ended 31 March 2010.

I so Move Comrade Speaker.

HON SPEAKER: Will the Honourable Deputy Minister table the Reports? Honourable Amweelo.

TABLING: REPORTS

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**TABLING OF REPORTS
HON DR AMWEELO**

HON DR AMWEELO: Comrade Speaker, I lay upon the Table the –

- Report on the 2nd SADC Parliament Dialogue on the Trans-Boundary Water Governance in the Region;
- Report on the Inter-Parliamentary Conference on Climate Change;
- Report on Familiarisation Visits to Conservancies in the Erongo, Kunene, Omusati and Oshikoto Regions; and
- Report on the Parliamentary Conference on WTO, 21st Session of the Steering Committee.

HON SPEAKER: Will the Honourable Member table the Reports?
Honourable Kaapanda.

**TABLING: ANNUAL REPORTS: NAMPA
AND NAMPOST**

**HON MINISTER OF INFORMATION AND COMMUNICATION
TECHNOLOGY:** Comrade Speaker, I lay upon the Table the –

- Annual Report and Financial Statements of Namibia Press Agency, (NAMPA) for the year 2009; and
- Annual Report and Financial Statements of NamPost for the year 2008/2009.

HON SPEAKER: Will the Honourable Member table the Reports?
Honourable Schlettwein.

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**MINISTERIAL STATEMENT
HON DR KAWANA**

TABLING: ANNUAL REPORT: NAMFISA

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, I lay upon the Table, the Annual Report of the Namibian Financial Institution Supervisory Authority (NAMFISA) for the year 2010.

HON SPEAKER: Will the Deputy Minister table the Report? Any further Reports and Papers? Any Notices of Questions? Any Notices of Motions? Ministerial Statements? Honourable Kawana.

MINISTERIAL STATEMENT

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Thank you very much, Honourable Speaker. Honourable Speaker, I rise to respond to the highly misleading media reports, which appeared in some newspapers to the effect that His Excellency Hifikepunye Pohamba, President of the Republic of Namibia, refused to establish a Presidential Commission of Inquiry to look into the issue of the Government Institutions Pension Fund, in particular the Development Capital Portfolio (DCP).

I wish to point out that we respect the right of the media to inform our Nation, particularly on issues of national interest. It is, however, regrettable when the media publishes very misleading information regarding matters of National interest without verifying the source of such information. We, therefore, strongly urge the media to exercise restraint and verify its facts before publication.

It came as a shock and disbelief to learn that some print media published highly misleading information, creating an impression that the President does not have the welfare of the workers at heart by the alleged refusal to establish a Presidential Commission of Inquiry to look in the issue of DCP. Such impression is patently false.

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**MINISTERIAL STATEMENT
HON DR KAWANA**

Honourable Speaker, before I directly address this issue, allow me to go back into the history of GIPF.

It is common cause that the GIPF was established by the SWAPO Party Government following the privatisation of the Civil Service pension fund by the South African colonial apartheid regime. This move was motivated by suspicion that since the incoming SWAPO Party Government was perceived to be communist, therefore there was a likelihood of nationalising the fund. Against the aforementioned background, the GIPF was created as a pension fund to address the welfare of our Civil Servants when they retire. The proceeds of the Fund were mainly invested outside Namibia at the expense of infrastructure development and employment creation in our country. As a result, a decision was taken to utilise a small percentage of the Fund in unlisted investments in Namibia. This came to be known as DCP.

Among other developments from this Fund was the construction of the Windhoek Country Club, Swakopmund Hotel and Entertainment Centre and grape farms in the South, among others, which at the peak of harvesting time employ more than 15 000 workers. Today Namibia is known as an exporter of top quality grapes.

Admittedly, however, other investments failed, possibly because of unfavourable market conditions as well as mismanagement. Today the GIPF is worth about N\$40.5 billion. It is the largest pension fund in our country, contributing positively to the GDP thanks to the vision of the SWAPO Party Government.

A number of stakeholders needed to be engaged regarding the way forward with the DCP issue. Consultations were held between the President and the relevant stakeholders, including the unions. The parties discussed two options and I can confirm that some of the senior Ministers who are here attended that meeting. The parties discussed two options, namely whether to establish a Presidential Commission of Inquiry or to order a forensic audit. After careful consideration and discussion, it was held that a Presidential Commission of Inquiry could take time to complete its work. Given the urgency of the subject matter, it was felt that this was not a viable option now.

Against the aforementioned background, it was unanimously agreed with the trade unions that a forensic audit be recommended to Cabinet since the subject

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**MINISTERIAL STATEMENT
HON NGHIDINWA**

matter was already before Cabinet.

It was further unanimously agreed that the advantage of a forensic audit is that action could be taken once an audit on a given investment is completed as opposed to working until the entire audit is completed. This is the advantage of an audit compared to a fully-fledged Presidential Commission of Inquiry, which could indeed work until the end of the inquiry and that Report is submitted to His Excellency the President.

Accordingly, the Cabinet endorsed the consensus reached by stakeholders, which included the trade unions. It is, therefore, highly misleading and false to allege that His Excellency the President refused to establish a Presidential Commission of Inquiry to look into the matter of the DCP. I thank you, Comrade Speaker.

HON SPEAKER: I thank the Minister for the important statement. Minister of Home Affairs and Immigration.

MINISTERIAL STATEMENT

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: Thank you very much, Honourable Speaker, Honourable Members. I rise to inform the Nation on the ongoing registration of stateless persons who came to Namibia between 1930 and the seventies and have been living here since then. Since these people are undocumented, Cabinet directed the Ministry to register and issue them with citizenships by naturalisation, where applicable, in consultation with their respective Governments. The majority of these people came from our neighbouring countries, Angola, Zambia, Botswana and South Africa. Some of them came for employment purposes some years ago, for instance in the Fishing Industry, in NAMDEB and other places and never returned to their own countries.

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This process, once concluded, will allow elderly persons to benefit from old-age pension grants and other benefits, which are rendered by the Namibian Government.

The Ministry of Home Affairs and Immigration, being responsible for the issuance of national documents to all citizens, has a concern towards these stateless individuals who indicated that they will not return to their countries of origin, hence they need to regularise their status. The programme of registration started last year in the southern Regions of Hardap and Karas and 150 stateless persons were registered.

Officials from the Ministry of Home Affairs and Immigration are now busy registering the same category of persons in the north, northeastern and northwestern Regions of the country. In September 2010, they were in the Caprivi and 103 were registered. From the 4th of October this year, 612 people were registered in the Kavango Region in the following constituencies: Mukwe – 44; Ndiyona – 33 Mashare – 201; Rundu Rural East – 304, while registration in Rundu Rural West, Rundu Urban, Kapako, Kahenge and Mpungu Constituencies are still in the process.

The Ministry started in the following Regions: Kunene, Omusati, Oshana, Ohangwena, Oshikoto, Kavango, Caprivi, Khomas, Erongo, Otjozondjupa and Omaheke.

I must also inform that similar registrations have already started in some of the northern Regions, like Kunene, and the particulars will be made known to the public when they are ready.

The requirements or specific criteria that the Ministry is looking at when registering this category of persons as per Government decision and with consultations with the Angolan Government are as follows:

An applicant must have arrived in Namibia between 1930 and 1977 and have been living here since then. An applicant must have applied for a permanent residence permit. An applicant must be in possession of the old South West Africa/Namibia identity document indicating the year of arrival in Namibia and those who are in possession of an exemption card issued to them before Independence in terms of the Immigration Control Act (Act 7 of 1993).

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With all these abovementioned requirements community leaders or traditional leaders should also confirm their whereabouts.

Honourable Speaker, Honourable Members, the Ministry of Home Affairs and Immigration is also aware of many Angolan nationals who came to Namibia after 1977 up to 2000 when the war erupted in Angola and applied for Namibian citizenship by naturalisation. Those people or category have to acquire Namibian citizenship by meeting the requirements in consultation with the Angolan Government in respect of the application, because we cannot just get other country's people in our country without consultation with their Government.

In conclusion, I would like to stress that this group considers Namibia as their country, although legally they cannot furnish proof of citizenship that they are Namibians. Some of these people, though born in their countries of origin, there were no records in those countries providing that they were ever registered as citizens of those countries because of the nature of their previous colonial Governments. The South West African colonial Government issued them with South West Africa identity documents, indicating their country of birth with number 99, which indicates that they are not Namibians. This result in them not benefiting from grants the Namibian Government renders to its citizens and other citizens who are not from this country.

It must further be understood that this category of persons continue to contribute to the economic growth of Namibia in one way or another. Some of their children and grandchildren have acquired Namibian citizenship by birth and naturalisation because they were born here. For the purpose of family unity and given the background above, the Government has decided to confer citizenship upon them. I believe that the Honourable Members on that side will now understand that the SWAPO-led Government is there for the people and all the people are there for the SWAPO Government. Thank you very much, Comrade Speaker.

HON SPEAKER: I thank the Minister for the useful information. It has indeed helped to clarify some preoccupations by sections of our population. I see that the people who have put questions to certain Ministers are not present. The Secretary will read the First Order of the Day.

**RESUMPTION OF SECOND READING:
EMPLOYMENT SERVICE BILL**

HON SPEAKER: When the House adjourned on Wednesday, 20 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Labour and Social Welfare, that the Bill be read a Second Time. Honourable Tjihuiko had the Floor and he may continue.

HON TJIHUIKO: I thank you very much, Honourable Speaker. Yesterday I was saying that my concern about Clause 7 on page 12 is simply the impact that it would have on the smooth operations of the private sector and it is still my concern. I believe that the moment the private sector is being controlled by civil servants and the smooth functioning of the private sector is controlled through an Act of Parliament, it would definitely frustrate the smooth sailing of the private sector and I believe that that will have a negative impact on the prospective investors that want to come and invest in this country.

Let us take an example of how long it takes the private sector to employ a person and compare with the bureaucratic system the Government is trying to bring in. That is my concern. Looking at Clause 7, it says, *“If the Bureau refers a jobseeker to any designated employer or prospective employer for employment, the employer must report to the Bureau whether it employed the jobseeker or not and provide such additional information.”* If, for instance, my good friend, Pieter Jacobus Van Der Walt wants to appoint somebody at his Service Station, as a businessperson he would want to appoint this person in the shortest period so that he can continue making money. If he has to report to this Bureau on the reason why he did not employ that specific person, it would take them another month to respond that, *“Yes, you can look for another one or we instruct you to appoint the one we have sent to you”*.

Looking at this, I believe that we need to reconsider this chapter carefully. My consideration is that maybe the Honourable Minister needs to take a bit of time to consult the Namibian Employers Federation. Maybe we need to get inputs from the employers. We also need inputs from trade unions, because the higher the unemployment, the more problems would be there, not only for us but also for the trade unions. Maybe we need to consult these two institutions in order for us to get their inputs. I am sure that they have not been consulted.

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Honourable Speaker, before I conclude, let me give the reasons why I am so concerned about this. We are now in a situation where we have this 51,2% unemployment. Every law that we bring to this House should have a direct impact on job creation. Anything that falls short of that needs to be considered carefully and I think this one definitely falls short of that. I agree hundred percent with what the Honourable Minister of Lands said yesterday, that maybe we need a law that would help Government to facilitate economic growth in order for jobs to be created. It is only through economic growth that we would be able to have sustainable and long-lasting jobs and that can only be done if we follow in the footsteps of the line that my good Minister yesterday took by saying that if we look at investment in that area and Government starts directing in the national interest, advising and providing incentives for the investors to move their head offices from Swakopmund to Usakos or Karibib, that is the best way to go about and not to set up a bureau that would frustrate the very same process.

There are other options that I want to put on the table before I conclude. I have been saying in this august House that we need to look at economic growth points across the country and it is on that basis that Government will direct investment resources into those areas in order for us to develop the whole country. One has already been put in place by Government. If you look at Oshikango, fifteen years ago Government invested resources in that area. Look at Katwitwi, there was nothing. These are the economic growth points that Government has initiated. Look at Opuwo, Opuwo was just a village and by having the headquarters of the Kunene Region in Opuwo, that has become the focal point for development in that area. At the same time, we develop Opuwo at the expense of Khorixas. If one takes the Government offices from Swakopmund to Khorixas, including the Governor, there you do not need to put up new infrastructures, they are already there and the only need to be renovated. The moment you bring people with money in their pockets into Khorixas, that place will come alive.

Honourable Speaker, I was looking at Omaheke Region and I am convinced that if the Government takes the Government offices into a strategic place in Omaheke Region, which I think the most strategic place in the Omaheke Region to be developed as an economic growth point is Epukiro and Omaweuzonyanda and I will give you the reasons why. If you take the distance from Rietfontein to Epukiro, Eiseb to Epukiro, Gam to Epukiro, Otjinene to Epukiro and the distance from Gam and Eiseb to Gobabis, it would

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be wise for Government to take these services closer to the people and develop Epukiro and Omaweuzonyanda as economic growth points, that would be the best way for us to equitably distribute the cake to the entire country and I think that is what we need to have in a Bill like this, not to set up a frustrating system that will affect the people who do not have access to seek capital because of the colour of their skin.

Some of the people who will be affected, if something goes wrong with their businesses because of the delay in this process, do not have the option to go and get a loan because of the colour of their skin. They will not go for the cheap loans, they do not qualify and for us who will also be affected it would really be unfair.

Honourable Speaker, with that sound contribution I kindly request that the Minister, instead of pushing this Bill through, should delay it a bit and consult before we push it through.

HON SPEAKER: I thank the Honourable Member for his contribution.
Honourable Lucks.

HON LUCKS: Honourable Speaker, Honourable Members of this esteemed House, a person under whose mentorship I would gladly place myself, in the shoes of Pastor T.B Joshua of Nigeria who once said, "*If you want to see different results, you have to do things differently.*" I think we should apply these words to ourselves regarding the economic and labour climate created by the SWAPO Government in Namibia since Independence. Many great and wonderful things have been achieved over the past twenty years, but creating a climate conducive to the creation of employment opportunities and financial growth was, unfortunately not achieved. The Namibian Nation deserves a Government with not only the courage, but also the ability to bring about change.

The Honourable Minister Mutorwa, who is not in today, reacted strongly to a suggestion that SWAPO does not possess the political will to bring about change. I do not wish to question the political will of the SWAPO Government. In fact, a demonstration of this political will was given in November 2009 when the SWAPO Party was bent on winning the election by

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any and all means possible. What I do question, however, is the ability and capability of this Government. (Intervention)

HON MINISTER OF JUSTICE: I want to seek clarity from the Member who has the Floor. Honourable Speaker, the Honourable Member stated in his maiden speech that last year the SWAPO Party went to all levels to win the elections. Can the Honourable Member just explain all levels to which SWAPO went?

HON SPEAKER: Elaborate on what you have said, since it is a loaded expression.

HON LUCKS: Since it is my maiden speech, I do not accept questions. (Intervention)

HON SPEAKER: No, I will repeat what I said. As long as you stick in your maiden speech to things that you dream of, that you hope Namibia would become, what has been done, what has not been done and give reasons why you dream of this and why you are disappointed by that then I would protect that, but if you try to play political games, then you are all on your own.

HON LUCKS: In the interest of continuity, I withdraw the statement. SWAPO did not want to win the elections. The results speak for themselves. (Intervention)

HON MINISTER OF JUSTICE: On a Point of Order. Comrade Speaker, if the Honourable Member is serious, he wants to take this House seriously, and he wants to withdraw the statement, he should do so honourably and unconditionally.

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HON SPEAKER: No, the second part he was still developing, I was listening. Why do you not give him time?

HON MINISTER OF JUSTICE: Then he must now explain how SWAPO did not want to win the election.

HON SPEAKER: You are making my task difficult, Honourable Lucks. What is it that you mean by SWAPO did not want to win the elections?

HON LUCKS: Honourable Speaker, I was withdrawing my statement that I made in the first place that SWAPO was trying to win the elections by any means possible. (Intervention)

HON SPEAKER: That is what I accepted you have withdrawn. It is the second part now that SWAPO did not want to win. Did you say that SWAPO did not win the elections? You need to explain that.

HON LUCKS: Honourable Speaker, in that case I withdraw the remark. The results speak for themselves. The crime, education, health and employment statistics are shocking. The latest official unemployment figure, namely 51,2%, is the figure for 2008. This is before the global financial crisis.

Experts put the current figure at closer to 60%. This raises the suspicion that when it comes to unemployment, the SWAPO Party clearly also aims for two-thirds.

No amount political emotional speeches will detract from the facts of unemployment facing this Nation today. A child that goes to bed hungry is not interested to know which Political Party claims to have brought about liberation to this Nation. A jobless father who is not able to care for his family is not interested to hear twenty years after Independence that SWAPO has won the struggle. The enemy today is HIV/AIDS, crime, poor education and unemployment. This needs a different strategy and a different approach than the struggle mentality displayed by too many of today's leaders. (Intervention)

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: I rise on a Point of Order to find out what is meant by “*struggle mentality*”. You are so young, you are supposed to be a disciplined person, but you already show us the manner you were brought up.

HON SPEAKER: Deputy Minister, you put the question, you want to know what he meant.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: It is his first speech but he is already so cheeky.

HON SPEAKER: Let us teach him since he is new and young. Let us show him the right way, he is a Namibian.

HON LUCKS: “*Struggle mentality*” means focusing on those things and I do not dispute the struggle, but focusing on those things that lay more than twenty years in the past while the current issues are HIV/AIDS, unemployment, crime, etcetera. (Intervention)

HON SPEAKER: You were not here when I made clarification that traditionally when a new Member takes the Floor we say he has the protection of the Speaker, we had this exercise in your absence back and forth, and I explained to those who do not know that that principle still holds. Among them, there are veterans of this House who have come back. We do not treat them as making maiden speeches, but for new ones I said up to a point, if you stick to these wonderful ideas, dreams and hopes for Namibia, that you have my protection, but if you play what I called then, a political game, then it is a free-for-all, you will be attacked by others. I will still let you continue to say what you want to say, but find a way to rise beyond the temptation to say things that would provoke.

HON LUCKS: Honourable Speaker, the official jobless rate has almost doubled since Independence twenty years ago. There is no denying that the

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SWAPO-led Government is responsible for this. No blame-shifting, finger-pointing and other excuses will be able to distract from this fact.

