

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>
Mr B Esau	<i>(Fisheries and Marine Resources)</i>
Mr I Katali	<i>(Mines and Energy)</i>
Mr K Kazenambo	<i>(Youth, National Service, Sport and Culture)</i>

DEPUTY MINISTERS

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

Ms P Haingura	<i>(Health and Social Services)</i>
Ms A 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 E Utoni	<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 Bezuidenhout

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

Ms C Gowases

SWANU

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

SWAPO OF NAMIBIA

Mr B Amathila	
Dr M Amweelo (Mr)	<i>(Chief 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	<i>(Minister)</i>
Ms E !Nawases-Taeyele	<i>(Assistant Whip)</i>
Mr I Ngatjizeko	<i>(Minister)</i>
Ms N Nandi-Ndaitwah	<i>(Minister)</i>
Ms R Nghidinwa	<i>(Minister)</i>
Mr E Nghimtina	<i>(Minister)</i>
Mr U Nujoma	<i>(Minister)</i>
Mr P Shifeta	<i>(Deputy Minister)</i>
Ms D Sioka	<i>(Minister)</i>
Mr T Tweya	<i>(Deputy Minister)</i>
Mr F Ueitele	
Mr E Utoni	<i>(Deputy Minister)</i>
Mr Piet Van der Walt	
Ms L Witbooi	

UNITED DEMOCRATIC FRONT (UDF)

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

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

Ms M Jankowski	
Prof. P Katjavivi (Mr)	<i>(Deputy Chairperson of the Whole House Committee)</i>
Mr C Schleittwein	<i>(Deputy Minister)</i>
Mr S Simataa	<i>(Deputy Minister)</i>
Ms S Swartz	
Ms A Tjongarero	

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
26 JUNE 2012**

The Assembly met pursuant to the adjournment.

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

HON DEPUTY SPEAKER: I wish to announce that today, 26 June 2012, His Excellency the President of the National Assembly of the Republic of Cuba, Dr. Ricardo Alarcon de Quesada, will address the Parliament of the Republic of Namibia. As required by convention, I now suspend the business of the House to go and invite the President of the National Assembly of the Republic of Cuba, accompanied by our Speaker and the Chairperson of the National Council, into the Chamber. Please remain standing until His Excellency enters the Chamber.

WELCOMING ADDRESS

HON SPEAKER: Right Honourable Prime Minister, Honourable Chairman of the National Council, Deputy Chairperson of the National Council, Deputy Speaker of the National Assembly, Honourable Members of Parliament, Distinguished Members of the Diplomatic Corps, fellow Namibians, Ladies and Gentlemen.

May I begin by warmly welcoming His Excellency Dr Ricardo Alarcon de Quesada, President of the National Assembly of the Peoples Power of the Republic of Cuba to this warm, friendly and memorable Session of our Parliament.

For us Cuba is a country of heroic leaders, trusted Comrades and generous citizens. They have fostered, enriched in many ways and maintained

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unbreakable friendship with Africa. The Cubans, on that firm basis, shed their precious blood to assist the achievement of freedom, self-determination and socio-economic liberation in Africa. They did all this by invitation and asked no rewards, but only solidarity and mutual support.

Now Cubans are partners in nation-building and sharing of experiences for a better world and brighter prospects for justice, peaceful coexistence and sustainable social development.

I have known Cuban leaders, so have many of my Colleagues by visiting the country, meeting at the United Nations and other engagements the world over. I was the guest of His Excellency Alarcon in Cuba in 2008, now I am delighted to host him in Namibia. We share memories of many decades in different contexts; we are honoured to have you as our honoured guest.

Our Parliament has adopted a unanimous Motion calling for the lifting of US economic blockade against Cuba and also for the release or fair trial of the Cuban five held in American prisons.

With all that, I now have the distinct honour and, indeed, personal pleasure to invite His Excellency to address the National Assembly.

ADDRESS BY PRESIDENT OF CUBAN NATIONAL ASSEMBLY

HIS EXCELLENCY RICARDO ALARCON DE QUESADA: Mr Speaker, dear friends and colleagues, allow me, first of all, to express my deepest gratitude for your hospitality you have extended to me and my delegation in visiting your country. It is not the first time I have been here on this continent, although it is the first time I have come to Namibia. I came here 23 years ago. That was a complicated and difficult time when we were approaching the end of a long conflict that fortunately compelled

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us, Angola, Namibia, Cuba and South Africa, to reach an agreement that led to the Independence of Namibia, ensuring the Independence and full sovereignty of Angola and that also led to a new democratic South Africa. That was the result of the cooperation between our peoples and our ability to find understanding to reach out to others, even to former adversaries, with a view of attaining the best for our brothers and sisters in the area. Mr Speaker, you are aware, of the memories that we share together. Let me tell you, I met the Honourable Speaker of the National Assembly of Namibia, Theo-Ben Gurirab, when we were rather young in New York. In those days we were both trying to defend and promote the interests of our respective peoples and by doing that we learned to work together to try and improve international relations, to promote peace, to oppose aggression, colonialism and racism and it has been a long way, and that is why I am especially honoured to be here addressing you under the leadership of my good old and admired friend, Theo-Ben Gurirab.

I also want to express our gratitude to the Government, the people and the National Assembly of Namibia for their solidarity, their friendship towards Cuba during all these years. You mentioned the blockade that we have been suffering, not we, the Government, the leaders of Cuba, the people of Cuba, for more than half a century. When that blockade was installed in the early 1960's, the idea clearly expressed in an official document that remained secret for many years until the 1990's when it was declassified, stated very clearly that the conclusion of the US authorities and their intelligence was that the Cuban people were very much in favour of Fidel Castro and what Fidel Castro meant was revolution and that the only way to defeat that man and what he signified, was to create such a situation for the people to provoke suffering, hunger, malnutrition and force the people to oppose their regime.

If you take the Geneva Conventions on genocide, that is exactly the definition of genocide, a policy designed to make people suffer or die to achieve a political purpose. That genocide has lasted more than fifty years but, believe me, it has not succeeded in its purpose of forcing our people to be so dissatisfied and angry, that they want to change what they had achieved through a long history of struggle. That is why we highly appreciate any expression of solidarity or understanding of our situation

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and our fight. After all, we were just fighting for principles that have universal value and meaning, that are important not only for us, but for everybody around the globe. You also mentioned the case of five Cubans that have been incarcerated in US prisons for the last fourteen years. I am very honoured to have the opportunity to share with you some news about this case, the latest news that I got today from my office in Havana, referring to the last development in that case and I want to share it with you: The Miami Court agreed to grant an unopposed motion for extension of time to file a response to the United States Government until July 2. It will be the response of the US Government to the last, the very last request that the Defence of the five has made.

I will not abuse your time and pretend to explain the whole case in this august House, I just want to put in a nutshell the substance, the essentials of that case. You have five individuals who were detained, arrested in September 1998, put in solitary confinement for eighteen months and then subjected to a trial in the City of Miami. If anybody goes on trial it is because you are indicted, the prosecutors are accusing you of something. The indictment against the five is there and it is very clear, it does not say that they did anything wrong against the American people, it does not say that they killed or threatened to kill anybody. It does not say that they stole some property. It does not say that they threatened the national security of the US. The indictment, which is an official document that is available in the records of this trial, simply says that these five individuals came to the United States and without registering as agents of a foreign Government, did certain actions in this country peacefully to try to uncover the plans and activities of some terrorist groups based in southern Florida, involved in activities against Cuba. You do not have to believe me, I do not ask you to believe me, I simply suggest that you go to the Southern District Court of Florida, to their records that are available on the Internet and find the case entitled, “United States versus Gerardo Hernández and Others.” It is a long case, the longest in American history that starts with the indictment. Then it continues with several pre-trial motions presented by the US Government and the Defence as is the normal way in the American Anglo-Saxon system.

The first motion by the US Government, we know, everybody knows that

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the motivation of these individuals was to fight terrorist activities against Cuba. We asked the Court to exclude from the proceedings of the trial the motivations. We knew the motivation was to fight terrorism, but we do not want the motivations to be exposed in front of the jury, just the violation of the laws that they committed, that they were foreign agents and they were not registered.

By the way, you can go through the records and I will invite anybody to find on register a foreign agent in US history that had been condemned to life sentence. Normally the lack of registration may lead you to pay a fine or to go to prison for a period not lasting more than five years, but they have been there, in prison for fourteen years at this moment. We can continue through the pre-trial motions, we can go through the trial transcripts and you will see time and again the same interest from the prosecutors not to allow the substance of the issue to be discussed, for they had admitted that they were just doing that.

The problem is that normal people living in our societies around the world do not read the transcripts of any court proceedings. Normally they learn something about those proceedings through the media, they may find something on television, they may listen on the radio or read something in the daily papers. Only historians, only experts will go into the transcripts.

That reminds me of the famous case in American history of the Sacco and Vanzetti trial at the beginning of twentieth century. A Professor Frankfurter, a very distinguished Justice of the Supreme Court, later, who started the case, decided to defend those two poor Italian immigrants that were sentenced to death and executed. He said that they were innocent and that it was clear that these two Italian guys were innocent, as the Governor from Massachusetts recognised a few years ago and pardoned them – a little bit too late, almost a century after their execution. But Professor Frankfurter repeated until the end of his life a simple phrase, *“please read the transcripts, if you go to the transcripts of the trial, you will find that these men did nothing wrong.”* That is the same with the five. They went through the longest trial in American history until this moment and they were sentenced to life first, some of them. After that, in the year 2005 the panel appointed by the Court of Appeal of Atlanta

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decided to declare that trial null and void, declared that that trial was a fake trial, violating the US Constitution and ordered that they should be freed and a new trial should take place.

Unfortunately a few months later under the persuasive actions of the Bush Administration, the entire Court reversed that decision. But even when the entire Court did that, they had to admit that the sentences were excessive and illegal, because no secrets were involved, no violation of US security, no risk of US national security was ever involved and again, do not believe me, read what the court copies said.

They continue through their lawyers trying to get the whole issue redressed. Unfortunately, the Supreme Court refused to hear this case and now we are in what is called in the American system the Extraordinary Proceedings or Collateral Appeal. When you go all the way to the Supreme Court and lose your case, then the only thing you can do is to ask again once in your life for an entire revision of the case to the Judge that originally sentenced you. That is what we are doing.

What I mentioned to you was the decision of that Court taken yesterday to grant the US a motion for extension of time to file their response on July 2. A response to what? Gerardo Hernández had asked the Judge two things: To be listened to, to be granted an oral argument, to be permitted to appear in front of the Court, something that he has never been permitted, to try and argue and explain the reasons why he considers he and his colleagues are innocent. The other request is one of discovery, meaning presenting in front of the Court certain documents and evidence that have not been discovered so far.

I mentioned that in the year 2005 the Panel of the Court of Appeal decided to declare null and void the Miami trial. Why? Because they found that the atmosphere surrounding that trial was completely illegal and unconstitutional. They used these beautiful words, "*The atmosphere was a perfect storm of prejudice and hostility against the Accused,*" constant coverage by the legal media presenting them as terrible guys and that they were there to destroy the United States. Remember that we are talking about a time that was coincidental with the moment a six-year old boy was

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kidnapped in Miami, a little boy who became famous Alio Gonzales, that the US Court of Justice, the US Government ordered the handing over of his father and the local people in Miami refused to do that. Remember what happened, the US Government had to send to Miami a Special Force Unit in the middle of the night surreptitiously and took control of the house where the little boy was being detained. They did that because the Federal Government did not have confidence in the loyalty of the Local Authorities even in such a case. At the same time the same US Government was insisting that these five Cubans unregistered agents be tried in the same place, as if it was a proper venue to have a fair trial. The Defence obviously argued that that was not the case, that they will never get a fair trial in the Court of Appeal and said that there was a perfect storm of prejudice and hostility. But now, what Gerardo Hernández is requesting the Court in the Extraordinary Appeal is both to listen to him and for the Court to examine the new evidence that appeared after the Miami trial. What has appeared?

One day, years after the trial was over, somebody in the American media published an article in which he said that those journalists that were creating that atmosphere of prejudice and hostility were in fact US Government employees. They were being paid by the US Government, by the prosecutor, to do what they did. This is a very clear violation of the US Constitution, the legality and makes it an extreme case of malpractice or misconduct. He mentioned that the Court of Appeal had learned in 2005 that what they properly described as a perfect storm of prejudice and hostility was created by US Government employees and since that moment the Defence of our five brothers have been trying to get the US Government to do a full discovery of the extent of that conspiracy between the Government. We do not know exactly who paid them how much, only some pieces of information from journalists. One journalist got US\$125,000, it is not a big deal, but it is not really the minimum wage of an American for doing nothing, just for writing articles against the Cuban five. Now the Miami Court, Honourable Judge Joan Lenard, has been requested for her to order the Government to discover how much did they pay for what and what were the terms of the agreement of all those journalists to do what they were doing and to permit Gerardo Hernández to appear and to answer questions, to argue and to prove his innocence, as

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it is supposed to happen in any case according to the American Constitution, were the Accused may have to face the maximum sentence, life or death. That is the case at this moment. I could be speaking for longer, never give a Cuban a microphone and invite him to speak because you will not know when he will finish. But I really do not want to abuse your generous hospitality, I just want to add the following:

If the people, especially the American people, could read the transcripts, if they were able to learn what happened in that court of law or if they were able to know now what that process was, we do not have any doubt that they will manage to persuade the authorities to do the right thing. President Obama was not responsible for their detention, he did nothing wrong during this long protracted trial, he was not involved, but now he is the person that can solve this issue according to the authority that the US Constitution grants the President. He is a man of Law, he is a brilliant lawyer, he knows the American Constitution and American Law very well and I would like to take this opportunity to join those who around the globe are mobilising themselves and asking a very simple thing that any Afro-American like any Cuban could understand: *“Obama, please give me five.”* It is a friendly gesture, it is not to criticise him or anything, it is just to invite him to do justice. He can do that, he knows how to do that. To help him to be in that position, we need to create the proper conditions. We first want the American people to learn about this case. How would they learn? Through international solidarity with the efforts of those people who have devoted generously part of their time to inform others, to let others know and to invite them to join the cause. If you read the transcripts, as Professor Frankfurter has invited, you will find that we are talking about five innocent people that should never have been arrested and to the contrary, deserve our praise and our gratitude.

Mr Speaker, excuse me for the extension of my remarks, but I feel at home and I can tell you, at home even with a microphone it could be even worse, I could be talking for a longer time.

Thank you again, dear friends and colleagues, for your hospitality, for your time and let me wish all and your people the best. You united all Namibians, coming together, joining their efforts to improve the life of a

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country that gives a lot of hope to millions of people around the world. Millions of people mobilised and saying a better world is possible. I was here more than twenty years ago and I discovered that you Namibians have demonstrated that. Today that is what Namibia means, that is your message to men around the globe. The best to you, to your country, to your people and thank you very much again.

HON SPEAKER: I will now give the opportunity to the Chairman of the National Council to express the Vote of Thanks on our collective behalf.

VOTE OF THANKS

HON CHAIRMAN OF THE NATIONAL COUNCIL: Honourable Dr Theo-Ben Gurirab, Speaker of the National Assembly, Right Honourable Prime Minister of the Republic of Namibia, Nahas Angula, Honourable Deputy Prime Minister, Marco Hausiku, the Vice-Chairperson of the National Council, Honourable Margaret Mensah-Williams, the Honourable Deputy Speaker of the National Assembly, Honourable Kasingo, Honourable Ministers and Deputy Ministers, Honourable Members of Parliament, Your Excellences Members of the Diplomatic Corps, Distinguished Members of the Media, Ladies and Gentlemen.

It is my distinct honour and privilege to extend a Vote of Thanks to His Excellency Mr Ricardo Alarcon de Quesada on behalf of the Members of Parliament and the Namibian people. Your Excellency, on behalf of my Colleague, the Speaker of the National Assembly, Dr Theo-Ben Gurirab, the Members of Parliament, the Namibian people and, indeed, on my own behalf, I thank you this afternoon for your presence in the Parliament of Namibia and for the way in which you have spoken to us about an issue which is very important to all of us. We are most grateful for those

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generous words of wisdom and encouragement.

Your Excellency, your visit to Namibia brought fond memories of the historical relationship between the people of Cuba and the people of Namibia. Our Nations share a common past, characterised by desire to fight for liberty and justice of humankind. During our war of liberation the people of Cuba extended material, educational, political and diplomatic support and even to the extent of sacrificing their precious lives to ensure that Namibia and the people of Namibia are free and independent from the yoke of colonialism and domination of the then white minority apartheid regime of South Africa.

Your Excellency, today Namibia is forever free and independent thanks to the heroic Cuban brothers and sisters who fought side by side with the gallant sons and daughters of the Peoples Liberation Army of Namibia, particularly in the decisive battle of Cuito Cuanavale.

Your Excellency, Honourable Members, Namibia and Cuba continue to enjoy excellent bilateral relations, built on a strong foundation of yesteryears. During the last 22 years of our Independence, Namibia and Cuba established good working relations between our two Parliaments and Government. Our respective Heads of State visited one another and Members of Parliament undertook parliamentary exchange visits to Cuba and to Namibia.

When His Excellency the President of Cuba visited Namibia, he and his counterpart, His Excellency Dr Hifikepunye Pohamba, confirmed with pleasure the excellent state of bilateral relations between the two countries. At the same time they reaffirmed their full commitment to establish and expand economic and commercial links to the benefit of both countries and expressed their satisfaction at the positive progress of cooperation between Cuba and Namibia, particularly in the spheres of health and education.

It is now incumbent upon the two Parliaments to also further consolidate Parliament-to-Parliament engagement in order to continue pursuing

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mutual beneficial parliamentary relations and cooperation.