It is interesting to see that the SWAPO Party claims to have the only mandate from the people, claims to be responsible for all the successes of this Nation and pats itself on the shoulders in just about every speech that is made. However, when it comes to failures, it is quick to absolve itself by stating that, and I quote from a speech made by Mr Tom Alweendo, the Director-General of the National Planning Commission at the recently held Employment Summit: *“It should be clear to all of us that Government alone cannot solve the unemployment problem”*. He goes on further to state... (Intervention)

HON VAN DER WALT: Honourable Speaker, it seems to me that the RDP use their maiden speeches to campaign. Let us do it at the scoreboard, let us do it on the battlefield where we do our rallies and campaign for our Parties. Let us not judge the Party when the Court case has not been concluded. Let us wait for the outcome. The President Honourable Lucks is serving today was a SWAPO member for many, many years. What happened at the end of the day? Your President, Honourable Hamutenya, was not happy that he did not become the President of Namibia and for that he turned around and he backstabbed his Party that he belonged to all his life. The same happened to Honourable Nyamu. Therefore, I will rather sleep with the lion I know before I sleep with a chameleon.

HON SPEAKER: Sit down! Take the Floor and make your statement.
Continue Honourable Lucks

HON LUCKS: I will quote again. *“It should be clear to all of us that Government alone cannot solve the unemployment problem.”* He further states, *“Out of necessity we will have to walk the difficult path together as partners to create the needed jobs for all our citizens as partners who have everything to lose in equal measure if we do not succeed”*.

Honourable Members, the Employment Service Bill aims at imposing – and that is the term that is used in the Bill – more rules, regulations and possible fines on Namibian employers, directly discouraging the creation of new

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employment opportunities. The SWAPO-led Government is clearly aiming at ruling and regulating every aspect of this country. We all know this and it is not unexpected in an autocratic Government. However, in a free market system Government relaxes legislation. (Intervention)

HON MINISTER OF EDUCATION: Something needs to be clarified. We need to know what he means with “*this Government being autocratic*”.

HON SPEAKER: There is a strong dispute. Why do you characterise the SWAPO Government as being autocratic, if we know what autocratic means?

HON LUCKS: As I said, this Government is autocratic, because it aims at ruling and regulating every aspect of this country. (Intervention)

HON SPEAKER: No, that is not even enough for the Speaker. A Government elected democratically and re-elected democratically cannot be deemed as being autocratic. I ask you for your own good to withdraw that one.

HON LUCKS: I withdraw unconditionally. However, in a free market system Governments relax legislation and remove red tape and other impediments that stifle investment, job creation and growth. If unemployment increases at the current rate, there will soon be no labour market left to regulate.

The Bill under discussion may have noble intentions. However, it does not address the unemployment situation and can even be seen to actually increase unemployment. Let me explain:

Any employer or potential employer, who is already faced with excessive red tape in this country, will view this Bill as just another discouragement for job creation. Take for example an employer who has nine employees and would become a designated employer according to this Bill when having ten employees. With all the registration, reporting and possible fines for contravention being imposed, this employer will think twice before creating

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another position in his organisation. The imposition of all the rules envisaged in this Bill and possible imposition of heavy fines, is this the way to treat the equal partner that Mr Alweendo talked about in the quest to create jobs?

What we need in Namibia is less regulation and more creation. The reactionary ban on labour brokerages is a good example of the overreaction of the Government and their partners, the Labour Unions, to the detriment of Namibian workers. At the time the practice of labour brokerages were called slavery, amongst other things. The English dictionary defines a slave as someone who is held in servitude as the property of someone else. Workers, however, are offered the services out of free will and they receive compensation, which puts bread on the tables of their families. Please understand me correctly, I do not condone the unfair treatment and exploitation of workers, but thousands of job opportunities were lost through the reactionary ban while the workers would have been better served if Government, through existing legislation ensured that labour brokerages operated within the law. (Intervention)

HON MINISTER OF FINANCE: I know that the Member is a new Member and he was not party to the approval of the Bill that he refers to as the reactionary ban of labour hire when that took place in this House, but still I do not think that that gives him the right to describe a provision of a law passed by this House in terms of our Constitution as a reactionary ban. That is the first point.

I also just want to understand for the benefit of the public there whether the RDP, as represented in this House by its President, subscribes to the views, as a matter of policy, that that Honourable Member is espousing in this House under that statement.

HON LUCKS: Honourable Speaker, I withdraw the word “reactionary” unconditionally. (Intervention)

HON MINISTER OF FINANCE: Stop saying those things. Do not withdraw them later. Just stop saying things like that. (Intervention)

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HON DINGARA: I think the Honourable Speaker has requested the House that we must teach the Colleague.

HON SPEAKER: I did not really request the House to do that. I said show the good example.

HON DINGARA: On that basis, Comrade Speaker, if the Honourable Member has written his speech himself and knew the speech well we advise him to skip those pages that he knows will bring him into trouble.

HON LUCKS: The Honourable Minister Kazenambo, who is not here today, in his contribution talked about the exploitation of workers by both black and white employers and I must compliment him on calling a spade a spade.

The Honourable Minister, however, failed to mention one group of employers that is also known to exploit workers, especially in the construction industry. The difference is that Government directly contributes and is responsible for this exploitation through the awarding of almost all tenders to these employers.

I am talking about Chinese construction companies who often at times exploit their workers more than the labour brokerages did. No – and I will not use the word “reactionary” – no ban has been seen in this case and existing legislation to protect workers is not enforced or is only enforced selectively.

As I quoted in the beginning, if you want to see different results you have to do things differently. What is needed are Acts that stimulate investment, growth and job creation, not ever more regulation. Immigration laws should make it easier for specialists and experts to work in Namibia to transfer skills. Local entrepreneurs should face less red tape and an environment should be created for them to create more job opportunities. Foreign direct investment should be encouraged by making Namibia an attractive and simplified investment destination. Numerous examples of countries that did precisely this exist from Brazil to Ireland and Australia, to name just a few. Their success rates are astonishing.

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In closing, to quote from the Bible in Ecclesiastes 1:9: “*History merely repeats itself, it has all done before. Nothing under the sun is truly new.*” This means that we only have to look at the successes and failures of other nations and learn from them. May God bless this Nation. I thank you.

HON SPEAKER: I thank you. Honourable Limbo.

HON LIMBO: Honourable Speaker, Honourable Members of this august House, I rise to make my first speech as I am appearing in this House for the first time after twenty years of Independence. My journey into politics started in 1975 at a very tender age when I left my country and my people, yearning at that time for freedom and Independence. I began my journey by leaving my mother to go into exile, surely not by choice but because was no better option at my disposal. My understanding of Independence then was to become free from all social and political ills that galvanised my people at that time.

Honourable Speaker, Honourable Members, as a country under bondage of occupation and colonisation it was unable to free the potential of its people. Education was at a very low standard, employment was at a rudimental stage, and very few people were exposed to education and employment opportunities.

It was my thinking then that to broaden the education opportunities in the country and create job opportunities for our people; the first step was to remove the bondage of colonial occupation and its vice of injustice. I was conscious that the task was not going to be easy, nor was it going to be achieved in a short time. I knew the price to pay to achieve Independence but I was determined to take the risk and challenge like other Namibian sons and daughters who have done so before me.

Honourable Speaker, Honourable Members, in Zambia I was able to meet many old and young Namibians from all corners of Namibia and I was able to mix and mingle among newly found brothers and sisters in the struggle. Our aim and objective was common and purpose singular in objective. The aim was Independence. I have to pay a single tribute, before I go further, to my heroes. Of course, the first one is my late husband who up to know I do not know what happened to him and Honourable Hidipo Hamutenya, Peter

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Nanyemba, Greenwell Matongo, Nathalia Mavulu, Moses Garoëb and Dr Libertine, to mention but a few.

Of my compatriots I would like to acknowledge the following: These are the people who really made me to be what I am today because they gave me that courage – Aina Shikwambi, late Shadrack Mwilima, Josephine Kandjambanga and Toini Awala and Sophia Nekongo, because these are the people whom I came into contact with at that time when things were really bad. Through interactions with them, they have not only granted me moral support, but they have contributed immensely to my political growth and cemented my bravery. There was no assignment that was too big for me, nor too small for my undertaking. As a paramedic on the battlefield, I was able to assist the injured.

Honourable Speaker, Honourable Members, during the days of the national liberation Independence was central to our cause. Namibia was one and we were one people. The spirit of oneness kept us going though we were faced with difficult challenges. Upon my return from exile in 1989, I have realised that the level of development in my country has not changed much and I began to understand that the tasks lying ahead are more challenging than the just completed task of national liberation.

Education and training in the country needed a radical transformation to suit the challenges that lay ahead, the health care system, though at a medium level, required further improvement, housing provision in the country was a major challenge, employment creation was at a point of stagnation, the poverty level was high, particularly among the rural population, electricity infrastructure was underdeveloped and indeed at a very low level.

Honourable Speaker, Honourable Members, I think I was not the only one who was touched by the situation that faced our Nation. The first five to ten years of our Independence have seen fundamental and radical actions addressing the abovementioned weaknesses and social ills, however as we progressed to the fifteenth year of our Independence, we began to see a decline in addressing the already identified weaknesses. Our education system began to produce high failure rates of our children. Housing provision, water and sanitation began to decline. Unemployment started rising its ugly head, poverty became widespread among our people. The question is what went wrong? The noble idea of selflessness, sharing and solidarity that kept us going in those days of

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our national liberation started to fade away. People became self-centred, greedy and corrupt.

However, Honourable Members, the introduction of the Employment Service Bill after twenty years of Independence has come far too late. I think it could have come much earlier. The Bill is being introduced when the problems of unemployment have grown disproportionately high at 51,2%. I hope this Bill will not increase the pressure of unemployment due to its bureaucratic nature, but that it will be able to address the unemployment rate in our country.

The Nation is unemployed today. It wants employment tomorrow. We discussed the body of this Bill; we must take into cognisance that there are hungry people out there. There are people without a roof over their heads out there in the locations and all over the country. One can only buy food and have decent education when he or she is decently employed.

Based on the situation on the ground, Honourable Speaker, Honourable Members, our role as lawmakers is not to argue about the figures, but rather to address the situation of unemployment as a matter of urgency.

Honourable Speaker, Honourable Members, for the Bill to be more effective, in my view, it should address itself to the question of readily available information dissemination, regular review of statistics which are fed to the Bureau and address itself to the plight of the rural poor. The Bill calls upon the implementers to create a link between the rural poor and the urban centres. It also calls upon human resource empowerment to be able to reach out to each constituency and empower the citizens seeking appropriate information on employment opportunities. Caution should, however, be taken that this Bill should not be turned into a so-called black economic empowerment that only benefits a few, but it should be able to cater for everybody.

Honourable Speaker, Honourable Members, I want to rest my case. I thank you, Honourable Speaker.

HON SPEAKER: Honourable Geingob.

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HON MINISTER OF TRADE AND INDUSTRY: Thank you, Honourable Speaker, I wanted to get up like Comrade !Naruseb to try to welcome the new Members as Namibians, patriots who love their country. That was my intention, but when I read this Bill and went to Clause 32, which deals with penalties for giving false information and that it should be punishable, I changed my view, because many of the people who joined us have come to apparently spread falsehood. This Bill is talking about punishment, so they had better watch out for saying wrong things.

Comrade Speaker, when we started here I used to sit there and those who came from the other side were sitting there. Dirk Mudge was sitting there. The House was sometimes tense because of feelings of hatred. I crossed over to go and say hallo to them. There were some on that side who were calling me names for being friendly to white people, those who are there, calling me names like that. That is why I said I wanted Honourable Nyamu to be here, I am addressing him because he called me names. I used to cross over there, trying to welcome them, trying to create that atmosphere of belonging to one country.

When they left SWAPO I was coming from Accra, I was with Comrade Mutorwa. On the flight from Johannesburg, we were sitting there and Honourable Nyamu came, he pulled his face and passed, not saying anything. I asked Comrade Mutorwa “*Was that Nyamu?*” He said yes. “*Did you connect with your eyes?*” He said, “*No, I looked away.*” Then I got up, I went back and said jokingly, “*When you see elders, you must greet, what is wrong with you young men?*” He said, “*No, I did not see you*” and then we greeted each other.

When I met my old colleague Hidipo or used-to-be – I call him Hidipo because we come a long, long way – after a long time at the American Embassy during the inauguration of President Obama, I went to hug him and said, “*How are you?*” I have been trying to create reconciliation wherever I was in my actions and deeds. For somebody to stand up in this House and pick on me to say I was a bulldozer, I bulldozed Acts here, when you look at the body language of undemocratic people when they talk and how they behave, as Honourable Von Wietersheim was doing, they accuse us of not being tolerant, but then you look at the autocratic way they behave when they are talking. He was lecturing us, was too holy, he knows everything and then when somebody says, “*May I ask*

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a question”, he says, “*No, I do not take any questions.*” Is that democratic, calling others autocratic when you cannot take questions in a Parliament, but tomorrow you jump and ask questions?

Honourable Nyamu was the first one to ask a question and of course, my Colleagues here being what they are said yes and they kept on asking questions and they were getting arrogant, but they refused to take questions. That is a sign of who they are. Simple things can tell what a person is.

Let me first state, whether unemployment is 1% or 100%, it is bad. One percent could have been a problem to us too because we are concerned about the well-being of our people. Even if it was one percent, not ten, not fifty, it is still a problem. To some of you it apparently only becomes a problem because it is 51%, as you are claiming. That is the only time it is a problem. If it had been ten, maybe you would have said it is fine. Why? We are used to exclusion. You have been excluding people who were maybe about 80% unemployed in this country before independence. If you look at the northern parts, what employment was there? People were coming from there to get employment on contract labour. They were unemployed, they were denied their freedom, they were denied to vote. Then we fought and now you lecture us not to be proud of our glorious history. It is very interesting, when you have an ugly history, you would like to forget it. If you oppressed people through apartheid, you would like that history to be forgotten, but if you were so brave to fight against all odds, you would like to tell that story over and over.

In America, one hears about George Washington and they proudly celebrate what happened two hundred years ago. They still teach their children their glorious history. Everywhere in the world they talk about their history, now we are being told by some people who were oppressing others only twenty years ago that we must not now talk about the past, we must now talk about Namibia from the 21st of March. You are fooling yourself. You cannot correct the evils of a hundred years within twenty years and we do not just dwell in the past. That is an untruth to say that. (Intervention)

HON MINISTER OF EDUCATION: Honourable Speaker, I would like to ask my Vice-President a question. Honourable Minister of Trade and Industry and the Vice-President of the SWAPO Party, you seem to be worried about the ideas coming from that direction. Are you worried and possibly disappointed

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that these people have no new ideas, no vision? Are you disappointed and worried?

HON MINISTER OF TRADE AND INDUSTRY: My dear Doctor, it is not a question of worried, I am pained. These were my Colleagues. I am pained. They were revolutionaries and reactionaries. I am pained. I do not know what happens when a person crosses over, what happens to the wisdom. What happened to the logic we used to listen to? I am pained, not worried. I was expecting to get something, maybe knowledge gained while being away from us. I am pained and if this is the Opposition, we are going to get in this Parliament, I do not know. Opposition based on untruths, denying that this country is a democratic country. When a patriot denies that this country is democratic, it holds free elections observed by others and so declared by others, a Namibian stands and says all elections were rigged, SWAPO has been rigging elections since Independence. You can try to win power, but not through lies like that, no!

If you just take the *Republikein* of yesterday, it had an article saying that Namibia is judged as the country with the freest press in Africa and that is correct. Where was any journalist arrested or harassed in this country? They say Namibia is about the fourth most competitive country to attract investment. You must have a conducive environment and because of that complacency is important and experts are rating us that way. However, Namibians who are supposed to be patriotic are saying this country is corrupt. Nothing is working. Where are you coming from, what is happening? What happened to your brains? Mr Mudge is saying SWAPO is rigging elections.

Then we are told people are suffering. I do understand there are brothers who are not from the Katutura's of this world. It is only when they became leaders that they opened up to the black people's plight that they are discovering now that people are suffering. They have been suffering! Maybe you are passing through Katutura and see they are suffering. My friend, they have been suffering and that is why there was the war of liberations. Therefore, do not blame us and say there is unemployment and so on. These things were there.

This young woman, can you believe it, she named people, she only composed of lies. You do not expect that of an honourable person. She was sent to Ireland to go and study there and she did not even mention my name. She

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mentioned the heroes, but I sent her. That is the type of people we have. How do I trust a person like that? When you try to come and say I must go there and destroy them by all means, this is a compatriot and you just came and told every story anyhow, not thinking about your country's standing tomorrow. It is your country and I am shocked, I am disappointed, pained.

Comrade Speaker, maybe I am older than many of you, except my Colleague who is sitting here who is a bit older than me, but let me advise the other young ones that whether we want to win power, this will be the only country some, if not all of us, will refer to as our own country. We do not have any other country to go to and, therefore, let us not throw the baby away with the water just because you want to score political points. What you say here is recorded everywhere, that is how we are graded and if untruths are told by Namibians and that is being used to grade us, what are you doing? What is this? Is this what we are going to get for the next five years? Is this the best you have offered or are you reserving something else? If what I have seen is the best, I am disappointed.

Comrade Speaker, this Bill is talking about not telling lies and that liars will be punished under this law. I do not know whether we should now start to take action, because all kinds of lies have been told in this Parliament. I do not know whether one author was writing all their speeches. I have my suspicion that it is one person. I know people who are good writers. I know some of them. I do not know whether one person was writing all these speeches because they had the same ring. Some words they could not pronounce, but they were trying to use them. You do not do that even if it is your own speech. If the word is difficult to pronounce, I take it out. How do I put a word I cannot pronounce? Therefore, somebody was writing it. Please, let all the Honourable Members talk for themselves in the future so that we can debate.

I am annoyed by people talking about history, the young man there, Honourable Lucks. Let us forget about hatred when we are here. Pent-up frustration for SWAPO having been in power for twenty years, that you want to see a change. You cannot wish away the ladies and gentlemen sitting here, they have deep roots and you are trying to say we must forget history. You are a young man, maybe you do not understand all these things, but there are people who are still alive. Thirty years is not a long time for people to forget how they were oppressed. Maybe you did not go through that. They still

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know what happened in this country. When I go and tell them I liberated the country, watch, you will see. (Intervention)

HON LUCKS: May I ask the Honourable Member a question? Where in my speech did I say that the past should be forgotten?