Once more, Your Excellency, the Speaker of the Parliament of Cuba, it has been a privilege to listen to you this afternoon. This was truly a memorable occasion and we hope that your visit to Namibia will be an unforgettable one. With these few words, I wish you, through you, Your Excellency, to convey our fraternal greetings of the Parliament and people of Namibia to the Parliament and the people of Cuba.

Finally, I wish to extend my warm appreciation to all of you who graced this occasion with your presence. I thank you.

HON SPEAKER: I thank the Chairman for the Vote of Thanks he delivered on our collective behalf and now ask him and the Deputy Speaker to escort His Excellency out of the Chamber.

Thank you very much, Honourable Members, for the warm welcome and equally warm greetings to our dear comrades and good friends of the Republic of Namibia. We shall now deal with the business of the day.

HON SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Any Notice of Questions?
Honourable Naholo

NOTICE OF QUESTIONS

QUESTION 22:

HON NAHOLO: I give Notice that on Thursday, 28th of June, I shall ask

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the Honourable Minister of Safety and Security the following questions:

Based on the media reports, both in the *Namibian Sun* and *New Era* of Friday, 22 June 2012, the Minister of Safety and Security, Honourable Mbumba, met with the leader of the Namibian Shebeen Association where he reportedly has told the unlicensed shebeen owners to continue operating in the interim while a lasting solution is being found, but at the same time the Khomas Regional Police Commander has explicitly vowed to arrest without fail these poor shebeen operators.

1. Can the Honourable Minister confirm or deny the alleged meeting between himself and the President of the Namibian Shebeen Association?
2. Can the Honourable Minister explain to this Honourable House his stance on the shebeen saga, considering his utterances, he reportedly said: *“Yes, the law is in place, but enforcing of this law must also take into consideration the people’s circumstances and possible consequences.”*
3. Who should the public follow now? The Minister or the Police or both?
4. How many shebeen operators have been arrested so far, including their gender and where are they kept in detention? Have they appeared before a competent Court of Law and if so, how many are out on bail?

HON SPEAKER: Will the Honourable Member table the Questions? Any further Notice of Questions? Notice of Motions? The Secretary will read the First Order of the Day.

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**ECONOMIC EMPOWERMENT FRAMEWORK
HON DR KAWANA**

**CONSIDERATION: REPORT ON THE NEW EQUITABLE
ECONOMIC EMPOWERMENT FRAMEWORK**

SECRETARY: Resumption of Consideration of Report on the New Equitable Economic Empowerment Framework–Transformation Empowerment.

HON SPEAKER: When the Assembly adjourned on Thursday, 21 June 2012, the Question before the Assembly was a Report by the Right Honourable Prime Minister, that the Report be adopted. Any further discussion? Honourable Kawana.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Thank you very much, Honourable Speaker. I want to tender my apologies to the Prime Minister before I address the subject matter that I did not have time to consult with him and if I had my way, I would have appealed to fellow Members of the Ruling Party, in view of the fact that in August we have a policy conference which might affect this document in terms of passing resolutions, that this item stands over until that time so see if there is a need to adjust the document accordingly. It would be awkward if we pass something here which will contradict the Ruling Party's policy conference. Therefore, I would love that this item be delayed a bit, so that if there is a need after the policy conference, it would be much easier to come up with a Bill. (Intervention)

HON TJIHUIKO: Honourable Speaker, may I ask Honourable Dr Kawana a question? I really want to follow what is happening and I think this is critically important. The NEEEF was introduced by the Right Honourable Prime Minister as an urgent document and now it seems the

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HON DR KAWANA**

Right Honourable Prime Minister is not part of the SWAPO structure, to the extent that he did not consult, inform and have a collective leadership decision for him to introduce this important policy document. Now it seems you have done this on your own, Right Honourable Prime Minister, as there is a SWAPO meeting that you are not aware of where the issue is going to be discussed. Am I right in what I am saying?

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Speaker, I would like to respond to the propaganda by Honourable Tjiuiko, supported by the President of the All Peoples Party. The Honourable Member is aware that this document has not been tabled yet. The Prime Minister was merely following the procedure so that the subject matter does not lapse. I do not know whether the question stems from what Honourable Member read in certain print media, some of which are really poisonous and politically motivated.

You may recall that the policy conference was decided on not a long time ago, in fact after the Right Prime Minister has tabled this document as a member of the Central Committee of the SWAPO Party and a member of the Polit Bureau of the SWAPO Party. Therefore, contrary to what you are alleging, he is part of those decisions, but at that particular point in time he just followed the procedure here in Parliament. My plea is that it would be much better to delay the consideration of this document.

HOUSE ADJOURNS AT 15:40

HOUSE RESUMES AT 16:25

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**MOTION ON ABUSE OF ALCOHOL
HON KAURA**

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Thank you very much, Honourable Speaker. I beg the indulgence of the House to adjourn this item to Thursday, next week.

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

**RESUMPTION OF DEBATE:
MOTION ON ALCOHOL ABUSE IN NAMIBIA**

SECRETARY: Resumption of Debate on alcohol abuse in Namibia.

HON SPEAKER: When the Assembly adjourned on 13 June, the Question before the Assembly was a Motion by Honourable Ulenga.

HON KAURA: Honourable Ulenga asked me to adjourn the Debate until tomorrow.

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

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**REVIEW OF AUDITOR-GENERAL'S REPORT
HON KUUGONGELWA-AMADHILA**

**CONSIDERATION: REPORT OF COMMITTEE ON PUBLIC
ACCOUNTS ON REVIEW OF AUDITOR-GENERAL'S REPORT
ON CENTRAL GOVERNMENT, 2007/2008**

SECRETARY: Resumption of Consideration of Report of the Parliamentary Standing Committee on Public Accounts on the Review of the Auditor-General's Report on the Central Government for the Financial Year ended 31 March 2007/2008.

HON SPEAKER: When this Debate was adjourned on Tuesday, 19 June 2012, the Question before the Assembly was a report by Honourable Maamberua. Honourable Minister of Finance adjourned the Debate.

HON MINISTER OF FINANCE: Honourable Speaker, Honourable Members, I also wanted to contribute to the discussion of the Report of the Auditor-General on the Accounts of Central Government for the years ended 2007 and 2008 as tabled before this august House by the Committee on Public Accounts.

The Auditor-General performs an important oversight function by auditing the finances of the State and this entrenches transparency and accountability on the management of public resources by our Government.

This function, therefore, strengthens our democracy and ensures that as Government we remain accountable to our electorate.

Honourable Speaker, Honourable Members, as highlighted in the Report, unauthorised expenditure still remains a problem in our Government with some Offices, Ministries and Agencies incurring unauthorised expenditures for successive years in spite of a number of measures that we have instituted to try and curb that. Unauthorised expenditure, of course,

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is when Offices, Ministries and Agencies incur expenditure in excess of the authorised expenditure in their respective appropriations or in respect of the various divisions, while they are actually required in terms of the Treasury Instruction to seek for virement where they have savings under division that they would wish to utilise under another.

The Ministry of Finance has now instituted additional measures to those in place to help curb this situation. In this regard Treasury has directed all Offices, Ministries and Agencies to establish budgeting committees within their Ministries to monitor the respective spending and to control the expenditures on all the line items of their respective Budgets.

Treasury has further decided to hold monthly meetings with financial advisors with a view to monitor proper management of the Ministries' Budgets by the Ministries. The Ministry has further upgraded the capacity of the Integrated Financial Management System for better control of expenditure. In this regard, a new upgrade has been installed in order to thwart efforts by Ministries to manoeuvre, especially those with expertise in IT, so that they can manage to still spend more than what they are authorised to. In this connection, the Ministry is also undertaking a payment system audit to identify any risks in the system and we have contracted a private firm to assist us in this regard. This process is currently on-going and we are focusing our efforts in this regard on five Ministries and thereafter we would look at other Ministries as well. The outcome would inform us on how to institute new measures in order to avert these risks.

This will not only strengthen the capacity of the IFMS in terms of controlling the expenditures, but it will also help us to improve the efficiency of payments within Government.

Another area of concern that was identified under the report is one related to the reconciliation of suspense accounts. The Ministry has also noted with concern that accounts remain unreconciled for long periods of time and in this regard the Ministry has instructed all Accounting Officers to ensure that their suspense accounts are reconciled on a more regular basis, rather than for the Ministry to wait until the end of the Financial Year to

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try and reconcile these suspense accounts. They are also now required to submit progress reports as they reconcile. If it is on a monthly basis, they would have to update Treasury after a month on how they have fared in carrying out this function. These progress reports will be discussed at the monthly meetings of financial advisers with Treasury.

We have heard that there are now hundreds of millions of dollars in Ministerial accounts at commercial banks which were parked by Ministries after having been requested as being urgently needed and these funds have been lying for years and these are borrowed funds on which we have paid interest charges. We have now decided that all these accounts must be audited by the Auditor-General during the course of this year and when the reports are submitted, we would want to close these accounts unless there is justification why this should not be done. These are Ministerial accounts, these are not statutory funds, because statutory funds are established by law, but we will come back to the statutory laws because even the Constitution itself says all the income of the State must be deposited in the State Revenue Fund. However, Parliament contrary to that passed other laws where they established funds into which will be deposited income of the State, contrary to the provision of the Constitution. Because these are laws passed by our Parliament, we cannot say they are illegal and those accounts we cannot just close, but the Ministerial accounts that were established for specific once-off purposes will be audited and closed in order that they also comply with the State Finance Act.

Further, to enhance the public finance management and to ensure that the recommendations of the Auditor-General are addressed, the Offices, Ministries and Agencies are urged to establish Internal Audit Committees, whose role will be to ensure implementation of the findings of the Auditor-General for each respective Vote.

Another area of concern in the management of public finance is the inadequate financial management skills in Offices, Ministries and Agencies. In an effort to enhance better understanding of the public finance management, the Ministry, in addition to the mentoring and tutoring that we provide through Treasury, conducted a two-day public

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finance management workshop for all senior managers, including Political Office-Bearers, with the aim of sharing skills with them on financial management.

We are also now engaging with NIPAM to run tailor-made courses to help address these skills gaps amongst our staff members in the hope that this will improve the financial management in Government.

However, in conclusion I want to reiterate that public financial management is an essential aspect of Governance, because we have observed that many of our staff members seem not to view the Budget as a law and they violate the Budget law. Even when they are asked to account here in Parliament, some of them just justify their actions without any feeling of remorse, saying that we told the Ministry of Finance we wanted the money but they did not give us our money. If I want something and I cannot buy that with my salary, I do not just take it because I need that, because I know the laws of this country say that if you have taken something without permission, you have committed a violation and you will be held accountable in terms of the law.

Sometimes people urgently require funds and they think they can just spend without any authorisation, without making an effort to follow the procedures to shift money from one area to another or even to approach Treasury to see if there is a way that we can raise additional funds. This is a problem that needs to be addressed.

Therefore, public finance management is an essential aspect of our governance and I also want to emphasise that while the task of public financial management is coordinated by Treasury, the function itself depends on the actions of Offices, Ministries and Agencies because in terms of the State Financial Act we have designated Accounting Officers to whom the moneys that are appropriated by this Parliament to Votes are entrusted and these Accounting Officers are supposed to manage these funds in line with the provisions of the State Finance Act and the Treasury Instructions

Once these funds have been appropriated by Parliament to a Vote, they are

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in the custody of the Accounting Officer and, therefore, that Accounting Officer cannot expect that Treasury will be the one that should make sure that the day-to-day activities required to be carried out under the financial laws are carried out. That Accounting Officer has the responsibility and in terms of the law that Accounting Officer is individually accountable to Parliament. I need to emphasise that point.

However, I want to call on my Colleagues here in Parliament, especially my Colleagues in the Executive that the Constitution holds us individually accountable for the running of our Offices and that includes everything, also the management of the finances. It cannot be that because the Minister of Finance tabled the Budget in Parliament, in spite of the fact that we all motivated our own Votes, and these funds were allocated to our own Votes, that the Minister of Finance must now account for how this money was spent in this or that Ministry because that is not what the law says. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: I hear you loud and clear and I really appreciate what the Honourable Minister of Finance is saying, but Honourable Minister, may I ask a question? Generally it is always a problem if there is a law and no punitive measures are stipulated for the violation of that law. If the Budget is a law, should it be taken that the Treasury rules contain the punitive measures or are there other regulations in the Budget law that should be followed in prosecuting and indicting those who have committed a crime or are we talking about a legal *lacuna* here?

HON MINISTER OF FINANCE: It is very good that you have raised that point and I want to say the following: Even though the Ministry of Finance would be happy to propose additional measures that can be considered in order to motivate the Financial Managers to actually comply with the provisions of this law, there are laws and procedures in the Public Service with regard to how to deal with people who mishandle their Public

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Service function. However, the unfortunate situation is that when you abscond you are punished or when you do not carry out your duties with regard to other aspects you are punished, but when an Accounting Officer mismanages the finances there is no provision. The question is why should there be a separate law to punish somebody who commits a financial crime and one to punish a crime that is not financial?

What I want to say that the disciplinary measures of Government should be all encompassing and when we evaluate the performance of people, including Accounting Officers, we should also evaluate how they perform the function that relates to accounting for the funds entrusted to their care through a Budget. However, I agree that we could specifically in the State Finance Act say that doing this or that would constitute a violation which would trigger the disciplinary process in terms of the Public Service Act. Otherwise we cannot have the Minister of Finance as a politician disciplining officials if other Ministers are not doing the same and the Permanent Secretary of the Ministry of Finance is equal to the Permanent Secretaries of other Ministries. However, we are happy to contribute to measures that would incentivise our people to comply.

Therefore, I want to add with the point that says that, because public finance management is part of governance and the administration of public finances takes place in different Offices, Ministries and Agencies and not at the Ministry of Finance, I call upon all of us to render our support so that we make a collaborative effort between Treasury and Offices, Ministries and Agencies, including this House, to ensure that our public financial management is strengthened.

The management of public finances, as the Report indicates, is an evolving function, however I must indicate, with challenges, although not insurmountable. As a Government we remain committed to implement the necessary reforms which are aimed at enhancing the proper management of our finances, but for such reforms to achieve the desired results would require to be embraced and supported by all, including the Honourable Members of this House. I, therefore, call on you for your support in this regard. (Intervention)

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HON MINISTER OF FOREIGN AFFAIRS: May I ask a small question before she concludes? Comrade Minister, I really support what you said, but you said the public finance management is primarily a duty of the Accounting Officer in accordance with the State Finance Act and finance regulations. Since the Accounting Officers are so-called permanent, it creates some problems and you know that they follow those instructions strictly without consulting while in the end the Minister is constitutionally responsible. However, I do not know which one takes precedence, whether the Finance Act and Treasury Regulations or the Constitution, because it creates problems once you do not have controls over your Permanent Secretary.

I had a situation where I was summoned by the Public Accounts Chairman and I told him that this is the last time he will see me here, because I am not responsible. He was supposed to summon the Permanent Secretary.

HON MINISTER OF FINANCE: The Constitution overrides any other law. The laws that we pass in this House are just to help us to give effect to the provisions of the Constitution, but they cannot contradict the Constitution. Therefore, the overriding principle is that we as Ministers are responsible for the administration of our Offices, Ministries and Agencies, but there are certain balances within our systems. Our systems provide that when it comes to the management of funds in the Ministry, there is a person who is designated as an Accounting Officer, but that person is still to work under the supervision of the Minister. In order to ensure that this person, in the event of committing a violation, can still be held accountable, there is a provision in the law that says that person will have to answer personally to Parliament, because we do not want a situation where an official who carries out an activity says he was instructed by the Minister to do so and therefore, is not accountable. If the Minister instructs them to do something which is contrary to the law, they have the responsibility to advise the Minister that that is not allowed in terms of the law, even if it means reducing that to writing so that they would be able to convince those that supervise them that they did not do this as a result of negligence. But we want people to be serious about the

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functions that are entrusted to them and that is the only reason why they are individually held accountable, but this is not to say that they will not report to the Ministers or ignore the directives of the Ministers. It is only when the Ministers are asking them to do something which is not in line with the law. (Intervention)

HON MOONGO: It is the first time for me to hear such a progressive speech. If mistakes are made for three consecutive years, the Minister must resign from that Ministry as he has shown that he cannot control those officials. We cannot afford that SWAPO be blamed for irregularities just because of Ministers who cannot control their officials.

HON MINISTER OF FINANCE: I was coming to the second part of the Honourable Member's question. Accounting Officer and being accountable means specifically that where there are questions with regard to how the finances are managed in a certain Vote. The Committee normally calls the Accounting Officers to answer. I do not know what happened at the Ministry of Foreign Affairs, but normally the Permanent Secretaries are called here to explain.

I am hopeful that with the Amendments that we have introduced to the Public Service Act to strengthen the oversight function and the disciplining of senior officials, we would now also be able to strengthen that part.

Before I conclude, let me not be misunderstood to be saying that our Accounting Officers are reckless people without any regard for our laws. I want to emphasise that this is not what I am saying, because what we have observed is that the financial management in the Namibian Government has generally improved at the level of Ministries. The magnitude of the excesses of these expenditures over what is approved by Parliament and also the number of Votes that have unauthorised expenditures have also reduced. This is an indication that there are some

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Accounting Officers who are committed to comply with the law, but there are others who, unfortunately, are still not complying and these ones are urged to change.

I want to indicate again that even if there is an urgent expenditure that needs to be incurred, I think our laws are balanced enough to allow for those things to be handled without having to resort to violating the law and, therefore, people should never see emergencies as a justification, they should always try to do things the right way.

HON SPEAKER: Thank you for the very constructive and instructive contribution by the Minister of Finance. Any further discussion? Prime Minister.