HON MINISTER OF TRADE AND INDUSTRY: You know, when you do not write your speech, you do not know what you have read. This is what happens. Those who are living in the liberation struggle, let us talk about today. I heard you reading. Let us talk about today's problems, not about the past, the liberation mentality. The man is asking, "*Where in my speech?*" It is in your speech there what you have read.

Comrade Speaker, I know we want to prove the point that we are now here as the new Opposition, but I think you missed the point. Go back, have your caucus, reorganise yourselves. (Intervention)

HON MINISTER OF JUSTICE: May I ask the Honourable Minister a question? Comrade Hage, we are 54 Members, more than a two-thirds. There was an article in one of the daily newspapers, "*SWAPO Members threaten to walk out of Parliament*". Was that said by them or was it ever mentioned here or was it a figment of the imagination of a sick mind of a journalist sitting somewhere upstairs?

HON MINISTER OF TRADE AND INDUSTRY: When I saw that I just said people are not going to stop at anything, they will do everything to distort, but that is not the way we are going to oppose each other and build a Nation. I thought we want to live in peace. (Intervention)

HON VAN DER WALT: May I ask the Honourable Member a question? I am also a very young man, but if I remind myself, then I would love to ask the Nation a question, because the maiden speech of Honourable Lucks was very impressive in the sense that I think sometimes they do not think about history or I do not know if they do not know history, but the RDP is there now, it is a

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new Party and the Nation outside is wondering what is going on and SWAPO rigging the elections. My question is very simple, people there must not be fooled. The people get the wrong message through the maiden speeches of the RDP. My question is very simple, where does Honourable Hidipo Hamutenya come from? Was he not part of the liberation struggle? Was he not part of the SWAPO Party?

HON SPEAKER: Honourable Member, you are asking and answering your own questions.

HON VAN DER WALT: That is my question, why all of a sudden certain people believe this is the alpha and omega. There is nothing new. I would rather sleep with the lion I know than somebody who just after forty, fifty, sixty years turn around against his own brothers. I believe history is going to remember. I believe that all of us know what the liberation struggle was about.

HON SPEAKER: You are still answering your own questions!

HON MINISTER OF TRADE AND INDUSTRY: I think the question was answered by the person who posed it, but when you asked where is Honourable Hidipo Hamutenya from, I thought you were trying to say that he is not a Namibian and I thought, what is wrong with the young man?

We live in a democracy and even if SWAPO has been accused by many Parties, even in some parts of the world, people have the right to choose to remain in SWAPO. As I kept on saying, I joined SWAPO on my own volition as a young boy. I chose it as the Party I want to be in. (Interjection). No, some of you are through inheritance. I decided to join because I knew it was the right thing to do.

Maybe Honourable Von Wietersheim liked me after I met him in Lusaka, maybe he was influenced by that or Honourable Hidipo Hamutenya influenced him. He joined SWAPO out of conviction, he walked out of Cabinet, firing himself. Then he went to the CoD because of conviction, then he changed to

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the RDP. I am still SWAPO. There are people who were trying to destroy me in this Party, they were even saying I am CoD. I called a press conference and said I will die in SWAPO. Where are they today, those who were second-guessing me, trying to destroy me? (Intervention)

HON DINGARA: I also want to put a question to the Vice-President of SWAPO. When I was at school, I was taught the history of when Jan Van Riebeeck came to Cape Town. Now others are claiming that the history after twenty years of Independence is too old and I want to know from the wisdom of the Doctor who has studied history to tell us when history becomes so old that it must be thrown away.

HON MINISTER OF TRADE AND INDUSTRY: When you have a selective memory, when something is ugly, that you have been committing a crime against your fellow human beings, you want to forget that. What he could have done is just to say I am sorry. There are many whites who have done that. They just said, "*I was wrong, I was indoctrinated by the apartheid system that made us look superior to others*". However, be careful, a superiority complex is when you are not sure of yourself, you have to look down on somebody else. If you are confident, you do not have to worry about other persons. That is what happened. When they were not sure about their future in Africa, they got this policy and they were worshipping it. They are doing that, maybe secretly. (Intervention)

HON VAN DER WALT: Honourable Speaker, may I ask the Vice-President a question, please? I just wonder if you can tell us is there is an aerial photo of Windhoek twenty years ago and other places in Namibia, because I would like to see the changes, which took place over the twenty years. I would just like to know if there is something like that, so that we can put up a screen here. Is it possible so that we show the Nation what is going on? I know that SWAPO did not do everything right, but it took America and Europe two to three hundred years to build their economies. We have been independent for only twenty years, we are not God, and we are only a Party, which is trying its best to make a success of our country.

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HON MINISTER OF TRADE AND INDUSTRY: Honourable Speaker, the young man just read my concluding remarks. I was going to summarise by saying that even if you do not have eyes, just look at what Windhoek is today and I agree with you, we are not perfect and it is not because of us only, all of us I would have thought. However, when things are bad they are the ones saying it is the SWAPO Government. If that is the case, we will also claim everything good as SWAPO. (Intervention)

HON DEPUTY MINISTER OF SAFETY AND SECURITY: May I ask a question? Comrade Vice-President of SWAPO, in 2007 we had articles in the newspapers that SWAPO has lost its vision and it was continuously being written. Having listened to the maiden speeches by some Members who found themselves in exile for a few months by not joining Parliament, are you impressed or are you worried that these people will bring new ideas? Will Namibians take ideas from them?

HON MINISTER OF TRADE AND INDUSTRY: I was going to summarise our achievements, but the question is very pertinent (Intervention)

HON SPEAKER: As soon as he finished answering.

HON MINISTER OF TRADE AND INDUSTRY: I was a teacher a long time ago and I want to teach them that we take questions, so that others who refuse to take questions can learn from that. When you grew up with somebody it is very difficult, but to my surprise, as I was walking in here I was being attacked. I said, "*What have I done?*" Then I was called a spin-doctor I have apparently told a lie when I said Namibia is a unitary State. Is there any doubt? I quoted from the Constitution of this country that Namibia is a unitary State. I committed a crime there, I am a bulldozer, and I am a spin-doctor by stating Namibia is a unitary State. Honourable Hidipo, Nyamu and I do not know about Von Wietersheim, went on saying about division in this country. Division caused by apartheid, we had homelands for this tribe and that tribe and we said, let us have a unitary State and strong central Government. We were together, I know that, we said that, not to allow this division of our people, let us have a strong central Government. That is a fact. Now I am a

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spin-doctor because of that. This is, therefore, not a new vision. I do not think we will gain anything from this. (Intervention)

HON LUCKS: May I ask the Honourable Member a question? In my speech, I talked about the emotional political speeches that aim to distract from the facts facing this country today. I just wanted to ask the Honourable Minister, is what we are seeing here a demonstration of that?

HON MINISTER OF TRADE AND INDUSTRY: Yes, what you are seeing here is not to allow anybody, under whichever guise, to try to destroy what we have built up, what we have achieved. We will never allow that. You said you want to win elections, you want to rule this country, but not through lies and we will never allow you the lies. (Intervention)

HON MINISTER OF FOREIGN AFFAIRS: Comrade Speaker, may I ask my Vice-President a question? When these new Members were coming to Parliament, we were told they were coming to Parliament with a bang, so-called spark, but when I was listening to their speeches, they were really pathetic and disappointing. Comrade Hage, they have sunk even lower than the other Opposition Parties have. We have listened to Honourable Maamberua who at least made some sense, so I do not know.

HON MINISTER OF TRADE AND INDUSTRY: Yes, you have answered yourself. I must say to my young compatriot there that “*parlé*” means talk. People have a right to judge others and you were quoting from the Bible, but the Bible does not teach you to judge other people. You are quick to judge, trying to say that what you are saying is so reasonable, so holy; what others are saying is emotional.

We were taught by Malcolm X, they were saying all the blacks in America are emotional and the blacks were saying, “*for too long the white man was standing on your foot, very calm, relax, because he is standing on you, but you*”

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are feeling the pinch.” Are you going to be calm? No. That is a big difference.

When somebody stands and tells a lie to try to destroy what we have done, instead of saying there are things I can improve upon, yes it is a process, but to deny that there is an effort in building democracy in this country, because of that we are here. If you want to get maybe 50% you are dreaming, but you were elected through that democracy that you are trying to boycott. You see, you make yourself look very interesting, I do not know. You were voted, you did not want to come and then you are sitting here. What are you doing? Suppose the Court says whatever it says, what are you going to do? Why did you come here? Why did you not wait for the Court’s judgment outside? You are here now, did you run out of money or what is it? (Intervention)

HON MINISTER OF INFORMATION AND COMMUNICATION

TECHNOLOGY: I want to ask the Vice-President of SWAPO Party a very tiny question. What would you say to those with high expectations who were looking forward to seeing the RDP in Parliament so that they could elevate the intellectual debate in Parliament. What would you say to those who were saying that?

HON MINISTER OF TRADE AND INDUSTRY: Well, there are those who have made up their minds, even if I will say something stupid they would clap and say, “*Hey, RDP!*” They will do that, they are committed to that. Wishful thinking. They will do that, but there are those who might have been doubting and wanted to see how they perform in Parliament. I am telling you, they have seen now and elections are coming. I can tell you, do not go and cry that it was rigged. Do not participate, if you participate, you must know you must accept defeat. Do not cry if you are defeated. Before you go, you must make sure it is going to be free and fair. If you come in and we defeat you, do not cry. (Intervention)

HON MINISTER OF FINANCE: Does the Vice-President think that is the reason that the RDP went to collect people outside the boundaries of Omuthiya and put them on the list, because the people ran away from them? While they were absconding from Parliament, people were absconding from the RDP.

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HON MINISTER OF TRADE AND INDUSTRY: Yes, it is not good for Namibia. We are trying to build democracy in this country, we want to have an Opposition but not this way. While we are registering people are saying, “*I did not give my consent.*” I will never go and take a person, we select, we reject people, and we say SWAPO is not there just for you to walk in and walk out. We screen you. (Intervention)

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: May I ask you a small question? Are you aware that some of these Parties who migrated from the right Party to the wrong Parties also contributed to the unemployment rate when they falsely convinced teachers, nurses and Councillors to resign, promising that they are going to give them jobs and now they are on the street? Are you aware of that?

HON MINISTER OF TRADE AND INDUSTRY: I am learning from you now. If they did that, that is bad.

Comrade Speaker, let me now summarise and conclude on a serious note, that yes, SWAPO is the mother. The President and his Party, immediately after the RDP was formed, was saying at rallies, “*Those who are misled, come back.*” Honestly, I do not see any future there, come back. This is our home. Young man, you can try to deceive, you can tell stories and think you are going to win, never, we will be here, we will be here and try by all means to have your agents, do not let them sleep. We want to build democracy; we do not want to be destroyed by people who are crying because they are losing. Go to the polls, have your agents, let them stay there so that we have elections that we can all call free and fair. The results will be announced and I am telling you at regional level, if not in all 13 Regions, it will be in twelve and a half Regions that we are going to sweep.

When I am going to speak on Sunday, because as I was walking in war was declared against me and I will fight. As I was walking in, I said, “*Are people using my name?*” I wanted Honourable Nyamu to be here, Honourable Nyamu has been fighting me since 1965 and he failed, since 1965 when he was telling people to write letters to Dar-Es-Salaam that I must be removed. When we had SWAPO meetings, he had other meetings where he was talking.

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All I am saying is that it has been a long time that some people were targeting me. Wherever they see SWAPO and I am there, I am the bulldozer I am the spin-doctor. Where does he get it? They tried to destroy me and I must say I am angry. They tried many times with lies and so on. They failed, they still see Hage going everywhere. I am here. I am in Namibia. I was born here, this is my country, the only one I can call home, so you are going to deal with this big man. Do not let my size frighten you, I am a nice man otherwise. I rest my case.

HON SPEAKER: Thank you. Honourable Makgone.

HON MAKGONE: Thank you, Honourable Speaker, Honourable Members. After the wise words of the Vice-President of SWAPO, one feels so small and feels you might dilute everything that was said, but I will continue for the sake of progress and make some comments on page 4 of the Bill, the Employment Service Board.

In Clause 3, it deals with the composition of the Board and then it continues to the functions and tenure of office and then in Clause 6, it deals with the Vice-Chairperson of the Board. When going through the Bill I could see no Clause dealing with the election or appointment of the Chairperson.

On page 7, Clause 4 reads, “*The Chairperson must cause reasonable notice of every meeting of the Board to be given to the members of the Board.*” I feel that the word “*reasonable*” could be misused in some cases and whether perhaps the number of days should be stated, saying not less than so many days.

On page 13, Clause 17(c) reads, “*The number of employees who are not Namibian citizens by sex, age, occupation, passport number or birth certificate number should be given*”. There are private companies, which are trying to use the quality of our education system as an excuse to bring people into the country. I want to know how this is being monitored because transfer of skills can be done in the short of long-term. (Intervention)

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HON MINISTER OF MINES AND ENERGY: May I ask the Honourable Member a question? Honourable Makgone, you just came to Parliament and you have listened to the maiden speeches of many of your Colleagues. Do you remember that there has been an experience like that one of Honourable Lucks and do you really think that after the recess he is still going to be a member of the RDP and coming back to Parliament?

HON SPEAKER: No, you do not have to answer the question.

HON MAKGONE: I will continue, Honourable Speaker, I think the question in a way is answering itself.

I was saying certain skills could be transferred in six months up to three years. How is this monitored in order to say the company is no longer eligible... (Intervention)

HON VON WIETERSHEIM: Honourable Speaker, do we have a quorum?

HON SPEAKER: We have 35 Members and we need 37 to conduct business. Ring the bells. Rule 17(c) reads: *“If it appears, after a Member has drawn the attention thereto or from the report of a division, there is no quorum and if after a period of two minutes, during which time the division bell shall be rung, there is still no quorum, the Speaker shall adjourn the House.”*

Record the names of those present and we shall adjourn. The House stands adjourned until Tuesday, 26 October, 14:30.

36 Voting Members:

Honourable Members: Hausiku, Iivula-Ithana, Kawana, Kuugongelwa-Amadhila, Nujoma, A. Iyambo, N. Iyambo, Kaapanda, !Naruseb, Nghidinwa, Katali, Haingura, Sioka, Ilonga, Uutoni, Muheua, Beukes, Isaacs, Shifeta, Namwandi, Herunga, Amweelo, Witbooi, Manombe-Ncube, Van der Walt, Mwaningange, Makgone, Dingara, Tjihuike, Hamutenya, Bezuidenhout, Von Wietersheim, Limbo, Nehova, Naholo, Lucks.

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ADJOURNMENT

2 Non-voting Members:

Honourable Members: Schlettwein, A. Tjongarero.

HOUSE ADJOURNS AT 17:00 UNTIL 2010.10.26 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
26 OCTOBER 2010**

The Assembly met pursuant to the adjournment.

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

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

**TABLING: ANNUAL REPORT: MOTOR
VEHICLE ACCIDENT FUND**

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, I lay upon the Table the Annual Report and Financial Statements of the Motor Vehicle Accident Fund for the year 2008.

HON SPEAKER: An further Reports and Papers? Notice of Questions? Notice of Motions? Ministerial Statements? Ministry of Agriculture, Water and Forestry.

MINISTERIAL STATEMENT

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: Comrade Speaker I thank you for giving me the Floor to make a Ministerial Statement on the subject matter of uncontrolled veldt fires in our country, particularly during the months of August and September by providing the information through this Honourable House to the general public in our country and beyond.

Comrade Speaker, annually millions of hectares of forested areas is destroyed by wildfires nationwide. Already this fire season alone more than three million

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hectares of rangeland was destroyed by uncontrolled wildfires or veldfires. Nearly all political Regions, including the Caprivi, Kavango, Omaheke, Khomas, Oshana, Ohangwena, Omusati, Oshikoto, Kunene, Otjozondjupa, Hardap and Erongo were affected and are still being affected by devastating wildfires during this season, Comrade Speaker. More than one million hectares have burnt down in the Kavango and Caprivi Regions alone. Most of these fires are caused by human activities and with the existing dry conditions, more uncontrolled fires are still expected.

We in the Ministry, responsible for forestry, are receiving letters requesting assistance after the damage, but let us not forget, Comrade Speaker, that the policy and legislative framework are in place which promote effective protection of the environment and safeguard the interest of present and future generations as per the Forestry Act that was passed in this House some years back and the SADC Protocol on Forestry that was also ratified in this Assembly. All Heads of State in SADC made clear commitments as per Article 15(1) of the Protocol on Forestry which states: *“That all Member States shall take all necessary legislative, administrative and enforcement measures to address natural and human induced threats to forests, particularly those that may have trans-boundary impacts”* and it is so, that fires, like floods, do not respect boundaries.

For us to be in line with the SADC Protocol on Forestry, but also our Forestry Act, Act 12 of 2001, Section 36(1) to (4) makes provision for the Minister responsible for Agriculture, Water and Forestry to declare fire management areas and establish a Fire Management Committee. Furthermore, fire Management Committees is given authorities in the Forestry Act in Section 37.

However, what are the impacts of veldt fires on the economy, the ecology and on life of animals, insects, and trees? We all agree, I suppose, that uncontrolled wildfires inflict economic, social and environmental impacts with negative consequences.

On occasions, wildfires caused large-scale damage to private or public property, destroying many large areas of rangeland and killing livestock and wild animals. For example, yesterday we were reminded through the print media and the electronic media that in the Omitara-Steinhausen area in Omaheke Region forty thousand hectares of grazing land were destroyed on twenty farms, killing more than 100 heads of livestock and wild animals.

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Various media reports estimate the loss due to these fires at roughly N\$7 million and it is only in the Omaheke Region, but as I said, these things happen all over in our Regions.

Large areas of grazing were destroyed and beef production is negatively affected because there is no feed for the animals. In addition, large forested areas are burned which harbour important endemic biodiversity species. Those of us who come from the rural areas know how dependent every person is on trees and other precious resources in the veldt. Surely, tourism is also affected because tourists who visit lodges and hotels in fire-ravaged areas will not go there, because that biodiversity and other tourist attractions are destroyed. What does it mean at the end of the day? This means that the national Gross Domestic Product declines because both natural resources and productive inputs are destroyed by uncontrolled wildfires.