RT HON PRIME MINISTER: Thank you, Honourable Speaker. I rise to a few comments on this Report, first of all to say that this Committee performs a very important function of oversight to make sure that the resources are administered and spent according to the programmes of the Ministries, Offices and Agencies. Therefore, I congratulate Honourable Maamberua for his very insightful Report.

I want to say that the oversight function should not be used as a political tool. I see a reference in this Report to the Office of the Prime Minister printing a Report for the SWAPO Congress. Let me explain this issue once and for all.

The Government of the SWAPO Party is answerable to the Parliament and above all, to the people of Namibia, because the people of Namibia constitute the sovereignty of this State and if you read the Constitution, it tells you that the supreme authority in Namibia are the people of Namibia and for the people of Namibia to exercise that authority, they have to elect their representatives. We therefore operate on the delegated authority of the people. (Intervention)

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HON MOONGO: On a Point of Information. I do understand the concern and what the Honourable Member is trying to motivate, but does he know that in terms of Article 10 we are equal before the law, thus all Parties' manifestos should be printed or is the law selective?

RT HON PRIME MINISTER: I am getting there. I know that there is a tendency by people in this House to read the Constitution selectively without taking the letter and the spirit of the Constitution into consideration. I know that when you read the Bible, you do the same. You do not want to cite some of the Commandments, you only cite some and this is what you are trying to do here.

I am saying the people of Namibia, through their vote, elect a Party in which they invest their sovereignty through representation. When the people give a Party a mandate to run the affairs of the State, that Party is answerable to the people and how does it answer to the people? (Intervention)

HON NYAMU: May I ask the Honourable Prime Minister a question? Honourable Prime Minister, the statement you are making is, in my view, tantamount to advocacy of disregard for laws and procedures by any Ruling Party. Today it is SWAPO, tomorrow it is APP or any other Party. Do you not think that you are advocating a very dangerous situation that Parties will be above laws once they are in power? Where is it stipulated in our Constitution that a Party will be above the laws and procedures of the State?

RT HON PRIME MINISTER: I never said that the Party should be above laws and procedures, but let me just refresh your mind as to when the Constitution was written. Article 1(2) reads as follows: "*All power shall vest in the people of Namibia who shall exercise their sovereignty*

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through democratic institutions of State.” Which are these democratic institutions of State? Parliament, the Executive and the Judiciary. The Executive is constituted by those who have been elected to run the country. That is the mandate given to those who are running the Government as the people exercise their sovereignty.

If you are given the task to run the Government as a Party, you have to report on the work of the Government to the structures of the Party, so that the structures of the Party can inform the public what the Government is doing. (Interjection) Yes, I have to report to the Party because I am the one through whom the people are exercising their sovereignty. What is wrong with that? (Intervention)

HON MOONGO: I would only like to inform the Honourable Prime Minister that he is interpreting the law the way he wants it to be, that any Ruling Party has to spend State money for Party purposes. That is not how it ought to be.

RT HON PRIME MINISTER: Honourable Members, we table Annual Reports of Ministries, Agencies and Offices in this House as part of our answerability to the House. Sometimes you read them, sometimes you ignore them, but we are fulfilling a mandate that we know that we are accountable to the Parliament and produce reports specifically for Parliament. Similarly, when the Ruling Party has to report back to the people at the Congress, Government has to produce a report for the Ruling Party to answer to the people on what they did with their mandate. That is the legitimate expectation from the people who sent us to Government and there is nothing illegal about it. It is just like we produce reports in Parliament here. There is something called an accountability report of the Government to the Parliament during the Budget. In addition we produce Annual Reports as Ministries and Offices. Similarly we have to produce a report of the Government to the SWAPO Congress so that the leaders of SWAPO can hold us accountable. That is a legitimate undertaking of the

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Government as part of its accountability to the people on behalf of whom we exercise their sovereignty. Therefore, it should not be used to try to paint the picture that SWAPO has used money for SWAPO itself. I think SWAPO is bigger than that. We can fund the report by the Secretary-General of SWAPO which has the Government emblem, an accountability report to the people and there is nothing wrong with that. (Intervention)

HON MAAMBERUA: I want to clarify something. The Committee is not questioning the legality of Government money being used for the purposes it was used. The Report is clear, we wanted to know the legal basis on which that Report was printed. There was no Cabinet action letter, the Tender Board was misinformed or misled to believe that there was a Cabinet action letter. We demanded to see that Cabinet action letter and to date it has not been received and, therefore, the Committee had to approach the Secretary to Cabinet to investigate that matter further in terms of the disciplinary provisions within the Public Service Act as the Tender Board was actually misinformed that Cabinet is the one which had instructed. That is the information I wanted to give. We are not asking whether SWAPO has a mandate or no mandate.

RT HON PRIME MINISTER: Semantics or no semantics, Government produces different types of reports, Annual Reports, Financial Reports and others, some of which come to Parliament. We do not every time when we produce a report go to Cabinet to issue a resolution on who should print. How practical is that? It is part of your routine, unless you ask from which Budget line was the money used to print that report. If you ask that, we will answer that. (Intervention)

HON SHIXWAMENI: I understand the defence that the Right Honourable Prime Minister is trying to put up, but the question is that in the Report that we are talking about, the Permanent Secretary wrote to the

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Tender Board that Cabinet has taken a decision to print that particular Report. If Cabinet has taken that decision, there would be an action letter from Cabinet. When we enquired from Tender Board, they said there is a Cabinet action letter to print this Report, but we are asking, where is that letter, why can it not be produced? If Cabinet took the decision, why can the letter not be produced, as simple as that? Why would the Permanent Secretary lie to the Tender Board, mislead the Tender Board that it is a Cabinet decision? That is the question that needs to be answered.

RT HON PRIME MINISTER: I am aware that Cabinet instructed the Office of the Prime Minister to receive Reports from Offices, Ministries and Agencies and compile those Reports into a composite Report for the purpose of information of the members of the Congress. I am aware of that. Whether there was an action letter, that I cannot say yes or no, but I am aware that I was given that instruction. (Intervention)

HON SHIXWAMENI: If the Right Honourable Prime Minister is aware of that, how was that instruction conveyed? Was it conveyed orally to the Prime Minister or was it conveyed through a letter to the Prime Minister that he must combine the reports from all government departments in order to make one report that would be tabled to SWAPO Congress. How was that instruction conveyed to the Right Honourable Prime Minister?

RT HON PRIME MINISTER: That was an instruction from the Cabinet, it was not just an instruction to the Prime Minister or whatever it is, because the Ministers must know that there is an instruction from the Cabinet, saying there must be a report compiled for them to do the compilation of their sector reports. I am aware that that instruction was given. Whether it was reduced to a Cabinet letter, that we have to determine from the Cabinet records. There was nothing illegal about it and there was nothing untoward about it, it is just accountability to the

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people who mandated us to run the affairs of their country. They want to know what we did with the mandate we gave you and we have to report to them. That is a legitimate, transparent, accountable and expected action to be taken.

On that point I want to say that I have given you education on how the Government is run. (Intervention)

HON NEHOVA: Honourable Speaker, we have a system whereby Political Parties represented in this Parliament do receive Government funding to cater for those things and in my view, one of those things to be catered for by these funds is that Report that you made for the SWAPO Congress. Otherwise we are causing serious confusion here, confusing Political Parties and the Government. Once you are elected into Government, you are the Government and your Political Party has its Headquarters. Your expenditure at your Headquarters is your expenditure and there is a difference. All of us here are elected by the people, should everybody now take Government money and print Party literature? I think there is a serious problem here. If that is the procedure, then we are driving on a dangerous path.

RT HON PRIME MINISTER: Honourable Kandy Nehova, the Report is not a SWAPO Report; it is a Government Report to the SWAPO Congress. You should ask me why I made that Report. The point is that the SWAPO Congress is the supreme organ of SWAPO, it is the Congress which has given us power to be here and we are answerable to the Congress. We must report what we did with the mandate they gave us as the Government. (Intervention)

HON NYAMU: On a Point of Information. This Government of ours is a Government under a multi-party system. You know the connotation and

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implication of multi-party system. In a one-party system this question we are raising would not have raised at all because the Party and the Government are the same thing. However, we are saying the Government here is not the same as SWAPO. If you take SWAPO as equal to the Government, that is wrong. Therefore, whatever your relationship between the Government and SWAPO, it should not have implications for public money whatsoever. It is your own arrangement how to deal with it, but do not use public funds. Otherwise other Parties will also feel entitled to benefit from those funds when we have our congresses.

RT HON PRIME MINISTER: I am shocked by the level of no knowledge about how Government works. If Honourable Nyamu is saying it is a coalition government, it is another thing, then the components of the coalition would also want to submit Government accountability reports to their congresses. This is not a coalition Government. The Party which has the mandate for the sovereignty of the people currently is the SWAPO Party. The SWAPO Party has its own structures how to organise itself and Government is accountable to the SWAPO Party, just as much as Government is accountable to the Parliament. That is why you make accountability reports to the Parliament. (Intervention)

HON NEHOVA: Honourable Prime Minister, when we are here in Parliament we are part of the governance. We would also like to report to our congresses, to the people who voted for us to be here. We are in governance, we are in one of the organs of the State and we also do go and report to our congresses. When we do so, when we want to write our own reports, shall we claim Government money in order to pay for those?

RT HON PRIME MINISTER: Honourable Nehova, you are correct, you have to report back to your Parties how you used your mandate to be

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in Parliament, but Parliament gives you money as Parties and you use that Government money which you get from Parliament to report to your members. When the Secretary General reports to the Congress, SWAPO funds that report, but when Government reports to the Congress, the Government must fund that report. It is a Government report. There is no confusion here. It is very clear, standard procedure, transparent and according to the law. I think I have now given you education on how the Government works and please do not ask these questions next time to confuse the public. SWAPO can take care of its own activities. Thank you.

HON SPEAKER: Honourable Mushelenga.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you very much, Honourable Speaker. Just a few observations that I made from the Report tabled by the Parliamentary Standing Committee on Public Accounts, especially on Page 3 where I came across an observation by the Committee about State-Owned Enterprises that are not necessarily audited by the Auditor-General and, therefore, their Reports do not land on the table of the Committee.

The Committee derives its mandate from Article 59 of the Constitution. Whether a company is established by an Act of Parliament or whether a company is established by the Companies Act and, therefore, audited by the Auditor-General, such status of that company does not give that company a licence to avoid the scrutiny of the Parliamentary Standing Committee.

Firstly, this House has appropriated funds to some of the companies mentioned here for given projects, for example, NamPower. The money of GIPF belongs to Civil Servants, including Members of Parliament and Committees are made up of elected representatives whose general duties are to take care of the public interest. I, therefore, feel that it really

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depends on the drive of the Committee. When I was Chairperson of the Economics Committee I had at one stage summoned NamPower here to come and explain some of the projects that they were undertaking and I also visited the likes of NAMDEB and made it clear that as long as one is dealing with public resources, the Committee has that constitutional responsibility to make sure that we look at what they are doing, how best they are doing it.

Another issue is when the Committee abuses information. The companies have their own Acts, they have what is called classified information and public information. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask a small question? Now that you are listing these questions, some of them statutory, some of them not, but all using public money, when will we reach the day when the Committee on Public Accounts would summon the REDs? Is it because no one on earth knows whether they are companies, hybrids or whatever, that so far no one has ever summoned these public utilities to come and account? Is it because they are powerful or they instil fear or why?

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: These REDs are partly owned by the Ministry of Regional and Local Government and this Ministry falls under the oversight responsibilities of the Committees. (Intervention)

HON NEHOVA: I want to ask a question and this is the second time that I am asking this question. Last time I asked this question to the Minister of Mines and Energy and this time I am asking this to you. Are the REDs public enterprises or are they private, as the Minister of Finance once said here in this Chamber? Are the REDs public or private entities?

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HON DEPUTY MINISTER OF FOREIGN AFFAIRS: As I was saying, the REDs are partly owned by the Ministry of Regional and Local Government and Housing as the shareholding Ministry. Inasmuch as one can say these are private, the fact that the Committees have oversight functions over these Ministries and over these Councils, the Committees have the same functions regarding anything belonging to these Councils and this Ministry. There is nothing preventing them. More so, they are dealing with public resources, natural resources, and that is why even pure private institutions that use natural resources can appear before a Committee of Parliament and be asked how they are using these resources.

I was saying that the only problem is when Members of Parliament – and especially Opposition Party members are notoriously known for this – abuse information given to them in their position as elected Honourable Members for politicking outside. Then that becomes a problem and I would want the Honourable Members to desist henceforth from such type of behaviour.

Another anomaly is the Auditor-General auditing themselves. It becomes difficult to determine where the checks and balances lie. I know they are doing it in terms of the current law, but I believe soon this issue will be addressed. With these few words, Honourable Speaker, I put my case to rest and I thank you.

HON SPEAKER: Any further discussion? Does Honourable Maamberua wish to reply?

HON MAAMBERUA: Thank you, Honourable Speaker. I wish to take this opportunity to thank the Honourable Members who have taken the Floor to address themselves to this very important Report and also those who concurred in silence with the conclusions and recommendations in the Report.

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I wish to agree with the *Minister of Finance*, particularly with regard to the measures that they are putting in place now to try to curb these over-expenditures and the problems with internal controls and also to inform the House that last weekend we had a retreat in Swakopmund, after another retreat regarding trade issues, where we were reviewing the Auditor-General's Report for the 2009/2010 Financial Years and actually some of what the Minister was informing this House about the recommendations and steps have also been included in our Report as recommendations. It is important that all these issues be highlighted the way we have tried to detail them.

If I have to take the next issue that was raised by the Minister of Finance, the concern that certain accounts remain unreconciled, it is true, it is a very serious concern to the Auditor-General and also our Committee. The accounts that are mushrooming and proliferating in Government is also an issue that we touched on over the weekend and we are actually busy writing a letter to the Permanent Secretary in the Ministry of Finance to liaise with the Auditor-General, because we have given ourselves six months to have full reports about those accounts and we concur with the spirit as expressed by the Minister, that if there are no reasonable grounds to keep some of those accounts, they be closed. However, we shall cross the bridge when we reach there.

The issue of internal auditors was also seriously raised in our retreat and we also decided that we will communicate with the Ministry of Finance in this regard, because internal auditors' functions should actually be standardised. Even the positions should be synchronised, because we find that in some Ministries a person with the function of internal auditor is a director, in another Ministry he is a deputy director, in another Ministry he is an under-secretary and another one, the chief officer. Because of the importance of this function, some harmonisation of the levels should be looked at.

The training that Government is embarking on, there are also other studies, diplomas and certificates in terms of accounting and auditing that are offered by UNAM and the Polytechnic and we would want to encourage the Ministries to make use of those, including NIPAM.

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What we have decided is more in terms of those Reports and our concerns will be communicated to the various Ministries in due course.

With regard to the *Right Honourable Prime Minister*, thank you for describing the Report as insightful. It is actually the work of several months with input from all the members of the Committee, sleepless nights to ensure that we come up with a report of that nature.

I need to assure the House that the Committee has no iota of intention to use the work of the Committee for any political purposes. The Committee, whether we review reports, whether we have ordinary meetings, has a non-partisan philosophy. At no stage do we even make mention of the names of Political Parties in our work or during our deliberations. Rest assured, we have no intention of abusing or misusing the position and privilege of that Committee's work.

Similarly, that is why in our Report we did not question the legitimacy of that particular Report that went to the SWAPO-Party Congress. It is one of the line expenditure items for which we would always want to know on which basis a particular expenditure was incurred. It is on that basis that we wanted to know how the Office of the Prime Minister decided to incur that particular expenditure and the answer, as the Report says, was not satisfactory because the legal basis was never provided to the Committee. Hence it is part of the Report. We have to be transparent and accountable, we cannot do otherwise.

Concerning the question by *Honourable Mushelenga* on the State-Owned Enterprises that are not audited by the Auditor-General, that issue is actually in the State-Owned Enterprises Report, which we are not considering now. The Page 3 referred to is in another report which we are still going to consider and maybe I shall address it when we come to that one.

The issue of the Auditor-General's Office auditing itself, that has been the practice so far because we do not have a separate audit bill at the moment. What we have is Section 26 of the State Finance Act which empowers the Auditor-General and gives the functions and duties. Now that we

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understand that the Audit Bill will be tabled soon, we hope that will provide that the Auditor-General be audited by an independent auditor. That is also one of our main recommendations here.

Honourable Speaker, I wish to understand that, indeed, these findings and recommendations, as included here, have been adopted by this House and on behalf of my Colleagues on the Committee, I wish to thank you very much. We shall endeavour and try our level best to ensure that all these recommendations are implemented to the letter and spirit of the Report. Thank you very much.

HON SPEAKER: Thank you. I now put the Question, that the Report be adopted. Any objection? None. Agreed to. The Secretary will read the Fourth Order of the Day.

**RESUMPTION OF DEBATE: CONSIDERATION REPORT ON
WORKSHOP HELD AT OUTAPI**

SECRETARY: Resumption of Consideration of Report on Workshop held at Outapi, 1 – 11 August.

HON SPEAKER: When the Assembly adjourned on Tuesday, 19 June 2012, the Question before the Assembly was a Report by the Honourable Ueitele, that the Report be adopted. Honourable Von Wietersheim adjourned the Debate. In this absence, Any further discussion? Does Honourable Ueitele wish to reply?

HON UEITELE: Thank you very much, Honourable Speaker. Let me make use of the opportunity to thank the members of the Standing

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Committee on Foreign Affairs and also the Ministries that were present. Let me also thank the Members who supported the Report. I hope and believe that the recommendations set out in this Report will be adopted and implemented in the interest of the people who entrusted us with this responsibility. With this, I wholeheartedly thank the Members of Parliament and all the people that contributed towards this Report. I thank you.

HON SPEAKER: I now put the Question, that the Report be adopted. Any objections? None. Agreed to. The Secretary will read the Fifth Order of the Day.

**CONSIDERATION: REPORT ON FAMILIARISATION
VISIT TO KARAS, HARDAP, CAPRIVI AND KAVANGO
REGIONS**

SECRETARY: Resumption of Consideration of Report on the Parliament Standing Committee on Gender and Family Affairs on the Familiarisation Visit to Karas, Hardap, Caprivi and Kavango Regions.

HON SPEAKER: When the Assembly adjourned on Tuesday, 19 July 2012, the Question before the Assembly was a Report by Honourable Ncube, that the Report be adopted. Honourable Kavetuna adjourned the Debate and I give her the Floor.

HON KAVETUNA: Thank you, Honourable Speaker, for giving me the opportunity. Allow me first to express a word a gratitude to the

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Committee on Gender and Family Affairs for the comprehensive Report on the Implementation of the Policies and Legislative Framework on Issues of Gender, OVC and Early Childhood Development. I have a few comments and contributions that I would like to make on the Report.

On the issue of education on Page 5, the Committee has talked about good laws that this Parliament has passed regarding issues of women, gender and OVC, but the question remains, how are they going to be effective if we do not have people going out to educate our people? In the Ministry of Gender we have the positions called Community Activators, Community Liaison Officers, but these people are constantly in their offices, they do not go out in order to educate people on the various activities of the Ministry. Therefore, I think these good laws that the Parliament has passed will at the end of the day have an impact on the community for them to know what is required from them.

On Page 7 it deals with the issue of OVCs being exempted from school fees. At the moment there exists confusion as to who is supposed to pay for the OVCs, who is supposed to exempt them from paying the fees and I feel this is one issue the Ministry needs to clarify. One thing we have to bear in mind in the process as the Government is that not all orphans are vulnerable and not all OVCs are orphans. If a child is neglected by its parents who, though both of them are working, are alcoholics, that child also becomes vulnerable and, therefore, the definition of the vulnerability of a child should be looked at.

In the adoption process we are still stuck with laws which do not allow us to look well after our relative's children. If, for instance, my sister passed away and I want to adopt her child in order to become a beneficiary on my medical aid and other resources, there is always a cumbersome process that is linked to the old law, for instance that the person adopting the child should be married or have a big house with how many rooms. This is really delaying the whole process of us caring well for our people and maintaining the African culture of looking after the children of our deceased brothers and sisters. Therefore, the law should be reviewed and amended as soon as possible.

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The income-generating activities is a good project by the Ministry, but as a community worker, I have observed that by giving N\$5,000 here and N\$10,000 here, we are creating a lot of poverty among the people. Why do we not look at sustainable projects which would have an impact on the community? What is also very important is to stimulate people's creativity rather than designing the same types of dresses all the time.

The issue of death and birth certificates is a problem both the Ministry of Home Affairs and Immigration and the Ministry of Gender Equality and Child Welfare has to deal with.

HON SPEAKER: The House stands adjourned until tomorrow, 09:00.

HOUSE ADJOURNS AT 17:45 UNTIL 2012.06.27 AT 09:00

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
27 JUNE 2012**

The Assembly met pursuant to the adjournment.

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

HON DEPUTY SPEAKER: Honourable Members, today, the 27th of June 2012, we are blessed to be addressed by His Excellency the President of Botswana, His Excellency Lieutenant General Seretse Khama Ian Khama. He will address the Parliament of the Republic of Namibia. As established by convention, I will suspend the business of the House and ask leave to go and invite His Excellency, accompanied by our Speaker as well as the Chairperson of the National Council. Please remain standing until His Excellency the President enters the Chamber.

HON SPEAKER: On your behalf, dear Colleagues, I welcome to the Joint Session of Parliament His Excellency Lieutenant General Seretse Khama Ian Khama and to assure His Excellency that we are here at the command of yourself and your Colleague, President Pohamba, to implement what you two have decided and charged the two sides with. We are children of a common ancestry. The people of Botswana and the people of Namibia share more than the Kalahari Desert, we share the elephants, we share the Kavango and Zambezi Rivers, we share history, we share the beginning of our lives. We have a common ancestry. I have the pleasure, therefore to invite His Excellency to address the Joint Session of Parliament.

HIS EXCELLENCY PRESIDENT KHAMA: Honourable Speaker of the National Assembly, Chairman of the National Council, Right Honourable Prime Minister, Cabinet Ministers, Honourable Members of

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Parliament, Heads of Diplomatic Missions.

I am indeed greatly honoured and privileged to have been invited to address this distinguished gathering of the Joint Session of the Namibian Parliament. I wish to express my sincere gratitude for the warm reception and hospitality that has been accorded to me and my delegation during this very productive and successful visit to your country. I must also acknowledge the fact that I have always enjoyed this kind of welcome every time I have visited Namibia.

As you may recall, Mr Speaker, I visited Namibia on a few occasions since I took office in 2008 and so being here again brings back many fond memories of past visits to your country. This State Visit will serve to build upon those fond memories as well.

My presence here today is a clear demonstration of the excellent relations that Botswana and Namibia continue to enjoy. I am not trying to be diplomatic by describing our relations as being excellent, they truly are so and for as long as I am in Office, I will ensure that they remain so.

This also extends to the excellent personal relations that I have with His Excellency President Pohamba. Mr Speaker, it is said, “*you can choose your friends, but not your neighbours*”. There is no doubt in my mind that we have indeed chosen Namibia to be our friends and if it were not so, we would also have chosen Namibia to be one of our neighbours. I am pleased, Mr Speaker, that these relations between Botswana and Namibia are underpinned by our mutual commitments to democracy, to good governance, the rule of law and respect for human rights. The fact that we share common ideals and aspirations is an indication that we will achieve a lot more as we continue to maintain a unified position and solidarity at bilateral, regional and international levels.

Mr Speaker, two years ago in 2010 the Namibian people celebrated twenty years of their country’s Independence. This celebration marked an important milestone in the history of your great Nation, since for many years the Namibian people persevered and prevailed over oppressive colonial regimes. Your heroic struggle was a reflection of your strong

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determination to build a non-racial society based on equality, democracy and the rule of law.

We in Botswana take pride in having lent support to our brothers and sisters in Namibia in their quest for liberation. It is heartening to note that this undying spirit and brotherhood has created an enduring bond of friendship and solidarity between our respective Governments and peoples, thus paving the way for the excellent bilateral relations that we currently enjoy.

I am happy to note that today Namibia is a beacon of democracy, not only in our region, but the world at large. This is evidenced by the regular holding of credible free and fair elections which have become the hallmark of your great Nation.

I have also seen the nature of your countryside, the hills and the mountains, the deserts and the sand dunes, the rivers in the north, but out of all this you have carved agriculture, you have carved mining and tourism and ports, to name a few, and developed them and others and crafted Namibia's sound macroeconomic policies and prudent management of these resources into Namibia being classified as a middle-income economy.

I am pleased to note, Mr Speaker that the increasing number of exchange visits at both official and personal level has also provided the basis for further strengthening of these relations. As a landlocked country, Botswana considers Namibia to be of strategic importance. It is, therefore, my strong belief that the completion and operationalization of the bilateral and regional projects, such as the Trans-Kalahari Railway Line, the development of the dry port facility in Walvis Bay, the creation of one-stop border posts and the recent inauguration of the undersea cable, will result in increased benefits for our two countries. Most importantly, these projects will lead to improved market access to both regional and international markets, speedy movement of goods and people between our two countries and thus facilitate integration in our regional agenda.

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Mr Speaker, I must stress the urgent need for our two countries to ensure speedy implementation of these very important projects which are vital for the development of our economies. Their completion will go a long way in improving the welfare of our peoples. I shall be going back to Botswana later today, very pleased and very satisfied with what we have accomplished and what we are still to accomplish.

Allow me to take this opportunity, therefore, to express on behalf of the people of Botswana and, indeed, on my own behalf our profound gratitude to the Government and people of Namibia for offering Botswana land to use as a dry port. We are indeed grateful for this kind and generous offer which is reminiscent of the good neighbourliness that prevails between our two countries.

Mr Speaker, the political situation in the Southern African Region is relatively peaceful and stable thanks to the collective and concerted efforts of the SADC community. Botswana is encouraged by the positive developments that we have witnessed recently in countries like Lesotho, Malawi, Madagascar and Zimbabwe. We remain hopeful that the SADC facilitated roadmap leading to free and fair elections in both Madagascar and Zimbabwe will be fully implemented as envisaged by the recent SADC Summit held in Luanda, Angola.

While speaking of SADC, let me commend Namibia for the sterling leadership and patriotic presentations of our regional organisation, SADC. It is through Namibia's relentless efforts that SADC has made progress in the implementation of its integration agenda.

Mr Speaker, briefly turning to politics and us as politicians, I have realised since I have been in politics and politics can be very divisive. I do not know if it is the same in Namibia, and I say to politicians in my own country, as I would say to you today, let us all be united at least in understanding one thing: It does not matter from whichever political affiliation you come from, I wish to say to you that whatever you say in this House, whatever you do outside must be said and must be done in the best interest of Namibia. You only have one country and always remember the last lines of your National Anthem which says, "*Namibia*,

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our Motherland, we love thee."

Mr Speaker, in conclusion, let me express my gratitude for the opportunity you have accorded me to address this august House and to wish the Government and the people of Namibia the very best in the coming years. Please be reminded that to the east you have a neighbour, to the east you have a friend, to the east you have a development partner, to the east you have Botswana. May God bless you. Thank you very much.

HON SPEAKER: My Colleague, the Chairman of the National Council will say a bit more, but I just wanted to add words to the acclamation that we have extended to you, Excellency. The idea of community building started here in 1992 when SADCC was transformed into the Community. Your predecessors decided that Botswana, Gaborone will be the headquarters of SADC. It was the confidence that the other members of the Community have in Botswana's leadership and you are continuing that role, representing the Community so eloquently. I ask my Colleague, the Chairman of the National Council, to express the Vote of Thanks.

VOTE OF THANKS

HON CHAIRMAN OF THE NATIONAL COUNCIL: Your Excellency, Lieutenant General Seretse Khama Ian Khama, President of the Republic of Botswana and your esteemed delegation, Honourable Dr Theo-Ben Gurirab, Speaker of the National Assembly, Right Honourable Prime Minister of the Republic of Namibia, Nahas Angula, Honourable Marco Hausiku, Deputy Prime Minister of the Republic of Namibia, Honourable Loide Kasingo, Deputy Speaker of the National Assembly, Honourable Members of Parliament, Your Excellencies, Members of the Diplomatic Corps, Distinguished Guests, Ladies and Gentleman.

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It is my singular honour and privilege to express on behalf of the Members of Parliament and the people of Namibia our sincere gratitude to His Excellency Lieutenant General Seretse Khama Ian Khama, President of the Republic of Botswana for visiting and addressing the Joint Sitting of the Parliament of Namibia.

Your Excellency, on behalf of the Speaker of the National Assembly, Dr Theo-Ben Gurirab, Members of Parliament, the Namibian people at large and, indeed, on my own behalf, I convey our thankfulness and appreciation for your inspiring and encouraging message to us. Your Excellency, as you said, the destiny of our two Nations is firmly linked.

Our two Nations share more than a border, we share a people united by culture, language, common ancestry. We also share history, characterised by heroic deeds and self-sacrifices especially by the people of Botswana who more than a hundred years ago opened their houses and country to welcome hundreds of our people fleeing the wrath of German Imperial forces during the 1904 genocide against the Herero and Nama people of our population.

Similarly, it is through Chief Sekadhi Khama of Botswana who, in his determination to help the Namibian people, engaged the Anglican Priest, Reverend Michael Scott to assist Chief Hosea Katjukurume Kutako to oppose the incorporation of the Territory of South West Africa as an integral part of South Africa by petitioning the United Nations as from 1946. It is also during the anti-colonial resistance starting in the early 1950's and intensifying in the 1960's, that many Namibians, including the Founding Father of the Namibian Nation, Dr Sam Nujoma, our current President, Dr Hifikepunye Pohamba, and many other Namibians used Botswana territory as refuge and transit route to Tanganyika and other countries to consolidate the petitioning at the United Nations and to join the liberation struggle. Therefore, Your Excellency, we thank you and the people of Botswana for the humanitarian gestures of goodwill throughout these difficult and sad periods in allowing Namibians to find refuge and/or using Botswana territory as transit route to wage war against the then

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minority white apartheid regime in which the Namibian people emerged victorious on the 21st of March 1990.

Your Excellency, there is therefore no doubt that the existing sound and strong relations enjoyed by Botswana and Namibia today are imbedded in those historic undeniable humanitarian deeds. Indeed, our common path inspires both our countries to jointly wage the struggle against the unemployment and poverty in order to achieve economic emancipation.

In this endeavour the two countries are collaborating to expedite the economic development through mutual beneficial projects, as those you mentioned, the Trans Kalahari Corridor, the Botswana dry port at Walvis Bay and the fibre optic submarine cable system, known as the West Africa Cable System and the Parliament of Namibia embraces the progress made thus far.

Your Excellency, our two Parliaments greatly benefited from parliamentary exchange visits and it is also important to add that at international parliamentary forums Namibia and Botswana Members of Parliament support one another in achieving resolutions that are of mutual benefit to the two countries, SADC Region and Africa as a whole.

In conclusion, on behalf of all the Parliamentarians and the people of Namibia I would like to extend to you best wishes for renewed vigour and good health as you continue leading the people of Botswana to greater heights and prosperity. Long live Namibia and Botswana solidarity! I thank you.

HON SPEAKER: On that note I will recess the House for a few minutes while I, joined by the Chairman, escort His Excellency.

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HON DEPUTY SPEAKER: The House is adjourned until tomorrow,
14:30.

HOUSE ADJOURNS AT 09:37 UNTIL 2012.06.28 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
03 JULY 2012**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: I have a sad note to share with Honourable Members, that is by informing the House that Mr Finley Harker, the Deputy Secretary to the National Assembly, lost his father on the 2nd of July 2012. Our sincere condolences to the Harker family during this time of bereavement.

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

ORAL QUESTIONS

HON MAAMBERUA: Honourable Prime Minister, certain informal settlements in Gobabis do not have toilets. Kaanan, Damara Plakkers, Herero Plakkers and Owambo Plakkers do not have toilets. Are we likely to see these toilets erected as soon as possible or not or when can we expect that to happen?

The next question: The food aid which is given around in the country seems to be given only to the San people. Is it possible that this food aid can be expanded to be given to the poorest of the poor in this country?

To the Minister of Health and Social Services: The Honourable Minister

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RT HON N ANGULA**

during the Budget Debate gave an impression that the Katutura State Hospital, particular around the Nurses Home, including the Central Hospital, was going to be cleaned up. I was there yesterday and that place is still very dirty and horrible. Are we likely to see an improvement in that area soon or not?

Right Honourable Prime Minister, given the level of poverty in this country and the desperation that we see in Namibia, is Government likely to distribute blankets, charcoal and firewood during the coming winter to the very poor people in this country or not?

RT HON PRIME MINISTER: Thank you, Mr Speaker. I would like to thank Honourable Maamberua for his very pertinent questions. I wish Honourable Ekandjo were here to answer for himself, but let me just say the following:

Sanitation need is a serious problem nationwide. I do recall that in previous years the Minister of Regional and Local Government, Housing and Rural Development did provide a Budget for sanitation to Regions. I am not quite sure whether Omaheke was included, but I believe when the Minister comes he will be able to clarify whether Omaheke was one of the Regions which was provided with resources to provide sanitation.

Unfortunately, what we see in my own Region, Oshikoto, are white elephants. Pit latrines were placed randomly at places such as where people receive their pensions and one is not quite sure who is cleaning and taking care of them and I am not quite sure whether they are serving the purpose.

What Honourable Maamberua is supposed to do is actually to engage the Municipality of Gobabis and find out what plans they have to provide proper sanitation to the informal settlements in Gobabis. I know in the case of Windhoek the Municipality got substantial resources through TIPEEG. They took time to implement the Programme, but I think they are now waking up and starting to implement. I suspect that the

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HON RIRUAKO**

Municipality of Gobabis might have received similar resources from TIPEEG, but that needs to be verified.

Food distribution to the San people: The San people's traditional basic survival was totally destroyed. This country used to have plenty of wildlife and natural fruits, but what happened is that we put the game into parks and locked the San people out of the parks, thereby destroying their traditional way of living. We fenced off land, including fencing in the traditional food they lived on. Therefore, their basic livelihood was totally destroyed and it is for that reason that now the government has taken the initiative to assist the San communities to acquire land to have a place they call their own where they can build houses. The Honourable Deputy Minister was just telling me now that he discovered another San community around Omindaungilo in Ohangwena Region who are really in a serious situation and we are the ones who actually created this condition.

Other communities were also affected. For example, the dog tax destroyed the livelihood of some people, the question of land forced people to be put into Reservations, but still they have some means of livelihood. They have cattle, small stock, access to employment and the San do not have those. Therefore, that is a special category and we should not generalise.

The last question was about blankets and firewood. We understand that our people are in difficult situations, but where do the people need blankets, the Regional Councillors should engage the communities and really identify the most needy so that Government will be able to assist in a small way. Thank you.

HON SPEAKER: I thank the Right Honourable Prime Minister.