There are some interventions emanating from the Government through the Ministry responsible for Forestry. We have put some measures in place to curb occurrence of uncontrolled wildfires. However, fire management resources are limited and cannot simultaneously cover all the destructive, large wildfires in different Regions. Not only that, when some of these fires are deliberately caused by individuals and then you destroy large tracts of land, you destroy life, as far as I am concerned, and I think all of this in this Assembly, will view that as a criminal act and it is useless to stand up after the damage has been done to now try to do something after the fact. In this case, prevention is always better than cure.

There are several challenges, which hamper effective fire management, prevention and suppression. Firstly, of course, is the limited Budget. Secondly, there is no collaboration and concerted efforts among Line Ministries, stakeholders, Traditional Authorities and farmers to ensure that we patrol to make sure that those with criminal intent do not just cause fires willy-nilly. Those that transgress should be brought before the law, because the matter is so serious.

I am appealing, using this platform, that fire management should be treated as a multi-sectoral issue whereby all relevant institutions should partner with the Ministry responsible for Forestry, Agriculture and Water. The participation of

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all citizens is also of utmost importance, particularly through the institutions of Traditional Authorities. Thus, in incidents of wildfires, all national leaders, regional leaders, constituency, Traditional Authorities and farmers must encourage all concerned and all involved to look at the issue of protecting our natural resources as enshrined in the Constitution as a responsibility of every one of us, including those with criminal intentions.

Finally, we all know fire and water are things we cannot do without on a daily basis. They are sustaining our lives, but they can also become dangerous enemies if abused, because they have devastating, destructive and deadly powers and that is what we are witnessing. I think it is not too late; we are making the appeal to ensure that prevention is always better than cure. Of course, once a fire has started we will not fold our hands, we will try to fight the fire, but it is always better to prevent than to let things occur and run around.

Comrade Speaker, this is the information that I wanted to give through this House to the public about the uncontrolled wildfires. Thank you.

HON SPEAKER: I thank the Minister very much for the information. This is a challenge not only to that Ministry, but also certainly to all of us as Namibian people. To the extent that the Minister has kept on mentioning the human factor, we have a responsibility as Members of Parliament and leaders to ensure that we continue reminding our citizens and visitors that this is a threat that is capable of putting to waste the progress we are making otherwise in many areas of our endeavours. The Secretary will read the First Order of the Day.

**RESUMPTION OF SECOND READING:
EMPLOYMENT SERVICE BILL**

HON SPEAKER: When the House adjourned on Thursday, 21 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Labour and Social Welfare, that the Bill be read a Second Time. Honourable Makgone had the Floor and she may continue.

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HON MAKGONE

HON MAKGONE: Honourable Speaker, Honourable Members, I will continue. I am of the opinion that some private institutions hide behind shortage of skills and quality of training at our educational institutions. Although the abovementioned cannot be denied, companies should know that they have a social responsibility towards the Namibians, for example in training or job attachment.

One would like to see competition between the sectors on how many Namibians they put through their employment ladder. One would like to know whether these institutions are organised under their different sectors or industries. For example, do we have the engineering sector and construction sector under one umbrella? If then they are organised, why can the sectors not identify their needs within the market and come together with the educational institutions and draw up the relevant curriculum that fits their market? Trainees who followed that curriculum should then be employable and must be employed.

Coming back to the Namibian Labour Force Survey of 2008, the Report indicates that, "*The employment rate for females is generally higher than their male counterparts nearly at all levels*". My opinion is that why unemployment and poverty is so visible in Namibia is because it is affecting women and the youth who constitute the largest group in number within the population. Women are like glue, responsible for keeping households and family structures together. Imagine what will happen if the glue is weak. Nothing will stick and nothing will stay in position and things will fall apart. This will continue until it affects the morals and values of the household and family structure. (Intervention)

HON RIRUAKO: On a Point of Order. If you are creating another Wenela, we are sick and tired to have another Wenela here. Why should we have Wenela in an independent country? Read it and read the whole text. Tell me if you are creating another Wenela. This is another Wenela, read it!

HON SPEAKER: Honourable Chief, what we are discussing is the Employment Service Bill. Continue.

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HON MAKGONE: This will continue until it affects the morals and values of the household or family structures, community, the society and lives of the Nation. I am sure that if research will be conducted on the education and employment level under the youth, there will be a correlation with the background of the household or family they come from. Thus, if we want to see change we have to empower women economically. If women are excluded or left behind from economic activities, then be prepared that change will be slow or difficult. The old saying is true that to feed a woman is to feed the Nation.

Honourable Speaker, Honourable Members, poverty and unemployment is not an ideology and not a Political Party issue, but have to do with human lives and need to be tackled with urgency and by all. Sir Geoffrey Vickers stated that, *“A trap is a trap only for creatures which cannot solve the problem that is set. Many traps are dangerous only in relation to the limitations on what man can see, value and do. The nature of the trap is a function of the nature of the trap. To describe other is to imply the other. So, we tend to take our own state of mind for granted, which is partly why we are trapped.”* I believe that we can change the situation, because we are not trapped and are victorious as always. I support the Bill.

HON SPEAKER: I thank the Honourable Member. Honourable Namwandi.

HON DEPUTY MINISTER OF EDUCATION: Comrade Speaker, I rise to support the Bill with some observations.

Clause 13(2) on page 9 of the Employment Service Bill deals with the functions. I am particularly interested to comment on (f) and (g), because if given an opportunity to suggest an amendment to this Bill, I would replace *“educational”* with *“tertiary”* in (f) and I would erase *“vocational”*, so that this could read: *“Liaise with the Ministry responsible for Education in respect of tertiary and vocational training institution attachments and internships.”* I am saying this, Comrade Speaker, because I am under the impression that this is confining the function of the Bill to educational institutions, because as there are some institutions that are said to be tertiary, students also need to have attachment.

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Comrade Speaker, it must be noted that Government has created a conducive atmosphere for business to operate. Of course, the Government is not perfect, but it is about time that Government and this Honourable House put in place mechanisms to entice State-Owned Enterprises, Government departments, private and multi-national organisations to take internship and attachment seriously. Depriving our students of job training experience means creating unemployment, because no employer is willing to recruit inexperienced prospective employees at the expense of experienced ones and taking into account our country, those who are experienced are non-Namibians.

Comrade Speaker, it is important to tighten this Bill so that Namibians can benefit from it tomorrow once it becomes an Act. I hope a Clause can be inserted somewhere in this Bill compelling or enticing particularly State-Owned Enterprises to first exhaust the expertise right here at home before looking elsewhere. This is by no means an expression of xenophobia, but efforts aimed at improving our companies and our people.

For example, Comrade Speaker, this morning I read in one of the English dailies an article on the marriage between the Namibian Tourism Board and Wits University to development courses here in Namibia and I am under the impression that these courses could easily be offered by the University of Namibia or Polytechnic. I think it is about time that the people of Namibia, especially organisations, have trust in our own institutions and by giving the job to the University of Namibia and Polytechnic and other institutions will create jobs indirectly. Therefore, we must have faith in our own institutions. Thank you very much, Mr Speaker.

HON SPEAKER: Thank you very much. Honourable Shifeta.

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you very much, Comrade Speaker. Comrade Speaker, let me first say I support this Bill unreservedly. We are just emerging from the global economic crisis and it is not the first time we are experiencing this. We had some crises before and the effects of this crisis affect all economies. All countries are affected but the magnitude differs.

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Some countries were less affected than others were and that depends on their preparedness to meet the global economic challenges.

The Bill before us is just one of the efforts to balance or fiscal and monetary policies, which became unbalanced because of the crisis I just mentioned. The Bill is projecting that the Nation meets the global economic challenges we have at present and the emerging ones. If one looks at the functions of the Board, it is clear that as a Nation we are preparing to mitigate the effects of global challenges.

Unemployment as a result of the effects of the global economic crisis is not only a Namibian problem, it is a challenge everywhere in the world and it is up to us as a Nation to prepare ourselves and to put our policies and laws in order to regulate and mitigate the effects of global economic challenges.

I, therefore, feel that this Bill is timely and with the involvement of different sectors we will be able to discuss and the function of the Board is to advise the Minister and do research to provide information as to how to mitigate the effects of unemployment. I, therefore, fully and wholeheartedly support the Bill. It is not a Wenela as the Chief was saying. (Intervention)

HON TJIHUIKO: Honourable Speaker, may I ask the Honourable Deputy Minister a question? You are talking about job creation. Can you just show us in this Bill we are discussing now an element that would add value to job creation? Secondly, apart from the establishment of the Bill that would delay employment opportunities, what is it that you can proudly say that when we implement this Act we would create jobs because of a, b, c?

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I do not know whether the Honourable Member read this Bill, but I just want to refer him to the functions of the Board. You do not even have a copy. You have not gone through the Bill that is why you are asking such questions. This Bill is one of the instruments that will assist us to get information and the function of the Board is to provide information services so that we can plan. It is a question of planning. It is not an end it is a means. Have you read that now? Are you convinced?

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Comrade Speaker, I said that this Bill is very important and all of us should support the Bill. (Intervention)

HON TJIHUIKO: May I ask the Honourable Deputy Minister a question? Honourable Deputy Minister, on the very same page, functions of the Board, number 4; jobs are not created by advising the Minister. If you look at the current situation, Government is the biggest employer. If you want to create new jobs, you have to grow the economy. You do not instruct the Minister to create jobs. You grow the economy. Is there any indication in this Bill to the effect that it will add value to the growing of the economy in order for us to create jobs? Now you are talking about advising the Minister, but the Minister does not create jobs. Create the environment. There is nothing that refers to that. Think about creating jobs, Minister, not passing laws to frustrate the very small economy that we have. What is it that you are talking about?

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Comrade Speaker, I do not know what the question is really all about, I said this Bill is a means to an end and the main function of this Bill is to regulate. It is a question of the Bureau providing information so that planning can take place with accurate information.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: On a Point of Information. There is no truth whatsoever in the propaganda that this policy instrument is designed to frustrate the growth of this economy. The investment policies of this Government are very clear, efforts of this Government to grow the economy are very clear and there is no economical or political sense in trying to distort this. Therefore, let us talk about this instrument and not about dreaming.

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Comrade Speaker, in conclusion, I just want to... (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Information. I want to inform Honourable Members and the public that this is a very important Bill at a time that we are hearing that the people of Kunene are coming in groups to join the SWAPO Party.

HON SPEAKER: Chief, please sit down and listen to me. Can we speak to the Bill?

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Comrade Speaker, I want to draw the attention of Honourable Tjihuike to page 9. I am sure he has not read the Bill. If you read page 9, I think you will understand the further functions of the Bill. I support the Bill.

HON SPEAKER: Deputy Minister Utoni.

HON DEPUTY MINISTER OF SAFETY AND SECURITY: Thank you very much, Comrade Speaker. Before I continue with my comments, I want to indicate that I also support the Bill – and the people of Kunene. I however have some questions for clarification.

Clause 30(1) on page 17 deals with the powers of an employment officer and reads: “*Any employment officer appointed in terms of this Act may enter and inspect any place of employment or private employment agency for the purpose of this Act and may exercise the powers conferred upon a labour inspector in terms of Section 104 of the Labour Act, 2007.*”

My question is on the relationship between the two officials, the labour inspector and the employment officer. Are they now going to do the same work? Will their powers be the same or will the labour inspectors’ duties be taken over by the employment officers?

Another question would be on how they would reconcile the reporting. Would the labour inspector report to the principal as usual, but they are talking of the

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same thing. I do not understand and I want to know which one is going to assist the other one, because they are all in the same Ministry of Labour.

On page 17, Sub-section (2): *“Any employment officer may, without notice and at any reasonable time during the day, enter upon any premises of an employer or private employment agency for the purpose of conducting any search where there are reasonable grounds for believing that such entry or search is necessary for the prevention, investigation or detection of a reported offence in terms of this Act.”*

Moving to page 18, Sub-section (4): *“An employment officer may enter premises and conduct a search in terms of Sub-section (1) and (2) only if it is done in accordance with Chapter 2 of the Criminal Procedure Act of 1977 (Act 51 of 1977) and as if an employment officer is a police official.”* This is where I need clarification. Can an employment officer be a police officer? Thank you very much I support the Bill.

HON SPEAKER: Thank you. Minister Sioka.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Honourable Speaker, Honourable Members of this august House, allow me now to join others who have spoken before me to address the issue on the Floor of the House. As the Minister responsible for Gender Equality and Child Welfare, I would be failing in my duty if I do not contribute this very important Bill.

Clause 3 on page 4 of the Bill deals with the appointment of the Board members of the Employment Service. Whether you call me names or not, I will be vocal from now on whenever Boards are appointed. I want the Minister to consider women to serve on this Board and I know why the Colleagues that side are laughing. I want women to be considered to serve on the Board and to consider being the Chairperson or Deputy Chairperson of the Board. One notices that all Chairpersons and Deputy Chairpersons of all these Government Boards are men. I urge you, Colleagues, to be really serious with

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this issue. There is no way I will fight this war without women being considered, because once women are employed, all school fees will be paid, all bills at home will be paid and the children will be fed. It will not be a matter of hiding money or giving money to another partner, leaving the family at home. Once a woman is employed, the bills will be paid.

Comrade Speaker, we should also take into consideration other Regions besides Khomas Region. There are retired principals and teachers who can be employed and we should consider them and cover the whole country as well as the youth. I am calling on women that if they are given a task such as being a Board member challenge the task, go for it, and do not fear anything. (Intervention)

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: A woman is the Chairperson of the Board of the Motor Vehicle Accident Fund.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: With these few remarks, Comrade Speaker, I support the Bill.

HON SPEAKER: Thank you. Honourable Schlettwein.

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, thank you for giving me the Floor and I rise to support the Bill. I think the principal intention of this Bill is to create and facilitate an environment, conducive for employment by sharing information from the labour market with employers and with educational institutions so that we will match the environment skills with the availability of skills in the market. That is one of the principles of the Bill and they are very laudable.

Comrade Speaker, the reason why I am rising is related to the Clauses on offences or relating to an employment officer in Clause 31(b) where it says it is an offence to refuse to answer any questions, which an employment officer, in the exercise of his or her functions under this section asks. I would request that that be tested against the Constitution. (Intervention)

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HON SPEAKER: We shall rise for refreshments.

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

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, I was saying that I support the Bill and that I support the principle of the Bill that it tries to match demand and supply in the labour market.

The specific point I wanted to bring to the attention of the Minister is under offences, Clause 31(b) of the Bill where it says it is an offence to refuse to answer to any question, and the emphasis is on “any”, of an employment officer in the exercise of his or her function under this section. I just need some clarity whether that complies with Article 12(f) of the Constitution, which says that no person shall be compelled to give testimony against him or herself, or their spouse, which shall include partners in marriage by customary law. I think there may be a case to be made that that obligation to answer any question may in certain aspects breach the constitutional provision of not being compelled to incriminate oneself or a spouse. I just want to draw the attention of the Honourable Minister to this possible breach.

Otherwise, I support the Bill and I thank you.

HON SPEAKER: I thank the Deputy Minister. Honourable Mushelenga.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you very much, Honourable Speaker. I would also like to add my voice to the previous speakers who have supported this Bill.

Honourable Speaker, there appears to be some misunderstanding on the other side of the House and I do not know whether it is politics being played on such a very important National issue. This Bill is not about employment creation. Employment creation is something different. The Honourable Chief was trying to say this is another Wenela. If anything, this is to fight what Wenela

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and the likes have been doing. Therefore, let us please read the Bill and its provisions.

The intention of Government should be commended because it is a goodwill intention to regulate the way we offer employment in this country. The Employment Service that is being created by the Bill is going to study the labour market. That is one of the core functions. It is going to register people to have a database. This will help us not only in terms of employment but also in terms of training. We should know that so far we have unemployed people in this area and perhaps we should advise our institutions that they train in other areas where we do not have people who are registered as unemployed.

Secondly, this Bill will again place an obligation on all employers to act in good faith, as is stated in one of the provisions in this Bill and especially issues such as psychometric tests are addressed here. There are employers who conduct these types of tests and interviews with a view of deliberately eliminating some of the potentially compliant people. This calling for interviews, particularly in the private sector, is just window-dressing. Now it is institutions like this one created by this Bill, that will safeguard against playing with the people's future and lives by just conducting these psychometric tests and interviews, which are not done in good faith.

The database that is being created by this Bill will assist employers when they want to employ people in a particular field. The information will be readily available, unlike now when it would be available on an *ad hoc* basis when you do headhunting and other things. That is why this Bill is particularly important and needs to be supported by all of us.

The other important aspect in this Bill is the issue of prohibiting employment agencies from charging fees, because we currently have this problem in our country. (Intervention)

HON NYAMU: May I ask the Deputy Minister a question? Does the Deputy Minister and his Colleagues know that our global ranking in terms of good environment for investments has dropped dramatically? Do you know that? If you do, are you again literally defending laws, which are aimed at preventing investors to come? When you make draconian laws like this one, draconian in the sense that it enforces itself on the employers, particularly the private

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investors, do you expect them to bow to your wishes whatever the reasons are? This is precisely negative to what we want to achieve, we are not creating an environment for investors and they will not come if the environment is not conducive. It is their funds, their money, and their resources. What makes a small economy like this think that we can intimidate the private investors?

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Speaker, one of the disadvantages of being very far from Government is that one is likely to believe all information that you read and receive, even if it is not particularly true. My advice to Honourable Nyamu is that he must verify the information that he got. Our investment rating is not dropping and secondly, this Bill is not about scaring investors. When investors want to invest in the country, they need business. I do not mean Shebeen investors that have been here one day and tomorrow they have disappeared, I am talking about investors that are serious. They will not be scared away by this Bill, this Bill is simply to protect. (Intervention)

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM: May I ask the Deputy Minister a question? Comrade Deputy Minister, how do you compare the remarks of Honourable Nyamu and the notorious notes?