HON RIRUAKO: I have a similar question to raise. Yesterday I was at the Katutura Hospital, I walked by foot all the way from the street, corner

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HON DR KAMWI**

to corner and there is no tarred main road. I went so far as the Permanent Secretary to find out and he said, *"I live in a dirty way, that is the way I live. Did you not see I tried to cut the grass?"* I am not here to tease the Honourable Minister, I mean it and you are going to endorse it. It is unfortunate that I find myself in that kind of category. Let us take care of what we are supposed to take care of. Cleaning is a priority and if you do not do that, let us punish ourselves and go and clean it. Even our Members of Parliament can go and clean it if there are no cleaners.

With regard to the animals which were taken from the reserves, it is not the Prime Minister or this Government who did so, it was another Government and those people responsible for this have a name and you have to reveal it. You do not have to accept blame for something you did not do, those who have done that should accept responsibility for that.

HON MINISTER OF HEALTH AND SOCIAL SERVICES:

Honourable Speaker, Honourable Members, let me thank Honourable Maamberua for the Oral Questions. I wish to start off by saying that maybe in future when Honourable Maamberua has time, he should not come to the Health Ministry without informing us, he should rather, were possible, ask for an appointment so that we go together and see it with our own naked eyes, because when you are saying what you have seen there is horrible, I find that to be an exaggeration. I am saying so because there is an on-going cleaning campaign. Driving from Katutura Intermediate Hospital to Windhoek Central Hospital, you would have seen that there are a number of cleaners cutting the grass and a truck taking care of the grass.

When you talk about the horrible situation, I fail to understand you. The road between the two hospitals is being taken care of. As we speak there is a contractor on the ground, but when you say nothing is being done, I fail to understand.

On the other hand, Honourable Riruako, you find somebody walking like a zombie, apparently from Katutura Hospital, not knowing where he is

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HON DR KAMWI**

going, what he is looking for and finds the Permanent Secretary living in the tall grass. I do not know if it is the same story. Yes, indeed, I know the tarred road had some potholes, I consulted with my senior Colleague and by the way, we do not even deal with tarred roads, we do not do maintenance. We are doctors, nurses and pharmacists, not engineers, but when we come across such a challenge, we consult with our Colleagues who are responsible for maintenance of the road and I do know for certain that the team from Works are hard at work, they are taking care of that road as we speak by using interlocks.

I invite you, Honourable Riruako, to find time tomorrow so that I can go and show you what is happening. Thank you.

HON SPEAKER: I have additional information to share which came to my attention, but before I do that, I cannot resist recognising the presence of John Muundjua, one of the people who taught me the meaning of politics and resistance and to be brave to speak up against the enemy. You are welcome.

HON SPEAKER: Any Notice of Motions? The Secretary will read the First Order of the Day.

**RESUMPTION OF SECOND READING:
NATIONAL PLANNING COMMISSION BILL**

SECRETARY: Resumption of Debate on Second Reading – *National Planning Commission Bill*.

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NATIONAL PLANNING COMMISSION BILL
HON SHIXWAMENI

HON SPEAKER: When the Debate was adjourned on Tuesday, 19 June 2012, the Question before the Assembly was a Motion by the Honourable Minister of Presidential Affairs and Attorney-General, 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. Let me take this opportunity to welcome Dr Abraham Iyambo back to the Chamber and to wish him good health. As you know, I am a firm believer in the strong developmental State that stands at the centre of both socio-economic and I remain the advocate of a strong, progressive developmental State for our country. That is why I, indeed, welcome the current Bill before the House. I hope that the Bill in its present form would be able to contribute to strengthening the national planning function, because at the centre of development in a developmental state is that the planning function be strengthened right from the village level to the constituency and regional level. I hope the proposed National Planning Commission would be able to do that.

One thing that is not good is that we have unshared planners around in Windhoek, thinking what is good for the people in the villages, but that planning should start right from the bottom at the village level where people make their own input as to what it is that they need first before the central level decides.

The Minister of Presidential Affairs and Attorney-General announced a few changes to the Bill, such as taking the Ministers out from the National Planning Commission and another few changes here and there. Thus not much has really changed, but if the new changes are implemented properly, I know that we will be able to make progress. I, therefore, want to go section by section and just highlight some of my concerns.

Section 2: I believe that Commissioners, like each and everybody, should have a term limitation. This trend of reappointing the same people time and again is not good for our country and I hope that the Minister of

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Presidential Affairs and Attorney-General and Cabinet would be able to look at this particular aspect.

The other aspect that has been removed from the old Bill is what some people would say is an issue of semantics, but this Bill talks about economic policies and it seems we are ignoring the aspect of social development. I would still like to see that the aspects that address socio-economic policies and development in our country still be included here, because we cannot focus only on economic policy without looking at socio-economic development.

Section 5(a) deals with disqualification for appointment of member and says that only Namibian citizens will be appointed as members to the Commission or permanent resident permit holders. When I was reading this, I thought of Tan Keng Yan Tony, the President of Singapore, I thought of Malaysian example and South Korea who have been experts in terms of using the knowledge and expertise of socio-economic advisors from other countries to develop their countries. We believe we should not stipulate in a law that we shall not be able to make use of foreigners. We are not an island on ourselves; we can still be able to benefit from foreign experts.

The other point is on Page 5, the issue of disclosure of interest and the issue of fines. (Intervention)

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: May I ask the Honourable Member a question? Honourable Shixwameni, will the foreigners not only promote their own agenda? Is it not good that we have our own citizens on the Commission and only make use of foreigners when things become technical?

HON SHIXWAMENI: I am partly in agreement but as an internationalist, which most of us are made of, we cannot exclusively say

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that we only make use of Namibians. I agree with you that the majority should be Namibians, planning for Namibia to go forward, but we should still be able to use foreign expertise in order to advance our cause both nationally and internationally. (Intervention)

HON TJIHUIKO: May I ask a question? Honourable Shixwameni, I appreciate your answer to that question, but do you remember that a couple of weeks or months ago there was a report to the effect that Namibia is sourcing of bringing in highly qualified technical people from Zimbabwe to assist us? Do you now think your approach is in fact strengthening that approach?

HON SHIXWAMENI: I believe that we shall for a certain period of time not be able to do everything alone, but that we would need some experts from friendly Nations that have supported us, but also from other Nations who are prepared to work with us in order to achieve our developmental goals. We cannot write into a law that we shall exclude these, because we will still find it necessary to recruit nationals from other countries that would be able to help us. (Intervention)

HON RIRUAKO: We have our representatives at the United Nations who are going around the world, taking care of other people. It should be give and take and we cannot just forbid. If we do that, we do that on our own.

HON SHIXWAMENI: I am not saying we should not make use of Namibian experts. In areas where we have Namibian expertise and professionals, let us make use of them, but in areas where we do not have expertise and professionals, we cannot sit back and wait for our

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professionals to graduate in ten or fifteen years.

Section 5 deals with the disclosure of interest by members and members of the advisory committee. I must say I welcome this section, but I still want to insist that we need to have a disclosure that covers the whole Public Service. We should not have a disclosure that selectively covers certain areas. Everybody at management level and upwards in the Public Service should be able to disclose their economic and financial interests, so that we know who eats our cake in the night. We should be able to find out who is that mouse that eats the cake during the night. We would do better if we have a disclosure bill to make sure that it is a public disclosure and not a secret disclosure, because disclosure in secret still does not fight corruption, still does not expose the ones that are eating our cake during the night.

On top of that, it is high time that we have a right to information bill, so that citizens would have access to information whenever they need it. It should not be a matter of Ministers having discretionary power whether to reveal that information. Journalists and ordinary citizens should be able to access Government information at a certain fee or not at a certain fee.

Clause 8(3) deals with a penalty and recusal. I have a problem with recusal. If you recuse yourself from a meeting because you have financial and economic interest in a business...(Intervention)

HON MINISTER OF FINANCE: I want to ask Honourable Shixwameni a question. The Honourable Member was making an important point with regard to public disclosure, but the way in which he put forth the point left me a little bit unclear as to the full message that he is trying to convey. He said he advocates for a bill to be brought to this House to regulate the disclosure of assets by those in Public Office and then he went on to say that we as a Nation would like to know which mouse eats our cake at night. Is the Honourable Member trying to imply that asset accumulation by itself is a crime when you are in Public Office and this public disclosure initiative is intended to expose those people as

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being bad and doing something wrong simply by accumulating assets? That phrase left me a bit stunned. I was in agreement with him when he started the point, but when he spoke about the mouse eating the cake at night, I was not quite sure what to make of what he is saying.

HON SHIXWAMENI: I have never been against a person accumulating wealth by legal means, that everybody knows this is what Honourable Saara Kuugongelwa had worked for, but I have a problem, as His Excellency the President time and again says, that he, being the Chief Executive Officer of our country, has only two houses, but you find a deputy director who has a house in Henties Bay, a house in Walvis Bay. Then one asks yourself the question, when does this person have time to do all this business? I have nothing against people accumulating wealth, as long as we are doing it openly and legally.

Honourable Speaker, I have a problem with recusal as stipulated in Sub-Clause (3), where the Commission can decide that even if a person has a vested interest in the business that they are discussing and the person declares the interest, but the person is still allowed to sit in the meeting and debate the issue at stake. The best practice should be that if you recuse yourself from a meeting because of a conflict of interest, you should be able to recuse yourself from that meeting that is deliberating on that issue and not participate in that Debate, and only return after they have deliberated on that issue.

In Point 4 it deals with fines and I have time and again talked about this issue. It seems like white-collar crime is somehow being tolerated and permitted, because the fines that are put for white-collar crimes which brings millions of dollars into the pockets of some people are just petty. They are able to go to Court and pay it within five minutes. We should really look at this whole issue of white-collar crime and the fines applicable, in order to act as a preventative measure.

On Page 7 it deals with the powers and functions of the Director-General and his appointment. I want to say that we should take from the best that

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Namibia can offer, we should be able to take from all walks of life, from any ethnic group, from any Region, from any professional body a Namibian that would be able to do a good job in terms of planning. Recycling and reshuffling would not help and I can tell you that it is not the stuff that professionals are made of, professionals want security job tenure. They do not want to be pushed here today and pushed there tomorrow because somebody has the power to shuffle people around.

Lastly, Honourable Speaker, that also applies to the appointment of the Permanent Secretary to the Commission and I do not need to emphasise that professional will save our Nation. The recycling and appointment of political cronies and friends would not help our Nation.

On performance management and discipline of staff members, I would still like to appeal to the Right Honourable Prime Minister's Office to make sure that we have performance management agreements throughout the entire Public Service. By the end of this term all Ministries should have performance management agreements up to the last man standing in the Public Service so that we can have an excellent Public Service. With those few remarks, I rest my case.

HON SPEAKER: I thank the Honourable Member for a constructive contribution. Honourable Moongo.

HON MOONGO: Thank you very much, Honourable Speaker, I will be very brief. This Bill is a very good document, but I am only worried about the implementation. We are so good at planning, but we fall short when it comes to implementation. There will always be friction because the gap between the rich and the poor is so wide, but jealousy will not serve any purpose. I, therefore, feel it is a good document and we should approve it. Thank you.

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HOUSE ADJOURNS AT 15:40

HOUSE RESUMES AT 16:20

HON DEPUTY SPEAKER: Honourable Minister of Mines and Energy.

HON MINISTER OF MINES AND ENERGY: Thank you, Honourable Deputy Speaker. I would like to congratulate the Minister of Presidential Affairs and Attorney-General for tabling the National Planning Commission Bill. I have a brief contribution to make in support of this important Bill, especially the changes as mentioned by Honourable Shixwameni.

However, I regard the National Planning Commission as a national body responsible for the planning for the country and if it is in that spirit that they are going to do their work, I will be a happy man.

At times I became puzzled as to the meaning of “*national planning*.” It is indicated here that they are looking at the socio-economic planning for our country, but the relationship between the National Planning Commission and the various Ministries is not stipulated in the Act. At times it seems as if the National Planning Commission is waiting for the planning to take place within the various Ministries and then start funding those projects through the Ministry of Finance. Only then do they become national projects to be supervised by the National Planning Commission. I do not want to see the National Planning Commission operating like that, I would want to see them doing the actual planning of projects of national interest and thereafter placing the project within the relevant Ministry.

Also when it comes to funding we need to take a slightly different approach. At the moment every Ministry is fighting with the Ministry of

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Finance for their projects to be funded. (Intervention)

HON DEPUTY MINISTER OF WORKS AND TRANSPORT: On a Point of Information. When one has a look at the statistics on housing in the country, one wonders how the National Planning Commission gathered this information to arrive at the correct data. Currently we have quite a number of research institutions, but does the National Planning Commission plan to feed their statistics into one institution where researchers could access certain data? Do you think there is presently enough feedback between the Regional Councils and the National Planning Commission in terms of planning projects? If they, for example, identify a bridge at a particular crossing, how would that be taken up in the planning so that it could be funded?

HON MINISTER OF MINES AND ENERGY: I think it is for the Minister of Presidential Affairs and Attorney-General to address those questions. What I was trying to touch on was the relationship between the Commission and the various Ministries, because the relationship between the Commission and the President and the Prime Minister has been mentioned in the Bill and partly also the Ministry of Finance. If I have a rural electrification project in my ministry, is that a national project? Where has it emanated from? Is it from the Ministry or the National Planning Commission? If we cannot get that right, we would have disjointed projects, some of which may not even qualify to be national in character, but they will be funded at the expense of those with a national character.

If we can take that road, it would even make it easier for the Honourable Minister of Finance to satisfy those who approach her for additional funding. The National Planning Commission should prioritise the projects and of course, the Ministers want to be seen to be doing things in our Ministries, but then we must first agree on what is the priority. If the priority is in the Ministry of Mines and Energy and the Ministry of Mines

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and Energy gets the funding, it should not be seen that the Minister of Mines and Energy got the funding because he is liked. It should be because that project is of national character and it is for all of us as a Nation. (Intervention)

HON TJIHUIKO: May I ask the Honourable Minister of Mines and Energy a question? Honourable Minister, I am asking this question on a serious note, because as a Minister you do not seem to know the functions of the National Planning Commission. Are you really trying to convince us that as a Minister you do not know what the functions of the National Planning Commission are? Secondly, are you really trying to convince us that there is no coordination in Government for the Minister of Agriculture to know the priority programmes in the Ministry of Mines and Energy?

I am asking this because I understand that once you have submitted projects for funding, you motivate and prioritise at Cabinet level to know exactly which projects will be funded and which have to wait before you submit them to the Minister of Finance. Can you just enlighten us on that?

HON MINISTER OF MINES AND ENERGY: Firstly, I was not asking a question. Secondly, I want to ask the Honourable Member to familiarise himself with the operations of his Government so that he does not ask me how Government is operating. If he does not know, then he should just listen.

What I am saying is that we Ministers responsible for our Ministries should not feel left out if a certain project is not funded and the available money goes to another project that the Government and the National Planning Commission considers to be a priority for that year. Once your project is not funded, it is not the end of the world; you would still have other projects to undertake that would carry you until your project

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becomes of national interest. What I have seen is that we divide the money between different projects, thereby not making any impact at all. We should be targeting one priority to make an impact through the National Planning Commission. (Intervention)

HON NYAMU: May I ask the Minister a small question? Honourable Minister, you are doing well because you are raising very serious issues. My only question is, why now, why not in Cabinet? You are literally saying the National Planning Commission, as a supervisory body of projects, is just hanging in the air, to the extent that Ministers do their own things and at times they duplicate efforts. One would find that so many Ministers have something to do with housing. The Ministry of Safety and Security has their own housing, Local Government deals with housing the Office of the Prime Minister deals with housing. Does that not clearly demonstrate that we do not have a national vision, only departmental visions and objectives? You started by saying the functions of the National Planning Commission related to the Ministries are not defined and that is a serious omission, to the extent that the National Planning Commission is a body floating in the sky. Could you not have raised that matter at the Cabinet level?

HON MINISTER OF MINES AND ENERGY: Honourable Nyamu, you are correct, I am now saying it here in the National Assembly. When you were in Cabinet, what did you say? The National Planning Commission was in existence when you were in Cabinet. (Interjection)

HON NYAMU: I wanted to say it before they kicked me out.

HON MINISTER OF MINES AND ENERGY: At times we do not

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place the National Planning Commission where they are supposed to be. They are not there to oversee only, they need to plan and if this is what is going to happen with this Bill, then I will be a happy man. (Intervention)

HON TJIHUIKO: May I ask the Honourable Minister a last question? Honourable Minister, I would have liked you to continue talking about this relationship between the National Planning Commission and Ministries, do you really want us to believe that senior Cabinet Ministers do not know the role of the National Planning Commission after twenty-two years? You are sitting in your offices, planning your own things, the National Planning Commission is busy with its own things and then there is a chaotic situation in Government because nobody knows who is doing what. Is that really what you are trying to tell us? Just simply tell us that yes, there is complete confusion, nobody knows what is going on in Government because the National Planning Commission is planning their own things, while Honourable Abraham Iyambo has been planning his own things.

HON MINISTER OF MINES AND ENERGY: That is not what I am saying. This Bill is before the National Assembly and we are going to approve it now, and if you are just there to listen to those making contributions and to make interjections, you will continue to do so until you are outvoted from this Parliament. Concentrate on the Bill and if there is anything that you pick up, mention it so that the Minister can give answers. I think you are doing a disservice to yourself and those who have voted for you to be here. I rest my case.

HON DEPUTY SPEAKER: Honourable Maamberua.

HON MAAMBERUA: Honourable Deputy Speaker, thank you very

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much for giving me the Floor. I would want to start by associating myself very closely with the observation made by Honourable Katali regarding the absence of a link between the National Planning Commission and the line Ministries. I think that is a very important observation and that omission is actually critical, unless it is covered somewhere and both of us did not see it. Otherwise, I think we may not be able to pass the Bill if that link is not established.