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Speaker, coming back to what I was saying, I am saying the Bill should be commended for putting measures in place to prohibit employment agencies from charging fees. The current practice is that these employment agencies try to find jobs for people and again try to take away a huge amount of money from their salaries. Therefore, I am happy that this Bill is addressing issues like this. On this note, Honourable Speaker, I support the Bill.

HON SPEAKER: Honourable Kuugongelwa-Amadhila.

HON MINISTER OF FINANCE: Yes, thank you very much, Honourable Speaker. My comments will be brief and straightforward.

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Firstly, I commend the Minister for bringing this most important Bill to Parliament. Secondly, I would like to call upon the Minister in implementing Clause 3 of the Bill, which deals with the constitution of the board, to consider gender equity. In fact, here I want to suggest that it should not be left to the discretion of the Minister to consider gender, but that the Minister agrees to make an adjustment here either under (b) where three members would be appointed to represent the State or under (e) where the Minister would appoint another up to four persons with specialised knowledge, for us to require that at least one in respect of (d) and probably one or two in respect of (e) should be women, just to ensure that there is a fair representation of women on the board.

Secondly, with regard to the functions of the board, the board is tasked with very important responsibilities, some of which are of a technical nature, including assisting the Minister in monitoring and analysing labour market, but when you look at the support services for the Board, that is provided for under Clause 10 where the Permanent Secretary is required to avail staff members from the Ministry and there are no requirements in terms of staff members needing to have technical skills. I am just afraid that we may have the same situation we have with some of the statutory bodies that are served by staff of Line Ministries who do not have skills relating to the functions of the board. I have in mind, for example, a situation such as the Tender Board that we are not trying to deal with there. We have a situation where the Secretariat must come from the staff from the Ministry of Finance and have constraints in terms of positions that are already on the establishment, in that they do not really respond to the skills need of a procurement authority. We are now thinking about the Tender Board having a Secretariat that has a range of skills.
(Intervention)

HON TJIHUIKO: May I ask the Honourable Minister a question, please? Honourable Minister, looking at the contribution by Honourable Utoni, myself and some other people, do you not think it would be a good idea for the Honourable Minister to delay the passing of the Bill and take all these good contributions and incorporate all these ideas, so that we could have a refined product rather than pushing it through now and then to bring it back for Amendments?

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HON MINISTER OF FINANCE: The Minister has proven his ability to deal with this matter in an appropriate manner by bringing to us a Bill that has really made an effort to address the issues that this Bill wants to address and I am confident that the Minister would deal with the comments that we make in this House in the most appropriate manner. Mine is just to share my own views and I know that he will deal with my views, as he will with the views of others that have spoken before me, in the most appropriate manner.

It was saying that probably it may not do just for the Permanent Secretary to avail staff members from the Ministry, but that we should actually look at an appropriate secretariat for this board if it is really to be able to advise the Minister in an adequate manner that would enable the Minister to respond effectively to the responsibilities vested in him in terms of this Bill. That would mean having a structure that has the range of skills that are necessary and the appropriate levels, so that they will also be able to deal with the information and respond to the public timeously. Otherwise, a bottleneck could now create a new problem instead of addressing the problems that we are trying to address.

Clause 11 deals with the remuneration of the Board, the levels to be determined by the Minister in consultation with the Minister responsible for Finance and I would just like to request that this be streamlined with the appropriate provision of the State-Owned Enterprises Act where the process of determining the remuneration has been adjusted from the current practice where a Line Minister determines only in consultation with the Minister of Finance, because the Minister of Finance is constrained in that usually there are no benchmarks on the basis of which the Minister would now agree or not agree to a remuneration level. That would also ensure that there is comparability between the remuneration of different statutory Boards.

On page 10, the Employment Bureau would also have the responsibility to keep a list of non-Namibian citizens who were granted work permits in terms of the Immigration Control Act. I thought that this is actually the issue that we needed to deal with strictly. This issue could present problems if it is not properly dealt with, because there are some employers who, for one reason or another, opt to import labour even when that labour is available here. Maybe it is because they do not want to invest in training Namibians or because of other reasons they refer to bring their own people. I thought that the Bureau should

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not only be empowered to keep a list, but should actually be consulted by the Immigration Board before they give work permits to expatriates. This is where employers need to justify why they need to have certain people and not others. They could probably be provided with a list to justify why they are not able to take people from that list and rather import.

The Ministry of Finance can only employ from amongst qualified Namibians. It is not possible for the Ministry to want to employ from any other sources, but a foreign employer who is in Namibia would prefer to recruit from his or her own country if given the opportunity to do so even when there is local capacity. Therefore, I think we should look at it and empower the Bureau to not only keep the list, but actually to be consulted and to consent to the issuance of a work permit to a foreigner and also to put conditions. For example, you may bring in an expatriate, but within a certain period of time you should train a Namibian and the Bureau must have the power to do an inspection together with the labour inspectors to determine whether the conditions are being complied with. (Intervention)

HON NYAMU: Minister, when we draft a Bill like this one, do we first consider and accept that investors have rights? Do you ever think of the rights of investors who are putting in their own capital and resources? Which one is better, to attempt to force the investors to employ X and Y and bring resources into your country for development of the industries or do you prefer that they do not come at all? You have to have a choice. You cannot have your cake and eat it. Did you ever match this over-emphasis on the employment of your people to the need to develop the economy? This economy is global; the world economy is indeed global, just like the financial resources are global. This particular emphasis on the local labour market, do you not think it frightens investors to come here?

HON MINISTER OF FINANCE: No, I actually do not agree, I think that even in more advanced Nations, which are considered more open, practising free market models, they actually control the import of labour and they allow foreigners to come and work in their countries only to complement the available skills. In fact, there are advanced Nations who even grant citizenship and permanent residence only based on the skills that you are bringing to the country and many advanced Nations are known to have developed on that

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basis, where they go to other countries to scout for skills. If you have nothing to offer, you do not get permanent residence, you do not get citizenship and, obviously, no work permit for work that can be done by locals.

Even recently, the media featured reports of advanced Nations tightening screws to make it impossible and even for our young people who are currently doing manual work in those countries to be kicked out of those countries, even in situations where they are in matrimonial unions with citizens. We are told that if they are married to a citizen, that citizen is the only one who can get a job and support you. If they cannot support you, tough luck, but you cannot get a job. I think there is really no problem here. (Intervention)

HON DINGARA: May I ask the Honourable Minister a question on the last comment by Honourable Nyamu? I want the Honourable Minister to give her view on a question like that from a Political Party should they take over to rule Namibia.

HON MINISTER OF FINANCE: Thank you very much. You just helped me to round up my response to Honourable Nyamu's question. The world has moved away from the concept of developing economies to developing countries. You develop a country with people being the focus of the development. You cannot focus on developing the economy so that you can have a high growth of the GDP and have skyscrapers while you have people walking barefoot, unemployed or underemployed. I do not know the SWAPO Party does not subscribe to that, for us development is about people. When investors come here to help us to grow our economy, it is to develop the country and its people. Most of them come here, attracted by our natural resources and they cannot just come here, exploit these resources, and leave our people poor and hopeless. Our people should have a share in the growth of our economy and investment should mean prospects for them. For me that is very, very important.

My next point is with regard to Clause 16(5) that deals with the requirements to consider in good faith the list of suitably qualified jobseekers provided by the Bureau to any employer. I just wanted to know whether there are going to be exemptions, because I am thinking about Defence and Police. Would they

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need to go to the Bureau? One would think that these kinds of employers would have automatic exemption of their very nature.

Then I was also thinking in terms of Government as a whole. It is a big institution and I think that the Bureau may become overwhelmed by the need of Government to fill vacancies that they may not be in a position to respond in time. Could we probably look at this issue in order to make sure that we do not make the process of recruitment in Government more tedious and bureaucratic than it already is.

Under Sub-Clause (8) of the same Clause, that deals with the penalties for non-compliance, which is a fee of N\$20 000 and/or imprisonment. How would this apply in case of institutions like Government, for example? We probably have to think about that.

Towards the end, Clause 18(2) provides for employers to provide information to the Bureau with regard to the educational programmes that they implement. I think this is an important provision, but now this provision only requires the employers to provide information to the Bureau, but it does not require employers to have training programmes. It means that you only commit a violation if you do not report to the Bureau on your training programme, and that training programme can cater for only two people. As long as you submit your report you have complied, because the only thing that is required of you is to report, but there is nothing that benchmarks this issue to make sure that employers actually invest in human resource development so that we can improve the employability of people in the labour market and also the ability of our local people to take over from especially expatriates who come to work here on the basis of work permits. I think we should also look at this so that it does not become only a process, but that it is something that helps us to address the situation.

Clause 23 provides for a recourse to the Labour Court for any employer that is aggrieved by the decision of the director and my comment is to say that it would also be good if we have other procedures that are more legalistic, so that there is an appeal board and not necessarily the court, because the court process is complicated and it would be good if there is another platform where people can take their grievances.

Finally, Clause 26(2) requires that a private employment agency may not refer

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workers to an employer unless that employer undertakes to ensure that every individual it employed on terms and conditions that are not less favourable to those that are agreed in a collective agreement in an industry or in a region. My question is do we have conditions that are agreed to, based on Regions or is it only based on industries? I thought that here we have for example, construction in mind, but I cannot imagine that you would have terms and conditions for commerce and for others. I am not well informed and I just want to find out. This should also apply to the Bureau, because the Bureau also gives a list of people to be considered for employment, so that we make sure that those who do not comply with the minimum wages are put in a situation where they cannot continue with that kind of non-compliance.

With these few remarks, I commend the Minister. I think the extent of the discussions on the Bill is indicative of the importance of the issue and also of the extent to which this Bill has really gone to stimulate our thoughts. Contrary to those who are saying that the Bill has missed the mark, I think the Bill is very useful. It has stimulated our minds and I think that we will make a good start with it; we should just keep on working on it. Thank you.

HON SPEAKER: I thank the Minister. Honourable Nehova.

HON NEHOVA: Honourable Speaker, Honourable Members of this august Chamber, firstly allow me to express my profound gratitude to those Namibian citizens who elected me to this august Chamber. Not long ago I had spent twelve years in the National Council, the House of Review of our Parliament.

Although I was a Member of Parliament, I never had the opportunity to participate in the deliberations of the Chamber. Parliamentary conventions or traditions have it that Speakers or Chairpersons of Chambers of Parliament normally do not participate directly in the Debate in the Chambers, they only facilitate other Members of Parliament to participate in the Debates. It is, therefore, an excellent opportunity for me at this point in time to express my sentiments, the very political sentiments that my fellow RDP compatriots and I have been articulating during the last election campaign.

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Our sentiments are deeply rooted in the basic social and economic needs of the people of Namibia. They include, among others, the provision of effective and qualitative education for all Namibians as well as vocational training, delivery of health services across the country, provision of electricity and potable water to all the communities, provision of affordable housing and adequate sanitation to urban communities, creation of employment opportunities to reduce poverty, expansion of social grants to include the unemployed and the rural poor and the expansion and improvement of national infrastructures.

Honourable Speaker, the Namibian people, in particular the young, find themselves in a very precarious socio-economic situation today. A recent survey published by the World Food Programme revealed that over 400,000 Namibians eat only one meal a day. This situation affects mostly people in the remote rural areas and those living in shacks around towns and cities.

Although it is being disputed by some senior Government officials, the Ministry of Labour and Social Welfare and other labour expert agencies have recently confirmed that over 51% of the able workforce is unemployed. The labour unions claim that the unemployment rate in Namibia actually ranges between 60 and 70%. Honourable Speaker, regardless of the percentage, the country is facing a serious socio-economic crisis. Lately it has become clearer every day that passes that the Government plans on poverty eradication or even reduction and employment creation and the combating of other social ills are dismally failing to produce the desired result.

Honourable Speaker, if Government plans are in place and are claimed to be good in all respects and the people of Namibia are being informed year in and year out that such plans are being executed effectively, where then lays the problem of failure to produce the expected results?

Honourable Speaker, I am fully aware that the world has been hit by a deep, severe and devastating economic and financial crisis over the past three years. (Intervention)

HON MINISTER OF FOREIGN AFFAIRS: May I ask a question?

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HON SPEAKER: It is a grey area, he is a young man in the National Assembly.

HON MINISTER OF FOREIGN AFFAIRS: But he said he has been there for twelve years.

HON SPEAKER: No, he was in the other Chamber, he is new here and he has not said anything that violates the tradition.

HON MINISTER OF FOREIGN AFFAIRS: Comrade Speaker, there is a very serious allegation that Government has... (Interjection)

HON SPEAKER: Honourable Minister, just inscribe, take the Floor and put your views.

HON NEHOVA: I am speaking in the Parliament for the first time. Honourable Speaker, I am fully aware that the world has been hit by a deep, severe and devastating economic and financial crisis over the past three years. This crisis affected mostly Europe, the Americas and Japan. There is nothing unusual about the asymmetric economic and financial practice of capitalist development. Karl Marx, Fredrick Engels, Vladimir Lenin and other classics of historical materialism have scientifically predicted that the capitalist development will always be hit by economic crisis cycle after cycle, but whether it is in Europe or the Americas or Japan or in Africa, the principle of capitalist development remains the same and that is, the drive for super profits and anarchy in the production and provision of consumer goods throughout the world.

In the early 1980s Margaret Thatcher, the then Prime Minister of the United Kingdom, and Ronald Reagan, the then President of the United States of America devised a new policy of capitalist development based on the following aspects:

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- Full-scale privatisation of public enterprises;
- Deregulation in the economic and financial sectors. That is to say, business enterprises were to be left to conduct business without State interference and that the market demand and supply would regulate the running of the economy.
- The Chief Executive Officers of business enterprises were given extraordinary powers to decide on the type and areas of capital investment.

As a consequence of this uncontrolled production and absence of Government intervention in the running of the economies of the capitalist systems, the powers of Chief Executive Officers of companies and enterprises took advantage of the loopholes and used sophisticated accounting systems, falsified books of account to mislead the politicians and the public in general in that investments made were lucrative and that the economies in general were fast growing. The reality of the matter was however that these powerful Chief Executive Officers granted themselves exceedingly high salaries and bonuses. In the process, they convinced the shareholders of the companies that profits were being made by such companies.

The main objective of such selfish self-centred and egoistic practices by the Chief Executive Officers was simply to maximise their personal gains in terms of remuneration and bonuses. As a consequence of all these factors, the capitalist world was plunged into the most devastating economic depression. This resulted in the bankruptcy and closure of many enterprises and financial institutions. It also led to the loss of jobs of millions of workers in the countries affected.

Honourable Speaker, in order to rescue the alarming economic and financial situation in Europe and the Americas, the only option was the intervention of Governments by way of borrowing money from other countries and private enterprises, a situation which plunged the affected countries into huge Government deficits.

Honourable Speaker, the misconception created by some ill-advised Namibian politicians that the country's economy should be left in the hands of the private sector and that the Government should not intervene when and where necessary in the affairs of State-Owned Enterprises may lead to similar

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economic and financial crisis experienced in other parts of the world. The reckless and uncontrolled allocation of remuneration packages to Chief Executive Officers, including those of State-Owned Enterprises, which are yearly subsidised by the State in Namibia under the pretext of providing the so-called market-related remuneration, would certainly lead to a similar feat of bankruptcy and loss of employment if steps are not taken immediately to correct the wrong.

Honourable Speaker, as we live in an ever-globalising world, this economic and financial practice I referred to also had a minimum effect on the economies of developing countries such as Namibia, particularly in the mining and financial sectors. The world economic interdependence has its own advantages and disadvantages at particular intervals of socio-economic development. Developing countries normally sell their raw materials, in particular minerals, to the industrialised countries, but when they are hit by economic crisis, we also become directly or indirectly affected.

In Namibia, the sale of diamonds was suspended at one point, leaving many workers jobless. Many policyholders at financial institutions, such as Old Mutual and Sanlam, just to mention a few, lost considerable income as a result of world economic depression.

Honourable Speaker, it is the duty of every accountable Government, particularly in developing countries, to intervene whenever necessary in the strategic sectors of the economy by injecting the necessary financial capital to create new enterprises and revive the old enterprises. Most importantly, the State and the private sector ought to enter into partnership to ensure the creation of job opportunities in the different sectors of the economy.

Honourable Speaker, the attitude of *laissez-faire* adopted by the Government, which allows crisis affecting the industries to fend for them, is a typical sign of lack of vision and lack of consideration of the well-being of the Namibian people. Instead, the Government has without concern repeatedly allowed the plunder and looting of the financial resources, for example the Social Security Commission, by selfish individuals. What purpose does it serve, Honourable Speaker, to keep idle large amounts of liquidity in public financial institutions, such as the GIPF, Social Security Commission and others, while crying crocodile tears about lack of funds to create jobs, reduce poverty and combat other social ills? In my view, the GIPF, Social Security and others are simply

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financial institutions from which the State can borrow money to fund key sectors of our economy.

Regrettably, the SWAPO Government has all along been sitting on the fence and allowed the said moneys in those Government financial institutions to be looted by self-centred individuals under the pretext of black economic empowerment. Honourable Speaker, the plunder and looting I am referring to is not a folklore story, but it is the reality, which every Namibian has been experiencing mainly in the last ten years of Government.

The seemingly unstoppable plunder of GIPF funds by a well-organised syndicate of swindlers under the auspices of patronage of the authorities, is just but one of the most scandalous acts of economic sabotage under the watchful eye of the Government.

Honourable Speaker, agriculture, fishing and mining industries, environment protection, infrastructure development, including education and health, are some of the economic and social sectors that are in dire need of financial investments. If funds were to be made available and invested in the referred sectors, they would have considerably contributed to job creation and, consequently, to poverty reduction or alleviation.

With regard to agriculture, most commercial farmers in Namibia are facing a serious problem of bush encroachment. Millions of hectares of arable land are affected by this bush encroachment. This problem has a negative bearing on the underground water table and consequently, on the growth of grass in the farms. It is of paramount importance that farmers, me included, are provided additional loans in order to set up de-bushing programmes through the use of intensive labour methods and by so doing, creating job opportunities for our people.

The Namibian export industry is dependent on duty-free and quota-free market access concession granted by the European Union to Namibia. According to Mr Pintile Davids, Chairperson of the Joint Presidential Committee, among the reasons for Namibia not meeting the annual quota of meat to the European Union, is that the quota only covers deboned meat of certain high value cuts. Apparently de-boning is very expensive to the local exporters of meat. If that is the reason why Namibia cannot meet its EU quota, why can the Government not intervene and help the local meat exporters to acquire the necessary

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facilities to process the required quota in accordance to EU specifications and not only to de-bone.