My first question to the Honourable Minister of Presidential Affairs and Attorney-General is what actually happened to the Presidential Economic Advisory Council and whether such council is not perhaps an important institution that needs to be institutionalised in a Bill like this, so that we also improve on planning.

Honourable Deputy Speaker, on Page 2 under the definitions it says "*Director-General means the Director-General of Planning.*" I do not know whether it is supposed to be "*Director-General of the Planning Commission.*" If it is "*Planning*", it is not defined and we do not know what is planning in terms of this definition. We cannot have a Bill passed with these kinds of mistakes.

On Page 3 under objectives it says "*the objectives of the Commission are the identification of Namibia's socio-economic development priorities, to develop monitoring and evaluation mechanisms and (d), to evaluate the effectiveness of Government's economic policies.*" My problem here is: Where are the checks and balances of the Commission's work? Because the Commission is the one to determine the priorities, it is the one to formulate, it is the one to develop monitoring mechanisms and at the same time it is also the one to evaluate. I feel the checks and balances are not put in place, you cannot be the initiator, the processor and the evaluator at the end of the day.

Section 6(2) reads: "*The President may remove a member from office on account that the President has reasonable cause to doubt the member's ability to effectively discharge the functions of the Commission due to: (b) any other valid reason.*" The title there is vacation of office and filling of vacancies where the office of a member becomes vacant due to some well-

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defined provisions and yet when we say the President also has the power to remove a person for any other valid reason and we put that in a law. I have no doubt in the reasonableness of any President, but the law must be clear and unambiguous. We cannot say the President can remove a person for any valid reason if we do not define that valid reason while all the other reasons are being defined. That could be problematic.

On Page 7 it deals with the powers and functions of the Director-General, starting from Clause 12(1) and (2) and then under (3), “*without prejudice to the generality of Section (2), the Director-General must table... appraise Cabinet... **appraise** the Minister of Finance... **liaise** with the private sector and organised labour and civil society organisations with a view to promote partnership in the pursuance of the Commission’s objectives.*” This will be subject to interpretation, but I would have liked to see a categorical inclusion of the Director-General liaising with the education sector, particularly the tertiary institutions due to the fact that that sector is actually the engine of production of people who are going to drive the economy and there should be very close consultation with those sectors and not just to single out the labour, civil society and the private sector. The educational sector is very critical when we talk about development and planning.

Those were the issues that I would have loved to see incorporated in the Act. I rest my case.

HON DEPUTY SPEAKER: Honourable Riruako.

HON RIRUAKO: Honourable Deputy Speaker, I am not here to break down the Government, I am here to nourish it. What I see here is the composition of the National Planning Commission. Based on what? We have special initiatives in planning and there are groups that are not part and parcel of the national planning. Those affected members who can understand the issue must be incorporated in this Commission. That is as

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simple as that. We cannot tackle the problem without people who know the problems, we need the know-how of those who have been dealing with the issues for years and we cannot ignore them for certain unknown reasons.

Honourable Deputy Speaker, I am here to see where the pros and cons are allocated and if I discover the narrow-minded people who came up with the composition of the Commission, I must erase that from the Commission.

We are here to tackle the problems in this Government of ours and not to create problems. That is not our intention and for that matter, I may ask my Colleague to reinstitute the methods that have already been acquired by the Commission.

The strength of the Commission is there to stay, but as previous speakers put it correctly, if you want to do things, you go around and find the ways and means how you are supposed to apply the issue, but how can you, without any feasibility study or research, cope with the situation facing you? That is an elementary issue, it is self-explanatory. I am here to nourish the Government's problem, not to destroy it. I thank you.

HON DEPUTY SPEAKER: Thank you. Honourable Katjavivi.

HON PROF KATJAVIVI: Thank you, Deputy Speaker, Honourable Members. I wish to reflect briefly on this very important topic before us. First of all, I wish to commend the efforts of the National Planning Commission and that of the Honourable Minister of Presidential Affairs for seeing the timely need to streamline the mandate of the National Planning Commission. This is actually being done to further strengthen the very purpose for which the National Planning Commission was established.

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Key issues stand out in this important submission. The National Planning Commission's ability to appropriately direct economic development to the rest of the country and in particular where they are needed most. The critical need to be able to effectively monitor and evaluate the Nation's five-year development plans. This is something which I placed on top of the agenda during my brief time at the National Planning Commission as the Director-General. The need for the National Planning Commission to have its legal mandate redefined in order to focus more on development planning and monitoring. Creation of a national statistics agency and central bureau of statistics created by Namibia's Statistics Bill. You may recall that this Bill was introduced during my time at the National Planning Commission initially and I am happy that this has come to pass.

The National Planning Commission's role be streamlined to focus more on micro socio-economic planning where experts in the areas of economics, social science or political sciences, environment law and other areas relevant to the objectives of the Commission are needed.

Honourable Deputy Speaker, Honourable Members, it is a well-known fact that the National Planning Commission has in the past not been able to attract high-calibre cadres to serve the Commission due to the package on offer. (Intervention)

HON NYAMU: May I take this unique opportunity to raise as small question? The Honourable Member had the privilege of serving as Director-General of this institution and I think he has the ability to understand the issues raised in this House concerning the core functions of this Commission. Accordingly, can I ask the Colleague to define or explain to us the link between this Planning Commission and line Ministries? Can the Colleague give us a detailed description of how these links work?

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HON PROF KATJAVIVI: Honourable Deputy Speaker, I will deal with that question when I come to the appropriate part of my intervention.

1. Motivation of staff to perform through financial incentives as stated in reference to improved remuneration packages or otherwise.
2. Ability to plan for what is required to ensure prevailing challenges and targets are appropriately met where it is needed most.
3. Ability to monitor and evaluate what is being implemented and to ensure that the National Planning Commission is able to meet those particular challenges.
4. Having a transparent, efficient performance appraisal mechanism for the National Planning Commission staff responsible for the various programmes.

Having said the above, I would like to note that the efficiency of the National Planning Commission is not mainly about the presence or the absence of Cabinet Ministers as commissioners, it is about the presence of individual staff who have a patriotic vision for the country and who have what it takes to see that this vision is achieved. Nevertheless, we may to a certain extent agree that we need individuals who do have the necessary ability and vision to do what is really required in order to serve the Commission very well. We also appreciate the fact that these people or staff should have the necessary skills and expertise so as to understand and comprehend the task before them and see how best to achieve the best results.

Honourable Deputy Speaker, on the issue of improving the remuneration package of the National Planning Commission staff, it is a very welcome proposal, however, I would like to caution that the willpower and the motivation to selflessly serve Namibia goes beyond financial reward. The National Planning Commission staff should be encouraged to align their personal and career goals with those of the National Planning Commission so as to achieve the inward fulfilment from the success of the various programmes, rather than from the increment of their financial packages.

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This brings us to one important point: Motivation to serve a Nation and its citizens should go beyond financial reward. I appreciate the fact that to retain the best, we need to provide the required resources in order to ensure that the staff is motivated to perform to their very best.

Honourable Deputy Speaker, Honourable Members, this brings me to the important question of monitoring, evaluation, realignment. In other words, take corrective measures in time where necessary and the entire process must be understood by all concerned stakeholders. When the National Planning Commission comes up with the various projects planned to fit into the National Development Plans and Vision 2030, this programme should have clear measurable indicators developed alongside them. These indicators should be the basis upon which monitoring and evaluation teams can engage and see that indeed the various programmes and projects are on the right track. Here I am totally in agreement with the Honourable Katali when he spoke earlier about ensuring the linkages are clearly established between the National Planning Commission, line Ministries and other stakeholders in order to make sure that there is a proper coordinated action, so that there is a clear understanding about what is expected of the National Planning Commission and how it links up with the line Ministries. This is in the interest of planning in the most effective way.

To answer the question of Honourable Nyamu, in fact, there comes a time for revisiting national institutions created for a particular purpose at a particular time in history. Now the time has come for us to revisit the workings and the mandate of the National Planning Commission and this Bill speaks loud and clear to those objectives.

Honourable Deputy Speaker, Honourable Members, all the project indicators should have time scales within which deadlines they should have been achieved and appreciated by the intended beneficiaries.

Honourable Deputy Speaker, Honourable Members, I would like to conclude by saying that it is a positive development.... (Intervention)

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HON RIRUAKO: On a Point of Information. I may say that what Honourable Katali said has been lacking all the time. We cannot leave unfinished products on the Table.

HON PROF KATJAVIVI: Honourable Deputy Speaker, basically what I was doing, I was associating myself with the comments made by Honourable Katali in referring to the need for ensuring that proper linkages are made. It is a question of basically strengthening that particular section of the Bill. It is not a big deal, but it is necessary that we underscore that for the good of everybody to understand fully what is intended.

I want to conclude by saying that it is a positive development that the role of the National Planning Commission is being clearly redefined so as to zero down to the country's planning for sustainable development. With these few remarks, Honourable Deputy Speaker, I thank you and I rest my case.

HON DEPUTY SPEAKER: Thank you. Honourable Esau.

HON MINISTER OF FISHERIES AND MARINE RESOURCES: Thank you very much, Comrade Deputy Speaker, Honourable Members. At the outset, let me first register my support to the principle of the National Planning Commission Bill. I have a few questions for clarity and that is with reference to Clause 2(3), whereby members are appointed. Will these members be appointed in their personal capacities or will they have to account to institutions as well if they are serving on the Commission? I am raising this because some time back I was also serving on this Commission, coming from the Unions, so I had to account to the Unions on discussions and get mandates from the Unions to take up with the Commission.

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In point 14 mention is made that performance management and discipline of the staff members of the Commission are deemed to vest with the Director-General. I am trying to relate me as a Minister to the Director-General of the Commission. Can I take disciplinary action against my staff or is this provision in line with the Public Service Commission Act?

Lastly is under Clause 13 where it states that, "*the Director-General may obtain services of any person other than a staff member.*" Therefore, in terms of this Bill the Director-General may employ somebody from outside the staff complement. I am just asking for clarity in view of our duties as Ministers, because in terms of the Public Service Commission Act we cannot employ and I just want to see whether it is harmonised within the context of the Public Service Commission Act. I thank you.

HON DEPUTY SPEAKER: Thank you. Next is Honourable Bezuidenhout.

HON BEZUIDENHOUDT: Thank you, Honourable Deputy Speaker. I think this is where the statement comes in of "*failing to plan is planning to fail*", because this Bill is very important for the functions of the State, for the planning of the future and we need to relook at institutions at appropriate times.

My contribution is based on Page 2 and I support the observation by Honourable Shixwameni where he questioned the number of terms per Commission member. It would be good to insert a maximum number of terms per commissioner.

On Page 4 it deals with the disqualification for appointment of a member and (c) says "*an unrehabilitated insolvent.*" I would like that to be expanded that it must be defined by a Court of Law. Generally people are declared patients of the President by a Court of Law and this disqualification must also be in line with that.

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In (e) a person is disqualified when he or she has been removed from an office of trust on account of misconduct involving dishonesty. That is fine, but I do not want commissioners to be removed on the basis of hearsay or innuendos. Again it must be proven by a reputable institution that can certify that the person was removed from office on account of misconduct.

My reading of the disclosure of interest by members is all good and well and my general remark would be that if at the end of the day a person with interest refuses to go and sanctions up to an amount of N\$20,000 come into play or a period not exceeding five years, I think the shortest route would also include stiffer sentences, by automatically removing such member from the Commission. (Intervention)

HON RIRUAKO: May I ask the Honourable Member a question? Have you ever come across somebody who misused money and was dismissed without any conclusion about what happened?

HON BEZUIDENHOUDT: There are cases in the Court records where it was genuinely believed that people have committed a crime, but clever lawyers got them off. So yes, there are instances where people have taken money, but due to lack of evidence went free. (Intervention)

HON RIRUAKO: I will repeat what I said before. Some of the people from the National Planning Commission were dismissed without any judgment. Have you heard of that or not?

HON BEZUIDENHOUDT: No, I have not heard of any person from the National Planning Commission who has taken money and whatever you

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said. I am not aware of that. I am very ignorant when it comes to other people's business.

I just want to reiterate that if somebody fails to declare interest, there must be a provision that such person be removed from the Commission, as it is an opportunity to serve the Nation by request of the President and if he or she fails to comply with the requirement, he or she must be removed.

Finally, I would want to go a bit broader than the relationship between the Commission and the Cabinet by hoping that the relationship between the National Planning Commission and the various sectors in the industry also be defined for a holistic, inclusive and integrated planning, so that we can target growth and improve our social entities positively and finally also the question of integration of a relationship between the body and the Regions specifically. Thank you very much, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Honourable Kaura.

HON KAURA: Thank you, Honourable Deputy Speaker. Honourable Deputy Speaker, first I want to find out from the Honourable Minister, given the observation which was made by Honourable Maamberua under the definition of the Director-General, that it is the Director-General of Planning and it stops there, are you going to table an Amendment to correct that, because it cannot go through that way.

Then the next question is under Article 129 of the Namibian Constitution which states, *inter alia*, the following: “*There shall be established in the Office of the President a National Planning Commission whose task shall be to plan the priorities and direction of the national development*” and then under (3), “*the membership, powers, functions and personnel of the National Planning Commission shall be regulated by an Act of Parliament.*”

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I am aware that the National Planning Commission has been in operation for quite some time now. Did it operate without an Act of Parliament? Is this the first Act of Parliament that is being brought now or are you amending an old Act of Parliament? (Interjection) You repealed the first Act of Parliament? Are you going to bring an Amendment to the observation which was made by Honourable Maamberua, because we cannot continue discussing it while we know there is something that has to be amended?

HON DEPUTY SPEAKER: Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you, Honourable Deputy Speaker. I wish to thank the Minister of Presidential Affairs and Attorney-General for tabling this very important Bill in Parliament.

Coming to the Bill, I think there is some kind of confusion somewhere when people talk about the link between the National Planning Commission and the Ministries, Offices and Agencies. If you read carefully the objectives, the first is to spearhead development of priorities; to formulate national development plans and a plan is not a programme; to monitor and to evaluate.

What will happen is that the National Planning Commission will develop priorities and we know that the National Planning Commission is located in the Office of the President. The Director-General is part of the Cabinet and the Constitution tells us that Ministers normally take decisions in Cabinet. Therefore, these priorities will be coming from the Cabinet and Ministries, Agencies and Offices will now act on the basis of these priorities. For example, if they identify that the priority is to fight poverty, what the sectors should now do when they identify their own priorities, they should accord to the priority of fighting poverty and once those Ministers develop their programmes and get money from Parliament, it is now for the National Planning Commission to go back to those Ministries

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and say that the priority of the Government was to fight poverty, you have identified your programmes to fight poverty, how did you implement them? That is now the monitoring and evaluation at that stage.

Normally you have a guide of priorities, the National Development Plans. I know that currently the Director-General is busy identifying priorities for NDP-4 and that should also guide the Parliament. When you see the development programmes of Ministries, you are supposed to look at these programmes and compare them with the priorities in the National Development Plan and see whether there is a match or a mismatch, so that you can say, "*Minister, the National Development Plan is asking you to prioritise this one, but there is nothing in your programmes reflecting that, what happened?*" Then you are at least exercising your oversight function. (Intervention)

HON KAURA: May I ask the Honourable Prime Minister a question? Honourable Prime Minister, if you are lecturing us now about the priorities, what were the priorities of the National Planning Commission Act (Act 15 of 1994)? What were the priorities if you are now elucidating on the priorities in this new Act? Did this other Act not have any priorities whatsoever and was it just operating blindly without any priorities?

RT HON PRIME MINISTER: The priorities are documented and you were supposed to go to the National Planning Commission and get the National Development Plan 3 which stipulates the priorities. In any case, that Act is being replaced by this Bill now.

What I am saying is that there is an implied link in the way the Government works. Let us not go home with this idea that there is no link between the National Planning Commission and the Government. Priorities are set in Cabinet and the link is there. Thank you.

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HON DR N IYAMBO

HON DEPUTY SPEAKER: Thank you. Honourable Dr Iyambo.

HON MINISTER OF VETERANS AFFAIRS: Thank you very much, Honourable Deputy Speaker. I will be very brief and just try to clear up something that Honourable Kaura has questioned, whether the House can proceed debating while something is not clearly defined, if I understood the Honourable Member correctly.

The Honourable Member is a historian and I would like to invite him to look at Article 32(3)(ii)(dd) of the Constitution which reads: “*The Director-General of Planning...*” One cannot, therefore, define it and add another meaning in the law. One has to limit it to the definition that is provided for by the Constitution. Of course, you can add other things in the body of the law, but you have to limit yourself to the definition. I believe it would be advisable not to go beyond what the Constitution is saying. Of course, I am not a lawyer and Honourable Kawana and other Colleagues will most probably elaborate on that. (Intervention)

HON RIRUAKO: We have experts to take up what has been mentioned. There are certain omissions and whose fault is that? We did mention them and how are you going to deal with that? I do not want it to be defended for the sake of committing the House without mentioning how these omissions are going to be corrected.

HON MINISTER OF VETERANS AFFAIRS: Honourable Deputy Speaker, I was just trying to provide an answer which came into my mind because of the concern that was raised by Honourable Kaura. As I said, I am not a lawyer and it is possible that the learned Colleagues in the House may elaborate more, but in my own mind I thought that is the limiting factor why in the definition we have not elaborated beyond what the Constitution is mentioning. Thank you.

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HON DEPUTY SPEAKER: Any further discussion? I give the Floor to Dr Kawana to respond.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Thank you very much, Honourable Deputy Speaker. May I, from the outset, express my appreciation and gratitude to the Honourable Members who have made very useful contributions and those who have supported the Bill in silence.