Honourable Speaker, I am sounding very critical against the Government of Namibia, however there is something I would like to appreciate. Namibia never borrowed money from the notorious financial institutions, such as the International Monetary Fund and the World Bank. (Interjection).

HON SPEAKER: I think it is a sarcastic statement, but I want to hear. Honourable Minister, it is your responsibility to clarify what the Honourable Member said.

HON NEHOVA: This was done by design, I hope.

HON SPEAKER: Can you reread that?

HON NEHOVA: Namibia never borrowed money from the notorious financial institutions, such as the International Monetary Fund. (Intervention)

HON SPEAKER: Can you stop there? I do not know what that sentence means. I do not know whether it is going to lead to something, whether it is a statement of sarcasm or a factual statement that we have never done that. If you want to correct that, Minister, I will let you. Maybe I should allow the Honourable Member to complete that because it hangs in the air. I do not know if it is a factual statement or whether it is leading to something that he wants to say. Can you continue?

HON NEHOVA: I hope this was done by design and not by chance. Whatever the case may be, I support that we should never borrow money from these financial institutions, inasmuch as they are notorious, inasmuch as they may sound helpful in assisting financially crippled countries and particularly developing countries.

HON SPEAKER: If indeed Namibia has not borrowed money from the IMF and the World Bank, what the Honourable Member is saying is that he is applauding the Government for being on the right track. If indeed facts show that Namibia has never borrowed money from the World Bank and the IMF, which are notorious and bad institutions, whatever the reasons might have been, is that not a good idea? I am either trying to understand in order to declare the Honourable Member free or the confirmation that that is true; we have not borrowed money from this institution. If it is true, then it is a statement of a fact and he is pleased that we have not done so. Could you just clarify that for me?

HON MINISTER OF FINANCE: My point of concern is the way the Honourable Member characterises the institution, because the Namibian State has acceded to both the IMF and the World Bank as a member. We are paid-up members and for the Honourable Member to just come and characterise these Institutions in that manner in this Chamber is inappropriate. I think it is in order for him to say he thinks their services are not good and he does not advise that the Government borrow from them. He has a right to do that, but to try to characterise the institution like that makes me feel extremely uncomfortable, because we may not have borrowed from the IMF but we do receive technical assistance, including the Article 4 consultations, which the Opposition Parties themselves pound us on every year. Every year the IMF team comes here, they want that Report and that is an important evaluation mechanism that Namibia uses to sell itself abroad.

Secondly, we have taken a loan from the World Bank for educational reforms, but that is really besides the point, because I am not trying to defend borrowing from the World Bank and the IMF, because I think that their terms and conditions are not very good and if I could have my way, I would not advise that we borrow from there. However, for us to practically insult the institution is not acceptable.

HON SPEAKER: You have clarified the matter. It is the characterisation of the institution of which we are members and benefit from.

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HON NEHOVA: I withdraw the word “*notorious*”. I support that we should never borrow money from these financial institutions. Inasmuch as they may sound helpful in assisting financially crippled countries, their main objective is to undermine the independence and sovereignty of developing countries through the imposition of the so-called conditionalities, the other term for structural adjustments.

Honourable Speaker, inasmuch as the Government would wish to dispute and refute its failure to deliver the required economic and social results, it is high time for the Government to face the current realities and stop boring the people with the politics of liberation as if the liberation struggle was an end in itself. It is time for the Government to go back to the drawing board and come up with viable plans for economic development and institute effective and efficient management systems of ensuring employment creation, poverty eradication and sustained combat against obscurantism.

An uneducated Nation can never progress socially and economically, because socio-economic progress is dependent on the level of education and training achieved by any country.

In conclusion, Honourable Speaker, I wish to categorically state here that we are here as elected representatives of the people of Namibia. It is our obligation and the expectation of the electorate to make constructive contribution to the Debates on Bills and Motions tabled in this august House and we believe Bills and Motions are tabled in this House for exactly that purpose. It is regrettable that some Members of this august House construe our contribution to the Debates as an act of lecturing. Despite the kind of know-it-all attitude displayed by some Members of this august House, the dictum that learning is a lifelong process is still valid and, therefore, we are here to learn from each other. It is, therefore, advisable to those Members who may not want to listen to our contribution to the Debates in this House either to close their ears or to walk out of this Chamber.

Honourable Speaker, I thank you for your attention.

HON SPEAKER: Honourable Nambahu.

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HON DEPUTY MINISTER OF JUSTICE: Comrade Speaker I thank you very much for the opportunity to air my support of this Bill. My contribution will be very brief, but before I go to my point, I would like to refer to a comment that was just made by a previous speaker and it is really the attitude that we are so apologetic towards investors.

We seem to be over-emphasising the right of investors at the expense of the rights of those who cohabitate in an area with the resources. We seem to approach this issue from that perspective that we are paupers, we have nothing, therefore the door is open for the investor and we put no conditions. Inasmuch as they come with technology and expertise, we happened to be born here, we happen to have those resources and those resources happen to be our own and we happened to fight for them and we are entitled to what belongs to us.

If the investors are so scared, I do not know what they are doing in Iraq. I do not want to politicise it, I want to put it in the perspective that our negotiators should really take it that we are the owners of the resources. Whether they come to fish or whatever, we equally have our own rights. I just wanted to make reference to that before I go to the point of appeal against the Director's decision on page 15 of the Bill.

Comrade Speaker, there is something that bothers me in this country and that is the issue of interviews. When you apply, as some of us have been applying, the reply you receive is such a short letter with two sentences: "*We thank you for the interest shown in our Ministry. We regret to inform you that you were not successful.*" As a politician, you are expected to account for your actions, but these people are not obliged to explain to you why you have not been successful. You cannot appeal. You are just supposed to accept it. It is time that we have think out of the box, because the way we compose these interview panels is Mafioso in a way. Why does a person who has been a Director in that position only manages to employ people who are either of his tribe or from his village as if there is a university in that village that qualifies you to have those kinds of skills. That is not only limited to Government and these are not politicians. Why do we not question this kind of thing? I would like the Employment Service to research this issue, because sometimes it is very painful. It is not explained to you why you were not successful so that you can improve yourself and these colleagues do not feel obliged to account to anyone, but any other person should account for what they do.

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Comrade Minister, I feel that the Employment Service should apply its mind in that direction, because I understand that even the Tender Board will be expected to account as to why a tender was not successful. Why is it that the interviewers do not have this obligation? I thank you and I support the Bill.

HON SPEAKER: Any further discussion? Deputy Prime Minister.

HON DEPUTY PRIME MINISTER: I Move that the Debate be adjourned until tomorrow.

HON SPEAKER: The Debate on this Motion stands adjourned until tomorrow, 14:30. The Secretary will read the Second Order of the Day.

**RESUMPTION OF SECOND READING: ARCHITECTURAL AND
QUANTITY SURVEYING PROFESSIONS BILL**

HON SPEAKER: When the House adjourned on Wednesday, 13 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Works and Transport, that the Bill be read a Second Time. The Honourable Minister of Justice adjourned the Debate.

HON DEPUTY MINISTER OF JUSTICE: Comrade Speaker, due to an official engagement and other unforeseen circumstances, the Minister is not here today and I would like to adjourn the Debate until tomorrow for her to make a contribution.

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

**RESUMPTION OF SECOND READING: NAMIBIAN PLANNING AND
CONSTRUCTION BILL**

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**SECOND READING: NAMIBIAN PLANNING AND
CONSTRUCTION BILL
HON NAMBAHU**

HON SPEAKER: When the House adjourned on 13 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Works and Transport, that the Bill be read a Second Time. Honourable Minister of Justice.

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Comrade Speaker. I would like to Move that the Debate be adjourned until tomorrow.

HON SPEAKER: The Debate stands adjourned until tomorrow. I ask the Deputy Prime Minister to adjourn the House until tomorrow, 14:30.

HON DEPUTY PRIME MINISTER: Comrade Speaker, I Move that the House be adjourned until tomorrow, 14:30.

HON SPEAKER: The House stands adjourned until tomorrow, the 27th of October 2010.

HOUSE ADJOURNS AT 17:28 UNTIL 2010.10.27 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
27 OCTOBER 2010**

The Assembly met pursuant to the adjournment.

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

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

TABLING: REPORTS OF THE AUDITOR-GENERAL

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, I lay upon the Table, Reports of the Auditor-General on the following accounts:

- Municipality of Windhoek for the Financial Year ended 30 June 2007;
 - Municipality of Walvis Bay for the Financial Year ended 30 June 2009;
 - Town Council of Helao Nafidi for the Financial Year ended 30 June 2009;
and
 - Regional Council for the Karas Region for the Financial Years ended 31 March 2008 and 2009.
-

HON SPEAKER: Will the Deputy Minister table the Reports? Any further Reports and Papers? Honourable Katjavivi.

TABLING: REPORTS OF PAN-AFRICAN PARLIAMENT

HON KATJAVIVI: Honourable Speaker, I lay upon the Table, Interim Report on the Transformation process of the Pan-African Parliament and the Review of the Pan-African Parliament.

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**NOTICE OF MOTION
HON MAAMBERUA**

HON SPEAKER: Will the Honourable Member table the Reports? Any further Reports and Papers? Any Notice of Questions? Any Notice of Motions? Honourable Maamberua.

NOTICE OF MOTION

HON MAAMBERUA: Honourable Speaker, I move without Notice –

That in terms of Article 74(1) of the Namibian Constitution, the Reports of the Auditor-General of the following Local Authorities and Regional Councils be referred to the National Council for scrutiny:

- Municipality of Henties Bay for the year ending 30 June 2009;
- Municipality of Okahandja for the year ending 30 June 2009;
- Municipality of Tsumeb for the years ending 30 June 2007 and 2008;
- Municipality of Usakos for the year ending 30 June 2008;
- Town Council of Katima Mulilo for the years ending 30 June 2003 and 2004;
- Town Council of Katima Mulilo for the years ending 30 June 2005 and 2006;
- Town Council of Khorixas for the year ending 30 June 2008;
- Town Council of Lüderitz for the years ending 30 June 2006 and 2007;
- Town Council of Lüderitz for the years ending 30 June 2008 and 2009;
- Town Council of Okahao for the year ending 30 June 2008;
- Town Council of Okakarara for the year ending 30 June 2009;

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- Town Council of Rehoboth for the year ending 30 June 2008;
- Town Council of Rundu for the year ending 30 June 2009;
- Village Council of Berseba for the years ending 30 June 2005, 2006, 2007, 2008 and 2009;
- Village Council of Gochas for the year ending 30 June 2009;
- Village Council of Koës for the years ending 30 June 2006 and 2007;
- Village Council of Uis for the years ending 30 June 2008 and 2009;
- Village Council of Witvlei for the year ending 30 June 1999;
- Municipality of Gobabis for the years ending 30 June 2007, 2008 and 2009;
- Municipality of Grootfontein for the years ending 30 June 2008 and 2009.
- Municipality of Henties Bay for the year ending 30 June 2008;
- Municipality of Keetmanshoop for the year ending 30 June 2008;
- Municipality of Otjiwarongo for the year ending 30 June 2009;
- Municipality of Tsumeb for the year ending 30 June 2009;
- Town Council Helao Nafidi for the year ending 30 June 2008;
- Town Council of Khorixas for the year ending 30 June 2009;
- Town Council of Omuthiya for the year ending 30 June 2009;
- Town Council of Ondangwa for the year ending 30 June 2009;
- Town Council of Outapi for the years ending 30 June 2006 and 2007, 2008 and 2009;

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- Village Council of Aroab for the year ending 30 June 2009;
- Village Council of Kamanjab for the year ending 30 June 2009; and
- Village Council of Oshikuku for the year ending 30 June 2009.

Total Reports – 38 of which 19 are disclaimer audit opinions and the other half are qualified audit opinions. I thank you.

HON SPEAKER: Any further Notice of Motions? Any Ministerial Statements? Minister of Health and Social Services.

MINISTERIAL STATEMENT

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker, Honourable Members. Off late swine flu had been making headlines, thus I rise to give an update regarding the recent viral illness outbreak in the Omusati and Khomas Regions, respectively.

The Ministry of Health and Social Services has been monitoring the situation very closely. The surveillance team of the Ministry, with the technical support from the WHO, had been on the ground for both Oshikuku and Windhoek viral illness outbreaks. These outbreaks were investigated in line with the WHO and that of the National H1N1 Preparedness and Response Guidelines, which were published during May 2009.

As of this morning at 10:00, the Ministry can confirm the following:

A total of 970 learners from both Oshikuku and Windhoek have been seen having symptoms of a flu-like illness. Swabs were carried out in line with the Guidelines and specimens were sent to the WHO South African Accredited Laboratory and some to the Namibia Institute of Pathology here in Windhoek. Of this figure, 31 samples were taken randomly and 29 of that number were found positive of H1N1 with two negative. In this regard, we can conclude and assume that all those who had the symptoms similar to H1N1 2009 are

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assumed to be H1N1 positive. To this end, there have been no severe complications and no case fatalities.

The concerned cases are concentrated in a few isolated schools and hostels in Oshikuku district, Omusati Region and Windhoek and here in Windhoek it is specifically at a special school for visually impaired. All learners who were isolated have responded very well treatment and are recovering.

The Ministry has undertaken the following actions during the past days:

1. Rapid response: Teams continue conducting outbreak investigations and visits to affected schools;
2. Learners were isolated within hostels or sent home as a precautionary measure to prevent further spread of the virus; and
3. A small number of learners with severe illness were treated at their local hospitals.

Honourable Speaker, Honourable Members, you will recall that the Ministry conducted a mouth Influenza A H1N1 2009 vaccination campaign in June and July 2010, respectively. This campaign, on advice by WHO, targeted selected groups, that is children aged six months to one year old, pregnant women and health workers. On the 12th of August 2010, I informed the Nation about the WHO Director-General's announcement of the end of the Influenza A H1N1 2009 pandemic of the advice of the experts. At the same time I pointed out that the virus will still continue to circulate as a seasonable flow virus for many years to come. The WHO's original alert was related to the fact that there is and remains the possibility that Influenza A H1N1 2009 may mutate or change into a more virulent virus, causing more severe disease and in some instances more deaths may occur.

However, at this stage I am pleased to report that the virus, which had been isolated, is of the same strain as the Influenza A H1N1 2009 virus. Therefore, there is no reason for any alarm. In fact, the illness caused by H1N1 2009 is very comparable to our annual seasonable flu and has no higher fatality at all.

In order to respond to the current situation, our focus is on surveillance. The health authorities, therefore, will continue to be vigilant and are doing the

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following in that regard:

1. District response teams will continue to conduct outbreak visits to affected schools and communities.
2. The Ministry is liaising with the Ministry of Education to provide information on prevention and referral information to health facilities for learners showing signs and symptoms of the viral illness.
3. Further, the Ministry will provide methods to the media for the public regarding signs and symptoms, prevention and treatment information. The information will include the following:
 - (i) There will be no mass vaccination.
 - (ii) Mild cases should receive supportive treatment like any seasonal flu.
 - (iii) Special attention is required in severe cases and that is when temperature above 38 degrees Celsius is experienced.
 - (iv) Prolonged illness, severe cough and for high risk groups, such as pregnant women, people with chronic illnesses, children under the age of five years, these cases may be treated with Tamiflu at all our health facilities.

Honourable Speaker, Honourable Members, once again I would like to emphasise the importance of the preventative measure, which include amongst others proper hand-washing, coughing etiquette, room ventilation and staying at home when symptoms of H1N1 2009 are experienced.

The Ministry, as always, will continue to keep you updated regarding key developments. I thank you for your kind attention.

HON SPEAKER: I thank you very much, Minister, for your update on health care threats to the community. We will behave as you are directing us to behave. Any further Ministerial Statements? The Secretary will read the Order of the Day.

**RESUMPTION OF SECOND READING:
EMPLOYMENT SERVICE BILL**

SECRETARY: Resumption of Debate on Second Reading – Employment Service Bill.

HON SPEAKER: When the House adjourned on Tuesday, 26 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Labour and Social Welfare, that the Bill be read a Second Time. The Deputy Prime Minister adjourned the Debate and he now has the Floor.

HON DEPUTY PRIME MINISTER: Thank you, Comrade Speaker. Comrade Speaker, I adjourned the Debate to make some comments and at the end of my comments to ask one question on page 11, Clause 16(1).

Comrade Speaker, Honourable Members, there is no doubt that the Bill we are discussing is a very important Bill, but I felt having been in the Ministry of Labour, I would like to share some information with the Honourable Members.

Comrade Speaker, allow me to support the Bill, to commend the Minister, the Deputy Minister and, of course, the Permanent Secretary for finalising this piece of legislation. I know that many Ministers and Deputy Ministers, including myself and the Deputy Minister of Finance, the Minister of Lands, the Deputy Minister of Agriculture have been in this Ministry and that we have made a contribution towards the formulation of this legislation. I, therefore, have the confidence to assure the Honourable Members that much work has gone into this process of consultation, specifically what we call in labour language, tripartite social partner consultations. Therefore, this Bill has gone through all the interest parties; everybody has contributed towards achieving the product that we have now. It, therefore, cannot be a Bill that could be termed to be contrary or against the provisions of our Constitution.

However, Comrade Speaker, to understand this Bill, one has to link it to other existing legislations and possibly other legislations that will come to this House. This Bill is trying to regulate part of the interactions within our labour

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market. One would have thought that you bring all the legislations that deal with regulating the labour market at once, but it does not happen that way. The labour market at the present moment is served by an adopted Labour Act which was amended when I was the Minister of Labour and Social Welfare in this House and I think my brother Honourable !Naruseb also contributed to the Amendment.

What we want now is a Bill that is trying to address the interactions within the dissemination of information in the labour market and, indeed, it seeks to regulate the important sector which all of us depend on for our daily bread.

Comrade Speaker, I consulted with the Minister, by approving the Employment Service Bill we will soon have in this House another Bill that many Members have linked in the discussions of this Bill and that is the Employment Creation Bill. We will, therefore, have a Bill regulating the relations between the employer and the employee and a Bill regulating the flow of information on employment within the country and, indeed, finally a Bill that will seek to create jobs in this country. Therefore, you should not be concerned, the Bill is coming and the Minister has assured me that this Bill is going to come.

To have a better understanding of the situation, Comrade Speaker, one has to look at the role players. Why do we need to regulate the labour market? The main role players in the labour market are the employers who are the job providers, the employees who are the jobseekers and Government which plays two roles: Firstly it is an employer and at the same time it is a regulator and it is important to understand that the three main players in the labour market have rights and they also have obligations. In other words, they have different interests. Though they depend on one operation for income, they definitely have different interests, hence the need to regulate the environment and to harmonise the relation between the role players.

I refer to different interests, because for a businessperson profit is the first consideration. Government as an employer wants to get the best service from the employee that is the interest of the employers.

The interest of the employees is about an income, they want to have a reasonable salary to earn bread for themselves and their families and, indeed, though Government has an interest in terms of services, Government also has

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an obligation to look after and protect the weak ones within the social structure of the tripartite family, and these are the employees. At the same time while protecting the weak members of the social partnership, it also has a very important task to promote and protect the growth of the labour market, because if the labour market is not growing jobs will not be created and, therefore, Government has to do these two things: One, to protect the weak ones, secondly to make sure that the labour market grows and that it creates more jobs.

Therefore, Comrade Speaker, regulating the labour market is so important. It enhances the awareness and acceptance of interdependence by the social partners. Often some employers do not understand how badly they need their employees and also at times, some employees do not understand how badly they need their employers until a problem arises and then they realise the interdependence on that very one unit that produces the income of the profit for the business person and the income in salary for the individual employees.

In the labour language, we have what is called the process of consultation by the tripartite structures and it lies in the concept of give and take, namely negotiations. There is no way you can have this legislation here if you did not go through that process. I am sure that many of you Honourable Members specifically those Ministers and Deputy Ministers who have served in the Ministry of Labour and Social Welfare will know that all policies and all legislations within the labour market or related to the labour market are the products of negotiations by the tripartite representatives, that is from the employer's organisations, the organised labour unions and the Government.

That is why it is important to mention that there is no doubt in my mind that the Employment Service Bill is a product of that same give and take process.

The honourable thing that we can do now is to allow this legislation to pass and to urge the Minister to make sure that the Employment Creation Bill is tabled in this House as soon as possible. Then we will talk business about how to create jobs, then we will talk business about how many job creators and employers we have in this Honourable House and maybe we should pass a law to compel all the Honourable Members to declare how many people they employ outside there.

Comrade Speaker, I want to be very brief because I know that we all want to

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go and campaign for the elections. I wanted to put a question to the Minister, as I said at the beginning, and that question is on page 11, Clause 16(1) that reads as follows, *“Every designated employer must within the prescribed period and in the prescribed manner notify the Bureau of any vacancy or new position, whether temporary or non-temporary, in its employment establishment”*.

Being a part-time farmer, I know that the biggest contribution to employment of any farmer, specifically those of us in the crop production area, is the seasonal workers. Sometimes one can employ eighty to a hundred people per year, weeding, harvesting, threshing and then collecting the products for the market. It is quite a big number that is employed. I wanted to ask the Minister whether these temporary positions include the seasonal employment opportunities or positions, which in my view is very, very important.

Comrade Speaker, Honourable Members, let me thank you very much for your attention.

HON SPEAKER: I thank the Deputy Prime Minister for his contribution. Minister of Home Affairs and Immigration.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: Thank you very much, Honourable Speaker, Honourable Members. I rise to contribute to this very important Bill. I am one of those who served in the Ministry of Labour and Social Welfare and as the Deputy Prime Minister said, this Bill started many years back.

The Employment Service Bill, tabled the Honourable Minister of Labour and Social Welfare, is a very important one. I personally believe that the Employment Service Bill is tabled at the right time when the issue of the high unemployment rate is under discussion. It already started with the Employment Summit held at the Country Club this year in order for the SWAPO Government and the private sector to find amicable solutions and strategise to address the unemployment problem in the country.

Part 2(a) on page 4 already shows the seriousness of the Bill. It establishes the Employment Service Board, which will consist of twelve members appointed

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by the Minister responsible, which would include people specialising in immigration matters. I wholeheartedly agree with the composition of the Board because it will work hand-in-hand with the Immigration Selection Board of the Ministry of Home Affairs and Immigration to address some of the issues, for instance expertise from outside the country, skills transfer through understudies, work permits and work visas in order to control and balance the issue of how many non-Namibian employees we need and where do we need them.

I am therefore suggesting that the issue of understudy by the foreign employees to the Namibians to be included either in the functions of the Employment Service Board or wherever it fits to support the Line Ministry of Trade and Industry, the custodian of the investors and also the Ministry of Home Affairs and Immigration on the issuance of work permits.

I am also requesting the Ministry of Labour, if possible, to come up with a policy on understudy, which will monitor the understudy issues accordingly, because it is also some of the problems we are facing in the Ministry of Home Affairs and Immigration.

On page 9, the Bill provides for the Employment Service Bureau, which is one of the very important sections in this Bill, with its function to register jobseekers, register vacancies in the public and private sector and the list of functions goes on and on. Such section is to provide information to the employment sectors and to the jobseekers too.

I have also observed the seriousness of the Bill at pages 12 and 13 where the designated employers provide information to the Bureau, especially at page 13, (b) and (c), which will also assist the Ministry of Home Affairs and Immigration to reduce the work visas from the current 55 000 per year to a smaller number in order to employ the Namibian people to gain experience for their future references in their curriculum vitae. This would also apply for employment purposes, because my argument is always that how a person should gain experience if he or she graduated from the Polytechnic or UNAM and was never employed. I am not saying Namibia cannot employ non-Namibians, but after the Bill has become a law, we also need to look into that matter.

Honourable Speaker, there are also certain contributing factors to the high

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unemployment rate to be considered after this Bill becomes a law. I am talking about political migration from the immigration point of view. Politically internal migration from the right Party, as I mentioned on Thursday, to the wrong Parties can also contribute to unemployment, for example where some of the Parties promise some people that they will win the election and some of the people will be fired from their positions and then dumped on the streets, for instance Councillors, teachers, just to mention a few. I think that is the contribution from the Honourable Members there, especially the RDP.

On rural migration, Namibia received many immigrants and refugees since 1975 to 2000. Some of them, because of the nature of our borders and family ties, just crossed and settled within our communities throughout the country. Their children are allowed to attend school and the institutions of higher learning. They may also be employed in all the employment sectors because all the time they were regarded as some of the disadvantaged school learners and qualify for bursaries on the tickets of Namibian children.

On a daily basis, thousands of learners are crossing the borders from Kunene to Katima Mulilo to attend school here in Namibia. After they have completed their tertiary education, they are joining the labour market to compete with the Namibian graduates. I, therefore, suggest that all these contributing factors need to be considered after the Bill becomes a law, that we register all foreign learners crossing the borders and coordinate with the Ministry of Education, the Ministry of Home Affairs and Immigration and the Ministry of Labour and Social Welfare in order to monitor the situation of employment of Namibians and non-Namibians in the public and private sectors. However, all of this is happening because of the good governance of the SWAPO Government, because we are not discriminating against anybody in this country.

In conclusion, Comrade Speaker, the Bill under discussion, in my view, will address all the problems and challenges of unemployment in the country. Let us just support it and pass it now. Once again, I wholeheartedly support the Bill and I thank you.

HON SPEAKER: Any further discussion? If not, does the Minister of Labour and Social Welfare wish to reply?

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HON MINISTER OF LABOUR AND SOCIAL WELFARE: Honourable Speaker, Honourable Members, I want to thank you all for the valuable contributions you have made towards the life of this new Bill, but before I get into the details of replying to the questions and comments that were raised by several Honourable Members during the Debate, I would like to place the Employment Service Bill in its context.

The structures that we are establishing through this Employment Service Bill as well as the Employment Service Board, for what is known generically throughout the world as the National Public Employment Service. The Public Employment Service of each country provides a variety of professional services and research to Government and to the national labour market in order to facilitate and promote employment, to foster productivity and to add policy formulation.

During the past decades of a global dominance of neo-liberal economic policies, public employment services were sometimes vilified as instruments of so-called over-regulation and rigidity that impedes economic growth as well as employment creation. However, the global financial and economic crisis and attendant discrediting of the approaches taken by the multi-lateral financial institutions has produced an international consensus that the State must step in to play an active role to alleviate the suffering and dislocation that is a permanent feature of free market economies. Therefore, strengthened public employment services are needed in order to foster a job-rich economic growth and to respond to labour market problems occasioned by economic shock and unemployment.

This Bill will strengthen and place our public employment service on a firm statutory footing in order to register and refer jobseekers, provide potential investors and employers with information about the availability of academically qualified or skilled personnel who can meet the human resource needs and to research and disseminate needed information relevant to a well-functioning labour market.

I am certain that our Government and all Namibians aspire to have an inclusive labour market where employment opportunities are available to persons of every ethnic group and from every Region of our country, rather than limiting employment opportunities to those who have personal contacts with an employer or someone already on the inside.

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The establishment of the Integrated Employment Information System and the requirement that designated employers must register employment vacancies with the Employment Service Bureau, will create the possibility of an open labour market in which any jobseeker can learn and apply for employment vacancies. This is not Wenela as it was mentioned by somebody yesterday.

The new system will provide a professional and comprehensive means of matching employers with suitably qualified jobseekers.

I will now respond to some of the issues and questions raised during the debate.

Honourable Shixwameni, there is an existing structure within the Ministry, namely the Directorate of Labour Market Services. This Bill makes provision in essence to expand and strengthen the functions of the existing Directorate. The absence of a legal framework for its operations has hampered its effectiveness. For example, it has no authority to require employers or other relevant entities to report vacancies or to provide information needed for labour market research. The Bill addresses this weakness.

On the issue of conducting labour force surveys more regularly, we agree that ideally we would like to carry out this type of survey at a minimum annually, however our major problem is resources. A survey of this magnitude costs about N\$4 million. The most expensive component is transport because of the vastness of our country. If we can solve the problem of resources, the Ministry is ready to conduct more frequent surveys and monitor of the developments of our labour market.

On the issue of overlapping functions of the Bureau and the Office of the Employment Equity Commission, the two have different but complementary functions. The Employment Equity Commission has the function to approve Affirmative Action plans and to review compliance with the Affirmative Action requirements, while the Bureau has the function to register and facilitate the placement of jobseekers, register private employment agencies and to provide passive and active labour market programmes. However, there is no doubt that both entities would want to share information on certain issues, such as the availability of qualified Namibians to meet specific labour market needs.

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This Bill does not introduce over-regulation as alleged by some of the Honourable Members, but streamlines and strengthens Government services to the labour market. Moreover, the regulation of private employment agencies is required in order address the imperfections in the market. This is in keeping with the ILO Convention 181 on Private Employment Agencies.

Section 24 of the Bill says that the private employment agencies must not charge fees to jobseekers. Instead, they should charge fees to employers who use their services to obtain suitable employees. This is an international labour standard as provided for in Article 7 of Convention 181. This is to protect jobseekers from exploitation. Perhaps some of the Honourable Members are not aware that there are even employment agencies operating in Windhoek that require an unemployed person to agree to pay the agency the first month's salary for placement as a domestic worker. The existence of this type of practice requires the protection of such vulnerable workers.

The Honourable Member who has raised this issue is mistaken in his belief that the Ministry has now rushed into the preparation of this Bill because of the current unemployment situation. The Ministry identified the need to plan and strengthen the legal framework of the public employment service and to regulate private employment agencies some years ago, as was attested to by other speakers who took the Floor. The project for the preparation of the Bill was initiated some years ago it was done with the assistance of the ILO. The Bill was put on hold during the preparations of the implementation of the Labour Act (Act 11 of 2007), but when the Act came into effect, the preparations and necessary consultations were resumed and then concluded.

However, in light of the overall commitment of the Government to put employment at the centre stage of economic development, it is clear that this Bill is timely and urgent.

Honourable Bezuidenhout, the Employment Service will be supported by a comprehensive computerised information system. This system will store information of all the jobseekers, employment establishments in the country, vacancies, study opportunities, qualifications and projects presenting employment opportunities. This information will be available to all jobseekers and in particular those trying to enter the job market.

Special mention is made of retrenched employees because of the need, among

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others, to pay special attention to retention or transfer of skills already acquired during work.

Honourable Kazenambo, yes, jobseekers standing at the street corners will be covered by the services to be provided in terms of this Bill. I bring to your attention that the Ministry was previously given the responsibility by the Inter-Ministerial Task Force on Employment, headed by the Right Honourable Prime Minister, to conduct a survey to ascertain various pieces of information about jobseekers at the roadsides, including their aspirations. The preparations of the survey are underway.

With respect to the concerns expressed regarding psychometric testing, our Ministry at present provides a valuable service in testing both students and jobseekers in order to match their interests with possible areas of employment in which they demonstrate an aptitude. For the students, this test, administered by a qualified psychologist employed by our Ministry, assist career planning. For prospective employers the test can be useful in screening applicants. In the public sector, the tests are used only in a limited number of job categories, particularly those involving law enforcement, intelligence of working with children.

I would also add that in administering the test, the psychologist chooses tests that correspond to the background and educational level of the person to be tested. In fact, a range of tests have been developed in order to eliminate possible cultural, geographic or gender bias.

Honourable !Naruseb, we agree with the principle that companies operating in a particular Region, especially those operating around Usakos, should be encouraged to hire local residents and to invest in infrastructure by establishing company headquarters in those specific localities. We are also of the opinion that some of these could be accomplished through conditions of licences and quotas granted by Ministries in various sectors of our economy. I will definitely take up some of these issues with the relevant Ministries that issue these quotas and licences.

Dr Abraham Iyambo, the Honourable Minister of Education, has expressed concern that 14-year olds who should be in school will instead register with the Integrated Employment Information System and be referred to employment. I can assure you, Honourable Minister that in accordance with the ILO

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Convention on Child Labour and International Convention on the Rights of the Child, to which Namibia is a party, children, cannot be employed or referred for employment, in such a manner as to interfere with their education. 14-year olds will not be eligible to register. In this context, I would add that children of 14 years are not counted as part of the labour force, nor are the older children who are in school.

We agree with the Honourable Minister of Education that all our youth should be in school. The system that we will introduce will provide yet another opportunity to identify young people above the age of 14 who are not in school. If the education system can accommodate them, they can be referred for admission to secondary school, vocational or tertiary training.

Clause 34 of the Bill confers the power on the Minister to promulgate regulations relating to the registration of jobseekers. The regulations can provide a definition of jobseeker or otherwise appropriately clarify eligibility for registration.

With respect to attachments, we agree with the Honourable Minister that job attachments and internships should be made available to graduates of Universities, vocational colleges or other training programmes and we agree that State-Owned Enterprises and similar institutions should be involved in internships and attachments.

I also want to inform the Honourable Members that the Ministry will provide for the establishment of a fund that will facilitate internships, attachments and other employment opportunities for jobseekers, as part of the Employment Creation Bill, which has been mentioned by the Deputy Prime Minister and which is about to be sent to the Cabinet Committee on Legislation.

Honourable Arnold Tjihuiko has expressed concern that the introduction of the requirement that employers must report job vacancies will delay employers from employing persons. This is not the case. Clause 16 of the Bill expressly provides that the employer must indicate the date by which it intends to employ persons to fill vacancies or new positions. If the Bureau does not refer applicants within that time, the employer has no further obligation to the Bureau, unless the vacancy continues after the time that the employer originally indicated.

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You have observed that the private sector is able to hire new employees more quickly than the Public Service. Honourable Member, you must keep in mind that, unlike in the case of the Public Service, there is no legal requirement that the Private Sector be fair, transparent or be inclusive in hiring in the absence of proof of discrimination.

As I stated at the outset, this Bill will afford an opportunity to jobseekers without inside connections or even knowledge of advertisements to apply for vacant positions in both the public and private sector. If nothing, this process may help some employers, including the Public Service, to speed up hiring by identifying and referring suitably qualified applicants. You have also urged the Ministry to delay the consideration of the Bill so that the Ministry has time to consult the trade unions and employers before the Bill came to Parliament. In accordance with ILO Convention 144 on Tripartite Consultation, to which Namibia is a party, I conducted consultations with our social partners through the Labour Advisory Council before sending the Bill to the legal drafters. Certain of their recommendations were incorporated in this Bill.

Honourable Uutoni sought clarification as to whether the labour inspectors and employment officers have overlapping functions. They do not. The labour inspectors have the responsibility to enforce the provisions of the Labour Act (Act 11 of 2007), particularly the basic conditions of employment and to prevent labour disputes, while the employment officers will operate in the areas set forth in this specific Bill and in particular enforcing the requirements relating to reporting vacancies, providing labour market information and regulation of private employment agencies. The powers accorded to the employment officers are enforcement powers, not only the same as those accorded to the labour inspectors, but to enforcements in other Ministries.

The references to the Criminal Procedure Act do not make employment officers police, but provide that in the exercise of certain police-like enforcement powers under this Act, they will be bound to observe certain procedural requirements and to afford certain protections to those subjects to their enforcement powers that are also required from the police.

The point raised by the *Honourable Sioka*, which was also raised by the Honourable Minister of Finance, concerning the representation of gender in the

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Board is equally a point well taken. I thank you and it will be taken care of administratively.

Honourable Schlettwein questioned whether Clause 31, which makes it an offence to refuse to answer questions put by an employment officer, violates Article 12 of the Constitution. Honourable Member, this is a standard enforcement provision found in many statutes, but such provisions are understood to incorporate constitutional requirements. Implicit in such a provision is the requirement that a person cannot be prosecuted for exercising the constitutional privilege against self-incrimination.

Honourable Saara Kuugongelwa-Amadhila, we agree with the Honourable Minister of Finance that there is a need to ensure that the Board is given the human resources that it needs to fulfil its functions. This can be achieved by ensuring appropriate training of incompetent staff of the Ministry, provision of such positions with the support of the Public Service and the Minister of Finance or by sourcing services outside of the Public Service for which the Bill also provides in Clause 10.