With regard to the remarks made by *Honourable Shixwameni* I can only say I take note of the remarks and that some of those are already covered under Clauses 5, 8 and 12. There is no need to elaborate more on the penalties because in addition to this Bill there are other laws, such as the Anti-Corruption Commission Act, the Criminal Procedure Act and many other Acts of Parliament which provide for penalties, including Article 66 of the Constitution.

Comrade Katali, the National Development Plans are developed after thorough consultations with Offices, Ministries and Agencies, including Regional Governors, Chairpersons of Regional Councils, Mayors of Local Authorities, Chief Executive Officers of Regional Councils and Local Authorities and some stakeholders in the private sector which are responsible for economic planning. Non-Governmental Organisations are also involved and there is thorough consultation before National Development Plans are framed.

I would like to thank the *Right Honourable Prime Minister* who explained the link to Government. This institution is part of the Executive and that is why we have made it mandatory by law that every six months the Director-General must report to Cabinet, so that that process of evaluation and monitoring can be followed by Cabinet as per its mandate given in Article 40 of the Namibian Constitution. Therefore, it is really not necessary to elaborate further in a law on the relationship between one institution of Government, which is part of the Executive, and the other

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and the Right Honourable Prime Minister eloquently elaborated on that. ***Honourable Maamberua***, regarding the definition of Director-General, unfortunately we cannot depart from the definition given in the Supreme Law of our land, namely the Constitution. That is really the background.

Obviously there are checks and balances because as I have said every six months the Director-General is required to report to Cabinet, so that if there is a need to depart from what is provided for in the plan or remedial measures are needed, that could be done. As the Right Honourable Prime Minister has put it, if one Office, Ministry or Agency lags behind, then the President as the Chairperson of Cabinet will be able to take up that issue with the specific Minister in terms of Article 41 of the Namibian Constitution.

You objected to this phrase, “*any other valid reason for removal*” under Clause 6, but normally when you itemise and omit something, it becomes a problem in a Court of Law, because those not listed are excluded. That is why it is always wise to make it as general as possible, like what was said by ***Honourable Bezuidenhout*** on non-disclosure and so forth. That is a valid reason for removal, but you do not have to list everything. You want to be as general as possible, so that tomorrow you do not create a loophole.

On the need to include education, obviously education will be included. This law is just a general framework, but then we have the National Development Plans where there will be specific projects and programmes identified and health, education and agriculture will be one of those and that is where the coordination will filter through. However, one cannot deal with everything in a Bill which is just the general framework.

The ***Honourable Riruako*** said affected groups are not part and parcel of planning. I do not know what he was referring to here, but in terms of the development of the National Development Plans, virtually all stakeholders are consulted.

Honourable Professor Katjivivi, I agree with you that the main function of the Commission should be economic planning and development and in

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this regard, also to develop National Development Plans. I am sure Parliament will soon be informed about the progress regarding NDP-4, which is about to be finalised.

The people working in this institution will be professionals and it is always wise to meet them halfway, because professionals are very expensive. For example, the fee of a junior legal practitioner just to postpone a case is N\$9,000 and for senior counsel it is N\$30,000 per day. Professionals are very expensive, but I agree with the Honourable Member that it is not only financial reward but also commitment.

Honourable Esau, we have sometimes given discretion to some institutions of our Government to make certain appointments where necessary. One example is the Auditor-General who from time to time appoints the private sector to audit institutions of Government and also the Attorney-General can engage private legal services if they are not available within the public sector. That is really a normal situation.

Honourable Bezuidenhout referred to the need to determine the terms. Normally those terms are determined at the point of appointing individual members of the Commission and it is stated in the appointment letters by the President who appoints commissioners.

Unrehabilitated insolvents – this is a standard provision in the law and normally the procedures are already described and we cannot depart from those prescribed procedures in law. To do so would be unlawful. Dishonesty is also a phrase that has already been defined by Courts and the guidelines are in our legislation.

In terms of Clause 6 the President can remove a commissioner for any valid reason and all those will be reasons for removal.

As I said, the coordination and consultations take place when the National Development Plans are being developed.

Honourable Kaura, once this law comes into operation, the 1994 Act will fall away.

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Right Honourable Prime Minister, thank you very much for explaining the link between the Commission and the Offices, Ministries and Agencies.

Honourable Dr Iyambo senior, Thank you very much. You are correct that if a title is given by the Constitution, an Act of Parliament cannot contradict that. Once again, I thank all Honourable Members who have contributed.

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

SECRETARY: *National Planning Commission Bill.*

HON DEPUTY SPEAKER: The House is adjourned until next Tuesday, 10 July 2012.

HOUSE ADJOURNS AT 17:45 UNTIL 2012.07.10 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
10 JULY 2012**

The Assembly met pursuant to the adjournment.

ELECTION OF PRESIDING OFFICERS

SECRETARY: Honourable Members, in terms of Rule 13 of the Standing Rules and Orders of the National Assembly dealing with the absence of the Speaker and the Deputy Speaker, I have to report to the Assembly that both the Speaker and Deputy Speaker are unavoidably absent due to official business, which means that the Assembly shall forthwith proceed to elect one of its Members to act as Speaker and one to act as Chairperson of Committees.

Although the rule says in respect of that day only, I am seeking the concurrence of the House to proceed to elect one of its Members to act as Speaker and one to act as Chairperson of Committees for today, Tuesday, 10 July 2012, up until Thursday, 12 July 2012. Is that agreed to? Thank you. The Assembly shall now proceed with election of a Member to act as Speaker and I call for nominations.

HON AMATHILA: I have the honour on this occasion, the first time in the history of our Parliament to nominate Professor Peter Katjavivi to serve this House for the next four days as the Acting Speaker. I so Move.

SECRETARY: Who seconds?

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ELECTION OF PRESIDING OFFICERS

HON KAURA: I second the nomination of Peter Katjavivi.

SECRETARY: Honourable Members, I now also ask for a nomination for a Member to act as Chairperson of Committees.

HON !NAWASES-TAEYELE: I nominate Dr Moses Amweelo as the Chairperson of Committees.

HON TJIHUIKO: I second.

SECRETARY: Thank you, Honourable Members. It is my distinct honour and privilege to declare Honourable Professor Peter Katjavivi as Acting Speaker of the National Assembly and Honourable Dr Moses Amweelo as Acting Chairperson of Committees for the period Tuesday, 10 July 2012 until Thursday, 12 July 2012 and I thank you.

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

HON ACTING SPEAKER: Honourable Members, I thank you for the honour and privilege that you bestowed upon me. I know what it means to occupy this position, no matter how long or how short it might be. I pledge to you to discharge this responsibility with both fairness and firmness and I will do so, knowing the fact that I will need the support and cooperation of all Honourable Members of this House. I thank you.

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**TABLING OF REPORTS
HON MWANINGANGE**

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

TABLING: REPORT ON INSPECTION VISITS

HON MWANINGANGE: Thank you, Honourable Acting Speaker. I lay upon the Table the Report of the Standing Committee on Foreign Affairs, Defence and Security on the inspection visit to the following places: Prisons, Police Stations, Border Posts, Immigration and Custom Offices in Oshikoto, Ohangwena, Oshana, Omusati and Kunene Regions and before doing so, I would like to state as follows:

In line with its mandate and oversight role provided for in Article 59 of the Constitution and the Standing Rules and Orders of the National Assembly of Namibia, Rule 30(a), the Committee undertook inspection visits to Police Stations, Prisons, Border Posts and Rehabilitation Centres in Oshikoto, Ohangwena, Oshana, Omusati and Kunene Regions. The visits were undertaken during the recess period from the 7th to the 15th of May 2011.

The Committee's oversight role as mandated to it is to monitor the implementation of the Executive decisions and work as well as any other matters it deems relevant with regard of the Offices, Ministries, Agencies, Parastatals which are falling under its mandate which, *inter alia*, include the Ministry of Defence, Ministry of Safety and Security and Ministry of Home Affairs and Immigration. In addition, the Committee visited Customs and Excise offices in those Regions. In this respect, Honourable Acting Speaker, the duty been to investigate, examine, consider and advise and make necessary recommendations to improve service delivery and timely attainment of national goals and objectives. The inspection visits were meant to assess the working conditions and service provision to the citizens and establish the overall security situation at Border Posts, Police Stations and Police facilities.

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**TABLING OF REPORTS
HON NAWASES-TAEYELE**

Honourable Members, allow me to present to you a brief summary and highlights of the Report to give you a synoptic view of the eminent outcomes of these visits.

With these few remarks and not wanting to pre-empt the content of the Report as it is compiled, I now have the honour to lay upon the Table this Report.

HON ACTING SPEAKER: Please table the Report. Any other Reports and Papers?

**TABLING: REPORT ON PAN-AFRICAN PARLIAMENT
6TH ORDINARY SESSION**

HON !NAWASES-TAEYELE: I lay upon the Table, the Report on the Pan-African Parliament, 6th Ordinary Session, Second Parliament for note-taking and Report on the Pan-African 7th Ordinary Session, Second Parliament also for note-taking.

Before doing so, Honourable Acting Speaker, I have the pleasure to submit to you on behalf of the Namibian delegation, the two PAP Reports for the 6th and 7th Ordinary Sessions accordingly. The key issues covered in the Report are:

- The need for AU Member States to ratify the African Charter on Democracy, Governance and Elections;
- The conflict in the Western Sahara involving Morocco and the general peace and security situation, especially in North Africa.;

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**TABLING OF REPORTS
HON WITBOOI**

The key issues covered in the main report are:

- The elections of the PAP Bureau, President and Vice-Presidents of PAP and Bureau Leadership of Parliamentary Standing Committees;
- The Summit with the Global African Diaspora Parliamentarians, which raised the need to promote cooperation between African parliamentarians in the Diaspora and leading personalities in PAP and its national Parliaments; and
- The progress on the transformation of PAP from its current advisory status to a legislative body.

In addition, this Report highlights the fact that the transformation of PAP into a legislative body be executed in limited phases because of the concerns over the issues of national sovereignty of member states and taking into account the financial constraints affecting most member countries.

With these few remarks, I submit the two PAP Reports for your information and care noting. I thank you.

HON ACTING SPEAKER: Thank you. Any other Reports and Papers?
Honourable Witbooi.

TABLING: INSPECTION REPORT

HON WITBOOI: I lay upon the Table, Regional Inspection Report of the Police Stations, Military Installations, Prison Cells, Civic and Immigration Offices in the Otjozondjupa, Omaheke, Hardap and Karas

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**TABLING OF REPORTS
HON WITBOOI**

Regions from the 7th to the 15 of May 2011.

Honourable Acting Speaker, Honourable Members, the Honourable Members of the Parliamentary Standing Committee on Foreign Affairs, Defence and Security visited the abovementioned Regions to conduct inspection visits pertaining to Police Stations, Military Installations, Prison Cells and Civic and Immigration Affairs and Veterans Affairs. Members also used this opportunity to meet with the Traditional Leaders to be briefed on the issues affecting the communities in the Regions.

The purpose of the inspection visits was to enable Honourable Members of the Standing Committee to acquaint themselves with the conditions, challenges and difficulties at these institutions and to make appropriate recommendations to the relevant authorities for the necessary consideration and action.

Honourable Acting Speaker, it is an Inspection Report of the Committee which was conducted on Police Stations, Prison Cells, Civic and Immigration Offices in the Omaheke and Hardap Regions by the Parliamentary Committee, as mentioned above. I also thank the line Ministries, the Ministry of Safety and Security, the Ministry of Defence, the Ministry of Home Affairs and Immigration, the Namibia Intelligence Service, Traditional Leaders and secretariat of the Standing Committee on Foreign Affairs, Defence and Security who accompanied the Committee delegation during this visit for their commitment and cooperation.

In conclusion, although some of the recommendations might have been attended to, nevertheless, I would like to encourage the line Ministries, the Institutions and Agencies to seriously consider enforcing the recommendations contained in this Report. Since the issues contained in this Report were dealt with in the Outapi Capacity-building Workshop Report adopted by this august House two weeks ago, I therefore request the Honourable Members to endorse this Report for note-taking. I so Move, Honourable Acting Speaker.

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**TABLING OF REPORTS
HON SCHLETTWEIN**

HON ACTING SPEAKER: Thank you. Will the Member table the Report? Any other Reports and Papers? Honourable Schlettwein.

TABLING: REPORTS OF THE AUDITOR-GENERAL

HON DEPUTY MINISTER OF FINANCE: Honourable Acting speaker, I lay upon the Table, Reports of the Auditor-General on the Accounts of the following:

1. Ministry of Agriculture, Water and Forestry for the Financial Year ended 31 March 2011;
2. Ministry of Health and Social Services for the Financial Year ended 31 March 2011;
3. Anti-Corruption Commission for the Financial Year ended 31 March 2011;
4. Ministry of Environment and Tourism for the Financial Year ended 31 March 2011; and
5. Ministry of Youth, National Service, Sport and Culture for the Financial Year ended 31 March 2011.

HON ACTING SPEAKER: Thank you. Will the Honourable Member table the Reports? Any other Reports and Papers? Notice of Questions? Honourable Nyamu.

NOTICE OF QUESTIONS

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**NOTICE OF QUESTIONS
HON NYAMU**

QUESTION 23:

HON NYAMU: Honourable Acting Speaker, as a Nation we are embarrassed to be informed that one of the fast-growing economic power houses in the world, the Peoples Republic of China, to be specific, has granted Namibia a gift in the form of a district hospital at Omuthiya.

The newly built hospital has recently been making headlines both in the print and electronic media, therefore tomorrow, the 11th of July 2012, I shall ask the Honourable Minister of Health and Social Services, Dr Richard Kamwi, the following questions:

1. Can the Minister inform this august House whether or not the Chinese Government is gratified to build Namibia a substandard hospital, as was reported recently in the media, particularly *the Namibian* of the 4th of July 2012?
2. Can the Minister deny that the Namibian Government was negligent in its supervision and monitoring role of the construction of the Omuthiya District Hospital?
3. Who is responsible to foot the bill for the poor workmanship and/or substandard construction work of the newly built district hospital which has begun to collapse even before its official opening? Is it the contractor, the Chinese Government or the Namibian Government?
4. If the substandard construction work occurred as a result of the contractor's negligence, what appropriate measures will the Minister recommend to the Namibian Government to avoid such substandard construction in the future, not only for hospitals but also for any other Government building in the country?
5. The N\$6 million reportedly needed to upgrade the newly-built Omuthiya District Hospital might sound to be a small amount of money when considering the involvement of the two Governments. However, how was this figure calculated? Did the quantity

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**ORAL QUESTIONS
HON MOONGO**

surveyors and/or architects already at work determine this cost to be incurred in rectifying the substandard work or was the figure of N\$6 million sucked from somebody's thumb?

6. Could the Minister proudly provide this House with the categorical assurance that the poor and embarrassing construction work at Omuthiya was not the result of another practice of "*tendepreneurs*" aligned to the SWAPO Party?

HON ACTING SPEAKER: Honourable Members, can I bring an aspect relating to questions to your attention? I have taken note of the question by Honourable Nyamu and as you know, the question should give notice of seven days. In view of the fact that we are likely to adjourn before the end of this week, would you agree with me that that question is likely to lapse because of the timing? Unless the Minister will be ready to provide an answer before we go for recess. I just want to bring that to your attention so that you are aware. Honourable Moongo.

ORAL QUESTIONS

HON MOONGO: Honourable Acting Speaker, I would like to ask an Oral Question to the Minister of Education:

It is a known fact that the Ministry of Education receives the biggest share from the national Annual Budget and it is also a well-known fact that School Boards countrywide have been serving schools since Independence. Does the Minister not feel uncomfortable or guilty for not providing sitting allowances to the poor members of School Boards who sacrifice their precious time to attend to school management matters?

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**ORAL QUESTIONS
HON MOONGO**

HON MOONGO: I have an Oral Question to the Minister of Youth, National Service, Sport and Culture:

Is the Minister aware of the urgent demand by the children born during the liberation struggle for their right to be employed or to benefit from the Veterans Fund?

Is the Government preparing for their recruitment and when is the Government going to talk to them and solve their problems amicably?

HON MOONGO: My Oral Question to the Minister of Mines and Energy:

Is the Minister aware of the consistent exploitation and enrichment done by NORED, the REDs and the Ministry of Mines and Energy and the Government at the expense of communities and members who individually bought transformers? When will the Ministry compensate and refund individuals who bought those transformers?

HON MOONGO: The last Oral Question goes to the Minister of Regional and Local Government, Housing and Rural Development:

Does the Minister admit the fact that the necessary and right procedures were not followed by Municipalities? (Intervention)

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: On a Point of Order. Comrade Acting Speaker, Rule 82 of the Standing Rules and Orders deals with Oral Questions. Sub-rule (a) reads: *“After answers to questions on Notice, the Speaker shall allow time for Oral Questions to Ministers.”*

10 July 2012 **RESPONSE- ORAL QUESTION BY HON MOONGO**
HON DR A IYAMBO

HON MOONGO: The right procedures were not followed by the Municipality during the process of demolishing shacks and houses at Omupumbu, Omatando. When will the Minister provide proof of a Court Order to this House and when will the Municipality compensate the people for the houses? Can the House regard the destruction of houses as a reckless, barbaric and unconstitutional action?

HON ACTING SPEAKER: According to the Rules, Oral Questions can be put to Ministers on any day. I will ask the Members to whom the questions have been addressed to respond, if they are ready to do so. Minister of Education.

RESPONSE TO ORAL QUESTION

HON MINISTER OF EDUCATION: Thank you very much. I would like to reflect briefly on the Oral Question posed by Honourable Moongo on the school boards. The Honourable Colleague mentioned that the Budget of the Ministry of Education is one of the highest and I confirm that yes, the Budget of the Ministry of Education is the highest, accounting for more than 20% of the whole Budget of the country.