With respect to the streamlining of procedures in respect of Board remuneration, we can assure you that we will set remuneration in accordance with that applicable law and practice.

The Minister queried whether the military or security services are exempted from the requirement of reporting vacancies. I draw your attention to Clause 15, which requires the Minister to designate the employers that are covered by the vacancy reporting requirements in Clause 15(6), which confers on the Minister broad powers to grant exemptions. These provisions are adequate to address the expressed concerns. However, I want to make it clear that this Bill is intended to cover both the public and private sectors. We are introducing a new regime to facilitate an open labour market with the maximum emphasis on sharing of information. Government, State-Owned Enterprises and private employers must all participate in order to maximise access to employment opportunities and matching of vacancies with needed skilled personnel. Such requirement will not interfere with the Public Service procedures.

The Minister asked whether Government would be penalised if it does not comply with the Act. The answer is yes. The Government Ministries that are subject to the reporting requirements are expected to fulfil their obligations.

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Of course, we have no reason to believe that Government will not comply with the Act.

The Honourable Minister has expressed the view that I share that employers should be obliged to have training programmes and to contribute to the Nation's human resources development. In my opinion, this can best be achieved by including such obligations as conditions for the granting of Government tenders for goods and services and the granting of licences and quotas that confer value economic rights on recipients, such as mineral rights, fishing quotas, wildlife permits, etcetera. I intend to liaise with the relevant Ministers to explore the introduction and implementation of such conditions.

The Minister also suggested that in cases where the Director has declined to license a private agency, an agency should have the option of pursuing a non-legalistic route rather than appealing the decision to the Labour Court. We consider the appeal to the Labour Court by the affected business to be appropriate in this case because it potentially affects the right to conduct a business, which is protected by the Namibian Constitution. In addition, if we were to provide for an internal appeal to the Minister, the Minister would necessarily have to take advice from the same person who made the decision. For this reason, we prefer a right to a judicial appeal.

The Minister has also enquired in reference to Clause 26 whether there are regional collective agreements in Namibia. We are not aware of the existence of such agreements. The Clause however requires that a prospective employer must undertake to ensure that every individual referred to by a private employment agency must be employed on terms and conditions that are not less favourable than those contained in the collective agreement or those terms and conditions that prevail for similar work in the industry or Region in which the employees are employed. The latter reference to terms and conditions are those that prevail in a Region or industry, but are not contained in collective agreement.

I also want to take this opportunity to thank the Right Honourable Deputy Prime Minister for the support to the Bill. I must also indicate here that the law provides for exemptions in situations such as those that you have just mentioned. The Minister can be approached to provide exemptions.

The Employment Service Bill, Honourable Members, is a response to the

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needs of the Government and the Namibian labour market for professional and non-discriminatory service, to facilitate employment, human resource planning and policy formulation. It is a balanced, well thought out and timely Bill that has been through a detailed consultation process before tabling in Parliament. No justification has been offered that would warrant delay in consideration of this Bill. We, therefore, urge the Members of this Honourable House to adopt the Bill with the three specific enriching Amendments that I just mentioned.

Thank you very much.

HON SPEAKER: I thank the Minister for his comprehensive reply. I now put the Question, that the Bill be now read a Second Time. Any objections? Agreed to. The Secretary will now read the Bill a Second Time.

EMPLOYMENT SERVICE BILL

COMMITTEE STAGE: EMPLOYMENT SERVICE BILL

HON SPEAKER: Does the Honourable Minister Move that the Assembly now goes into Committee?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: I so Move, Honourable Speaker.

HON SPEAKER: Any objection? Agreed to. The Chairperson of the Whole House Committee will take the Chair.

ASSEMBLY IN COMMITTEE:

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to consider the Employment Service Bill.

Clauses 1 to 27 put and agreed to.

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Clause 28 put.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Comrade Chairperson of the Whole House Committee, in Clause 28 on exemptions provision is made for the Minister to accept the exemption, but nowhere does it say he may refuse. I do not know whether they will reconsider that later.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Honourable Chairperson, I have taken note of the point and when we are considering the regulations we would take care of that.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Clause 28 agreed to.

Remaining Clauses and title put and agreed to.

I shall report the Bill without Amendment.

ASSEMBLY RESUMED:

Bill reported without Amendment.

THIRD READING: EMPLOYMENT SERVICE BILL

HON SPEAKER: Does the Honourable Minister of Labour and Social Welfare move, that the Bill be now read a Third Time?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: I so Move, Honourable Speaker.

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HON SPEAKER: Any objection? Agreed to. Any further discussions?

HON MINISTER OF EDUCATION: Honourable Speaker, since this was a smooth sailing of the Bill, I would like the Honourable Colleagues also to recognise it was not bulldozed through.

HON SPEAKER: Does the Honourable Minister of Labour and Social Welfare wish to say something?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Honourable Speaker, Honourable Members, I thank you very much for the support you have given to this Bill. That shows to what extent you are serious about the issue of employment creation within our country.

HON SPEAKER: I now put the Question, that the Bill be now read a Third Time. Any objection? Agreed to. The Secretary will read the Bill a Third Time.

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HON SPEAKER: That brings us to the end of the business scheduled for today. As you can see, there is business on the Order Paper for tomorrow, but there has been consultations and if the Deputy Prime Minister can give us the way forward, then I would make a Ruling.

ANNOUNCEMENTS

HON DEPUTY PRIME MINISTER: Comrade Speaker, allow me first to make two announcements. One is to state that the two Bills which Comrade

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Speaker has referred to which are supposed to be discussed tomorrow will stand over until when we come back, it will not be discussed in this session.

Secondly, Comrade Speaker, leaders on both side of the House and many Honourable Members want to go and campaign and before adjourning the House, allow me to wish everybody a successful campaign and let us meet on the battlefield. May the best women and men win.

HON SPEAKER: It is tradition that this is the stage before we leave that we let the leaders of Political Parties present here say one or two things, with the majority Party occupying the last word. Honourable Bezuidenhout.

HON BEZUIDENHOUT: Honourable Speaker, I would also like to thank everybody for a good experience in this House and from the side of the RDP I would like to wish all Parties represented all the best. When we meet again we will see who is in and who is out of the House.

HON SPEAKER: Honourable Maamberua.

HON MAAMBERUA: Honourable Speaker, Honourable Members, I am very much delighted with the few months' experience that I have gained in this House. I am also happy to note that at least we have all tried to express the needs of the Namibian people based on the ideological positions that we all have changed in the past. As far as we are concerned, the campaigns for the Local and Regional elections have already started and so far so good, no major incidences and, therefore, I wish the oldest political formation success. Thank you very much.

HON SPEAKER: Thank you. Honourable Shixwameni.

HON SHIXWAMENI: Thank you, Honourable Speaker. I would like to join my Colleagues who have spoken before. I hope that just as fair play prevails on the Floor of the House, that would go into the election campaign and when

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**CONCLUDING REMARKS
HON ULENGA**

we meet there on the battlefield, as the Honourable Deputy Prime Minister has said, fair play would also prevail across the country and that we will all campaign in a peaceful and mature manner. May the best team that we are putting across the country win and may we all respect the results without cheating. Thank you.

HON SPEAKER: Thank you. Honourable Ulenga.

HON ULENGA: Honourable Speaker, I appreciate this opportunity that actually comes as a surprise. I was not expecting that the House would be adjourning this early. As it happened, this seems to be the last that we come together this year. If that is the case, I would like to wish Namibians wherever they are a Merry Christmas and a Happy New Year.

I would like to humbly ask them to be careful especially on the roads so that the accidents should be reduced and fatalities be reduced with the coming festive season.

As far as the coming elections are concerned, let me especially caution the Colleagues on the other side not to take the Honourable Shixwameni literally, when he mentioned the battlefield. Do not go and turn these elections into a literal battlefield, it is just a minor skirmish on the political front. Especially the SWAPO Party – Outapi – do not block anybody from entering Outapi, please. (Interjections).

Honourable Speaker, if that was provocative, I am very sorry, because it was actually meant in a lighter mood. The elections in this country, unfortunately – and I mean this seriously – tend to bring a few negative things. I hope all of us will go into the campaign with congeniality and a positive spirit and, of course, let the Party, which is putting up the best policies for the Namibian Nation win the game. I thank you, Honourable Speaker.

HON SPEAKER: Thank you. Honourable Mudge.

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HON MUDGE**

HON MUDGE: Mr Speaker, Honourable Members, I was ready to speak tomorrow, but nevertheless, let me say to you that today will be my last day in Parliament. I have been in Parliament for a very short period of five and a half, six years. I have made certain decisions that I think would be respected with the Constitution that we have and mature people that we are. I am convinced that it was the right decision, but I would like to use one minute to say to the Honourable Members of this House that we had a number of skirmishes, not me, but it was a very, very good experience for me. At times, I felt I was wasting my time and then other times I was convinced that this House plays such an important role in the political dispensation in this country.

I must, however, give one or two small pieces of, not advice, I cannot advise anybody, but just my opinion and that is that I would really want to suggest that the Members of this House would concentrate and make sure that actions be taken by Members and also the way in which Members conduct themselves in this House always be the number one priority. I do not think that this Honourable House must be used for the purpose of scoring political points, I think this House is much more important than that.

I would like to use this opportunity to thank everybody, and I mean everybody, Members of the Ruling Party, and Members of the Opposition. I have had one very nice experience which enriched my life and that was to have met all of you. I do not have enemies and I think you know that. I would like to thank the Ministers with whom I had many, many discussions on several issues and I would like to thank them also for the way in which they conducted their business and the way we communicated. I tried to conduct our Party's ways in a manner that should have been seen as productive, not to become part of mud-slinging and name-calling, but nevertheless, it was for me a true, great experience. I can still remember the day that I came to Parliament, my eldest son also came here and as we left he said to me that he wonders whether I realise what a privilege it is for me to sit here and it is a fact, it is a tremendous privilege and an honour for all of us to sit here and to represent the people of our constituencies.

Honourable Speaker, to you also, thank you very much, you did not protect me that much, (Laughter) but we as fathers always say, let the children learn how to fight. I think that was also part of the way in which you conducted your business, to teach people to stand on their own.

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HON TJIHUIKO/HON DR GEINGOB**

I want to conclude by just repeating what I said: May I wish you as the Parliament of the Republic of Namibia only the best and when we sit outside it is to realise that the people sitting in this House are acting only in the best interest of every single Namibian. Thank you very much.

HON SPEAKER: Thank you. Honourable Tjihuiko.

HON TJIHUIKO: Thank you very much, Honourable Speaker. I just do not know what to say to Honourable Henk Mudge. I have come to know Honourable Mudge for a short period of time and he has impressed me very much in the sense that he was always his own man. He has never said things that you wanted him to say, he always said the things that he thought was right to be said.

I remember that at times he could not take the punches and quietly and politely excused himself, but the most interesting thing that he has impressed me with is the position that he has taken on the issue of the Motion on the recognition of Herero Traditional Authority where he was at a serious fight with the by then Chairperson of the Legal and Constitutional Committee and Honourable Mudge promised the current Deputy Speaker that “*until you apologise, I will not attend these meetings*” and I think that we know that he has never attended those meetings for three years now. He is a man of his word.

In conclusion, Honourable Speaker, I wish you all the best of luck, we need this kind of experience. We have experienced politicians and I hope that you will be able to advise us on certain things where we need assistance from experienced politicians. Thank you very much.

HON SPEAKER: Thank you. Honourable Geingob.

HON MINISTER OF TRADE AND INDUSTRY: Comrade Speaker, on behalf of the Government, let me thank you for leading us through difficult and sometimes turbulent Debates. That is the nature of a Parliament, for the Speaker to guide us and for us to speak. Thank you for that.

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HON DR GEINGOB**

I would also like to thank my Colleagues for living up to our mandate to come and represent our people and their interests and we tell the public that we are committed to solve the many problems we have. We would also like to welcome the newcomers, all the Members and Parties that joined us. This is our democracy; this is our country, and the only one we can refer to as our own. Some of us have been going through this for 20 years, quarrelling here and when we are outside in the tearoom, we joke. I used to refer to it as the Namibian way. Therefore, let us maintain our Namibian way; disagree on issues, but knowing that we are Namibians.

We also know that we have problems to solve – our country's unemployment question, poverty. We should know it is a phenomenon that we have inherited; it is all over the world and not try to put blame on the Ruling Party because then you will get a reaction. We should hold hands in everything we do as Namibians to march together, maintain peace, maintain unity, because without unity and peace we cannot develop the country, we cannot have our children attend school peacefully and be educated.

Let us go and enjoy our festive season, be with the families, farmers going to farm, let us campaign, which is our democratic right. Yes, in campaigns people want to score points, we want to be elected and that is why we say things about others, but please, after we have fought to get votes, let us accept the outcome. The outcome must be credible and, therefore, the Electoral Commission and the agents must all do their job, so that the outcome must be credible and acceptable. Otherwise, we are doing damage to our good democracy by ever challenging the outcomes of elections and making it a habit. I say, let us fight, not physically; let the people go to Outapi.

I told the supporters of SWAPO in Omusati the other day that if you stop anybody from coming in, then that stoppage creates the news. Let them go in and come out zero, and then you are making a good point. Let them go and have two persons at their rally, let it take place peacefully and then they do not create news. The moment you stop them, you are giving them publicity. That is what I told them. Therefore, nothing will happen, go and campaign, but do not knock at a door, which is locked. If I lock the door of my house, I do not want disturbance or in a hotel, you put a notice that you are not supposed to be disturbed. That is all I am saying. However, Merry Christmas to all of you and a Happy New Year.

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**CONCLUDING REMARKS
HON HAUSIKU**

HON SPEAKER: Deputy Prime Minister.

HON DEPUTY PRIME MINISTER: Comrade Speaker, allow me, on behalf of the Leader of the Government Business in the House to say the following:

Comrade Speaker, indeed, this year has been a very, very good year, a year in which many of us have learned a lot. You will recall that we had elections last year and for the first time in our history after 20 years, Members of the Opposition, of course democratically, chose AWOL. However, I think what is very important is about this action is that we still maintained the democratic processes in this country. Those who decided to come to represent the electorate in this House came and they did do their job, making laws, passing laws and policies have indeed proved, democratically that our Judiciary is independent and they have dealt with the cases and they are still dealing with the case. Happily enough, the brothers who went AWOL also democratically decided to come back and that is the really the first history we had in this country in proving that this country and this Government has a democratic system.

Comrade Speaker, from the side of Government we appreciate the importance of the contribution of all Honourable Members in this House. Indeed, we represent people in different numbers, but together we form a unit that passes laws and policies for the successful governance of this country and I hope we all understand that the small contributions that we make, be it in big number or small number, finally produce a product that our nation looks at as something that we have to protect and we should all cling to that.

Comrade Speaker, our hope is that next year when we come back we will not have the same experience. These elections will come and go and if we really want to maintain our Parties, they will remain and there are instruments that provide for elected leaders to come and govern us. We hope that the next year we will not have the same experience that we had the beginning of this year.

Yes, I have talked about the battlefield, but I meant a political battlefield, not a war battlefield and that is what my senior Colleague here has emphasised, that we are going to meet each other there, talk about our parties, talk about the work we have done and we can do and, indeed, convince the voters to vote for

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HON DR GURIRAB**

us and no court case next year. My younger brother Honourable Shixwameni, has promised that they will not join any Opposition Party to go to Court next year Comrade Speaker, let me conclude by indicating that we as a Government and as a House we want to wish all God blessings to Mr Mudge who has decided to opt out of the Parliamentary membership. Of course, he will remain an Honourable Member, but I just want to mention that it is a pity that we are losing him after he has promised the voters to represent them for the next five years.

Comrade Speaker, he was campaigning in many other regions and in one of the areas, I had to convince a number of people who had Mr Mudge's membership cards to throw them away and come to SWAPO and I had difficulty, but now it will be much easier for me to convince those people to come to SWAPO. We hope that this culture will end. The reason why we go to voters and promise to represent them in this institution is to enter into a social contract and that social contract should only end at the end of that term. I hope our politicians will understand this concept. Comrade Speaker, allow me to wish Mr Mudge all God's blessings in his future endeavours.

In conclusion, Comrade Speaker, this is a very long break, we are going to campaign, but we will also have a holiday period, Christmas, New Year and before we come back here, we will definitely be strong enough and have more energy to pick up where we left off. I thank you.

HON SPEAKER: Thank you, Deputy Prime Minister. We have indeed come to the end of our calendar year. For you it is elections now, for the Speaker it is to take the Parliament to the people, elections being part of it. It does not mean that because we are going to conduct elections that poverty is no longer there, unemployment is no longer there, violence against women is no longer there, that children are not being abandoned. All these things are out there. We have not ended the business of Parliament, we are taking the Parliament to the people, including having successful, peaceful and dignified elections.

For my part, thank you very much, Colleagues. Leadership is not a honeymoon, I have experienced that and so have so many others here. If you think that this is a confrontation of Parliament, I wish you were in the Constitution Drafting Committee, I wish you were here when the real people

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HON DR GURIRAB**

who were on the opposite sides to stop each other were sitting here, but because of the bigger vision of those that came here earlier, we had passed the child play stage. Most of the time you are talking about one another, we were talking about issues, serious confrontation. You should have been there before we even sat down to draft the Constitution, we were calling one another names.

As I was regarded as a diplomat, I was assigned by my Party the role to be a troublemaker. The great Dirk Mudge told me that we thought that you would be the person that we would come to you behind the scenes, but I was carrying out my assignment. Every time they would say, let us go back and report to the Constituent Assembly that we have failed, because these people are this, that and the other, but at the end, we managed.

We are here to do the business of the people, not individual likes or dislikes. As long as I have this gavel, I will call you to Order. As long as I do the right thing, my conscience is clear.

I hope and I pray and I would have a dream as I am praying that there will be more women elected to the Regional Councils and Municipalities, there will be more youth elected to the Regional Councils and Municipalities, that indeed there will be people elected to serve the people not their own interest and on a personal note, when I march in next year February, I will not be wearing this robe, I will be de-robing. Therefore, do not be surprised when you come.

We shall reconvene, God willing and let us continue to pray and do other good things that please God, on the 15th of February 2011, 14:30 at this very place. God bless.

HOUSE ADJOURNS AT 16:00 UNTIL 2011.02.15 AT 14:30