Before I answer the question whether we should give fees to School Board members, I would like to put this into context, that yes, for this Financial Year we have N\$9.4 billion, which is a very big amount indeed, but we should also take into account what we are paying for with this amount.

You will see that 94% of the N\$9.4 billion is to cater mainly for the Recurrent Budget. Taking into account that the money we are budgeting here is for education from the pre-primary to the tertiary institutions, 94% is for the Recurrent Budget and 6% for the Development Budget.

10 July 2012 **RESPONSE- ORAL QUESTION BY HON MOONGO**
HON KAZENAMBO

If we have to take a bit more from the N\$9.4 billion to pay the School Boards, then we are reducing to the bone the actual Budget of the Ministry of Education that goes to education proper. Yes, we do have School Boards and when looking at the composition of the School Boards, we are not talking about one or two persons on those Boards. Those Boards are quite big and meant to attend to the diversity of the country, accommodating members of the business community, members of the clergy as well as the Traditional Leaders and communities. If we have to pay those members, we as Members of Parliament should know that we need to increase the Budget of the Ministry of Education further.

The Colleague asked whether I feel guilty or comfortable about this sitting allowance. I am neither feeling guilty, neither comfortable. What we need to take into account is the cost, the wage bill of the Ministry and the Government. We should also take into account how many schools we have in the country from the pre-primary to the secondary. We have more than a thousand schools and the board members are so many. If we were to take more from the Budget of the Ministry of Education, how are we going to cope with our small and scarce resources?

Honourable Moongo, I thank you very much for the question. We understand, but we have specific issues to be attended to with our Budget to ensure that we do exactly what the Minister of Finance said; using our small Budget to cater for our country's many needs. I thank you.

HON ACTING SPEAKER: Thank you, Honourable Minister.
Honourable Kazenambo.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you, Honourable Acting Speaker. I would like to respond to the question by Honourable Moongo regarding the plight of the children of the liberation struggle and their fundamental human rights.

10 July 2012 **RESPONSE- ORAL QUESTION BY HON MOONGO**
HON KAZENAMBO

Honourable Moongo, you may be aware that the Ministry of Youth, National Service, Sport and Culture on a number of occasions addressed this issue here in Parliament and there have been a number of Government efforts since this programme started, which included the registration of the children of the liberation struggle, their education, etcetera.

Further, various Government Agencies and Ministries for the past few years have been employing, training and giving scholarships to the children of the liberation struggle and the statistics are available at various Agencies and Ministries. About two thousand children of the liberation struggle were housed at Berg Aukas House and the number has shrunk to less than a hundred. Some of them are at home in the various Regions and Government is consistently engaging Regional Councillors, Traditional Authorities and various stakeholders in addressing the plight of the children of the liberation struggle.

As I have stated in this House and also outside, that the Government, in terms of engaging the children of the liberation struggle, is treating them in the same manner as it treats other children of Namibia, both those born in exile and those not born in exile, be it in facilitating education programmes or be it in preparing them for the job market. This has been the trend.

Honourable Moongo, nation-building requires of all of us to be consistent when we are engaging in issues of public interest. It does not help for Honourable Moongo to come here and pose a question on why Government is discriminating against children who were born here at home and then when the situation changes, when he sees the political ground is fertile, then he changes to another degree and poses a question as if he is addressing the plight of the children of the liberation struggle. When the house in which we are is burning, it will burn for all of us.

Therefore, it does not help to ignite the fire that may burn the house in which we are.

Government has been consistent in addressing the plight of the children of the liberation struggle as it is addressing the plight of all the children of

10 July 2012 **RESPONSE- ORAL QUESTION BY HON MOONGO**
HON KATALI

Namibia in the programmes of Government and as per the resources of Government.

Towards the conclusion in answering Honourable Moongo, we are saying Namibia is a country that is ruled by law and order and what is applicable to the children of the liberation struggle is applicable to any citizen. No citizen of this country may use his fundamental rights to violate other people's human rights. No citizen of this country may violate the rules of this country, such as trespassing and occupying other people's properties. The very same laws and Constitution that protects you is protecting others and I have never seen any citizen in Namibia who applied for a job through Parliament. There are procedures which all citizens in a given country are subjected to. You apply for a job, you follow procedures and you do not resort to blackmailing and violating the law.

Therefore, the Government will consistently continue to address the plight of the children of the liberation struggle, as it does for all the citizens and children of this country. I thank you.

HON ACTING SPEAKER: Thank you very much. Honourable Katali.

HON MINISTER OF MINES AND ENERGY: Thank you, Honourable Acting Speaker. I would like to thank Honourable Moongo for asking a question on this very important issue. The Ministry and the Government are not aware of the exploitation of the citizens by NORED. What we do know is that the Ministry and the Government are facilitating for NORED to provide services to the citizens.

The policy on the transformers is being reviewed and once the review has been completed, the citizens will be informed of the results of the review. I thank you, Honourable Acting Speaker.

10 July 2012 **RESPONSE- ORAL QUESTION BY HON MOONGO**
HON EKANDJO

HON ACTING SPEAKER: Thank you very much. I call upon on the Deputy Minister of Regional and Local Government, Housing and Rural Development.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you, Honourable Acting Speaker. Unfortunately the questions which were posed by Honourable Moongo were not really clear and he must bear with us for the questions to stand over. Thank you.

HON ACTING SPEAKER: This is an oral question and you could answer the question as briefly as possible. You do not need to go into details. Maybe the Honourable Member could repeat the question.

HON MOONGO: Honourable Acting Speaker, an Oral Question to the Minister of Regional and Local Government, Housing and Rural Development to admit to the fact that the necessary and right procedures were not followed by the Municipality during the demolition of shacks and houses at Ompumbu Omatando. When will the Minister provide proof of a Court Order to demolish those houses and will the Municipality compensate the Headmen and the community at large for those shacks and houses before they are vacated? Can the august House regard the destruction of houses as a reckless, barbaric and unconstitutional action?

HON ACTING SPEAKER: That being the question, can I ask the Honourable Minister to respond to that?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:**

Thank you, Comrade Acting Speaker. Let me just put it this way: Municipalities are autonomous and are run by representatives of Political Parties. The Municipality of Khorixas may decide on something and act upon it. If I am asked tomorrow, I may ask for time to consult that Municipality, but if it is something that happened within the Ministry, I can respond on the spot. However, when something happens within a Municipality which is autonomous and have by-laws, it cannot be expected of me to respond immediately.

Last week I reported on the situation at Omatando, that no house in Omatando was demolished. I even responded here that I went to Omatando, which is an area within the boundaries of the town of Ongwediva and that the house owners with mahangu fields have started to split their mahangu fields into three or four plots. I went there and I found a fully-fledged township within the mahangu fields. I even said I am considering the deregistering, but concerning the question by the Honourable Member, no single house was demolished within Omatando.

Coming to Ompumbu, I responded the other day by saying the owner built a house within the road and he was told to stop, but he continued and the house is still there. Later on he wanted to add a veranda which would be in the road and that is what was demolished. That is what I responded last week and now the Honourable Member is repeating the same question again.

Nevertheless, if questions relate to something within the Ministry, we will be able to respond on the spot, but if it concerns a Regional Council or Municipality or something that happened this morning and we are expected to respond, we have to find out what happened. However, I have responded to the questions and he even thanked me.

HON ACTING SPEAKER: Thank you very much. I think you have responded as much as you can and you made it very clear that if it is an

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**NOTICE OF MOTION
HON HAUSIKU**

issue related to an autonomous institution, obviously there is a need for further consultation. The House stands adjourned for tea.

HOUSE ADJOURNS AT 15:40

HOUSE RESUMES AT 16'20

HON ACTING SPEAKER: Any Notice of Motions? Deputy Prime Minister.

NOTICE OF MOTION

HON DEPUTY PRIME MINISTER: Comrade Acting Speaker, I give Notice that tomorrow, 11 July 2012, I shall Move –

That this Assembly –

In accordance with Article 112(3) of the Namibian Constitution approves the reappointment by His Excellency the President of Mr Markus Kampungu as a member of the Public Service Commission upon the expiry of his current term of office on the 30th of November 2012. I so Move.

HON ACTING SPEAKER: Ministerial Statement? Honourable Prime Minister.

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**MINISTERIAL STATEMENT
RT HON N ANGULA**

MINISTERIAL STATEMENT

RT HON PRIME MINISTER: Thank you. Firstly, I want to congratulate you for your elevation to the high office of Acting Speaker. Secondly, I want to congratulate Dr Hage Geingob for receiving the Montana Award from the Prince of Monaco.

Honourable Acting Speaker, Members of the National Assembly, the New Equitable Economic Empowerment Framework (NEEEF) has been twice extensively debated in this august House and in the public at large. The Debate has been honest, robust and critically constructive. It shows that the Nation wants to see a drastic change in our economic relations. The Nation wants to experience the meaning of Independence.

I have listened attentively to the Debate in this august House and within the limitations imposed by a number of articles of our National Constitution I have amended the document accordingly. I endeavoured to accommodate the major viewpoints expressed and as the Motion is due to lapse, I decided to distribute the amended version for your further critical input. I would highly appreciate if your comments can reach me by the end of this month. This would enable me to amend the document further to be ready for discussion at the forthcoming SWAPO Policy Conference. I thank you for your attention.

HON ACTING SPEAKER: Thank you. Any further Ministerial Statements? Honourable Esau.

MINISTERIAL STATEMENT

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**MINISTERIAL STATEMENT
HON ESAU**

HON MINISTER OF FISHERIES AND MARINE RESOURCES:

Thank you very much, Honourable Acting Speaker. Let me join our Prime Minister in congratulating you for your election as Acting Speaker for this week.

Honourable Members, the Ministry of Fisheries and Marine Resources has the mandate to sustainably manage the living aquatic resources and promote the conservation of the marine ecosystem. To achieve this mandate, scientific studies of the populations are required to determine abundance and the effects of fishing and to predict the benefits from alternative management measures.

Current research conducted by the Ministry include shrimp aerial trawl surveys for the major commercial species, such as hake, monk and crustaceans, while hydro-acoustic surveys are applied to our pelagic species, namely sardines, horse mackerel and orange roughy.

In addition, biological parameters are collected and together with our catch statistics gathered from the fisheries are integrated into stock assessment models to determine our total allowable catches.

The Ministry also has routine environmental monitoring programmes to advise on the state of our marine environment. A large component of the research required for managing our marine resources is conducted on-board of our research vessels. Since 1993 the Ministry has been conducting the annual surveys for sardines, horse mackerel and monk on our research vessel called Welwitchia, which was donated by the Government of the Republic of Japan. However, as the Welwitchia is not powerful enough to do deep-water trawling, surveys for hake and orange roughy biomass determination are conducted with the assistance of commercial trawlers. Trawling for these resources require a vessel that is capable of operating in water depth of up to a kilometre or a thousand metres.

Further, due to the limited space on our research vessel Welwitchia, it has not been possible for the Ministry to conduct multi-disciplinary surveys to get a comprehensive understanding of our marine ecosystem. Therefore,

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**MINISTERIAL STATEMENT
HON ESAU**

for the Ministry to raise the bars to attain its vision for Namibia to be a leading fishing Nation, it has become essential that we acquire a vessel that is built in accordance with our needs and, therefore, specifications.

In February 2011 my Ministry entered into an agreement with STX Finland to construct a multi-disciplinary research vessel after being granted a concessionary loan with the interest covered by the Government of Finland. Construction of the vessel, the RV Mirabilus, started last year, August 24 and the delivery of this vessel took place on the 28th of June this year. The 62,4 metre long by 14,3 metre wide RV Mirabilus has cabin space for 44 crew, scientists as well as trainees. She has three oceanographic laboratories with equipment to collect and analyse the physical and chemical properties of the water sampled throughout a survey as well as to get current measurements. The vessel is also equipped with an acoustic laboratory with state-of-the-art equipment to determine fish abundance, to monitor the dimensions of the trawl during the trawling operations and to obtain accurate profiles of our seabed. She also has a fish handling laboratory as well as a laboratory for performing biological sampling.

The RV Mirabilus, with its advanced technology, will greatly improve our Ministry's capacity to conduct research and to manage our fisheries resources as well as to conserve our marine ecosystem. The RV Mirabilus is expected to arrive at the Port of Walvis Bay towards the end of this month and the Ministry will have a ceremony to welcome her on the soil of the brave.

Therefore, all Members of Parliament who would be in the area are welcome to attend this ceremony to witness the arrival of our RV Virabilus to the Land of the Brave and I thank you for your attention.

HON ACTING SPEAKER: Thank you. Honourable Tjihuiko.

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**QUESTIONS ON MINISTERIAL STATEMENT
HON TJIHUIKO / HON BEZUIDENHOUDT**

HON TJIHUIKO: I just want clarity on something. We have received this document from the Right Honourable Prime Minister for our consideration, but I see the purpose of the submission is for us as Parliament to peruse and discuss it in order for the Right Honourable Prime Minister to take it to the SWAPO Policy Conference. Is that the right procedure? Can Parliament discuss and approve a document to be referred to the Party or should it be the other way around, for the Party to discuss and to present an agreed document from the Ruling Party? I just want clarity on that.

HON ACTING SPEAKER: The Prime Minister made a statement and submitted a document for your information and input. It is up to individual Members whether they would like to make a contribution to that document or to leave it until such time that the document comes back to this House. I think we should leave it at that. I call on Honourable Bezuidenhout.

HON BEZUIDENHOUDT: Honourable Acting Speaker, in terms of Rule 89(b), I would like to ask a question for clarity to the Minister of Fisheries and Marine Resources on the statement he just made.

Honourable Minister, I would like to congratulate you on the RV Mirabilus initiative, but my question is whether you can give us the assurance that we will have enough Namibian scientists to work on this vessel in the long-term. Are our children studying in that direction to be able to assist the Nation with the skills and knowledge required to work in that field?

HON ACTING SPEAKER: Thank you. Can the Honourable Minister respond to those queries?

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**QUESTIONS ON MINISTERIAL STATEMENT
HON KAURA**

HON MINISTER OF FISHERIES AND MARINE RESOURCES:

Honourable Acting Speaker, I would like to thank the Honourable Member for the question that he posed. We do have the capacity to man this vessel. We have scientists to conduct the necessary scientific activities in the laboratories.

Presently, as I am standing here in this Honourable House, the vessel is manned by Namibians, captained by a Mr Hango. He has left Roma on Friday on his way to the Land of the Brave. Thank you very much.

HON ACTING SPEAKER: Thank you. Honourable Kaura.

HON KAURA: I would like to find out from the Honourable Minister on the issue of phosphate mining in the ocean. How would this research vessel facilitate the research on phosphate mining and either allow it to take place or not to take place?

HON ACTING SPEAKER: Any further questions? Being none, Honourable Minister.

HON MINISTER OF FISHERIES AND MARINE RESOURCES:

Thank you once more for the Floor. Phosphate mining is a concern to the Ministry of Fisheries and Marine Resources. We are looking into that as we do not know what would be the impact of phosphate mining on the fishing sector. We are presently discussing at scientific and technical levels to see what would be the implications of this activity.

However, in terms of research by the vessel, the vessel will do research on our marine products, the environment of the sea, the temperature and the

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QUESTIONS ON MINISTERIAL STATEMENT
HON KAURA

weather affecting our fish products, not minerals. This vessel is thus solely for research surveys of fish and fish-related products in the ocean. If any research is to be conducted on phosphate or any other minerals, other specialised equipment has to be used for that. Thank you.

HON SPEAKER: Any follow-up, Honourable Kaura?

HON KAURA: When one reads these newspaper articles, phosphate mining could contribute to the change of the salinity of water, affect the flow of the Benguela current and also the temperature of the water. Those are the concerns we are reading in the newspapers and I was wondering whether this vessel could assist to determine some of those variables.

HON ACTING SPEAKER: Honourable Minister, I think you did respond to the question that this particular vessel is not really for that kind of investigation, but you are saying the Ministry is concerned and is, obviously, looking into ways and means of taking on that particular challenge. Do you want to respond?

HON MINISTER OF MINES AND ENERGY: Honourable Acting Speaker, I have stated that this vessel is equipped with laboratories. It has a fish laboratory on board, it has a wet laboratory and it has a chemical laboratory. When they do the analysis of the seawater, they would pick up those specific things, but the vessel is built to do research on fish and not phosphate products. However, if we find anything in relation to phosphate, we will report on that. I also have to state that to my understanding, no permission has yet been granted to people to go ahead with the mining of phosphate. Maybe they were granted the EPL but the mining licence has not been granted yet.

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**COMMITTEE STAGE:
NATIONAL PLANNING COMMISSION BILL
HON DR KAWANA**

HON ACTING SPEAKER: What Honourable Kaura is saying is that this is a matter that would continue to enjoy the attention of the Ministry of Fisheries and other relevant Ministries, but maybe we should leave the matter there. The Secretary will read the First Order of the Day.

**COMMITTEE STAGE:
NATIONAL PLANNING COMMISSION BILL**

SECRETARY: Committee Stage – *National Planning Commission Bill*.

HON SPEAKER: Does the Honourable Minister of Presidential Affairs and Attorney-General Move that the Assembly now goes into Committee?

**HON MINISTER OF PRESIDENTIAL AFFAIRS AND
ATTORNEY-GENERAL:** I so Move, Honourable Acting Speaker.

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

ASSEMBLY IN COMMITTEE

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**THIRD READING:
NATIONAL PLANNING COMMISSION BILL
HON DR KAWANA**

HON ACTING CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to consider the *National Planning Commission Bill*.

Clauses and the Title put and agreed to.

I shall report the Bill without Amendment.

ASSEMBLY RESUMED

Bill reported without Amendment.

**THIRD READING:
NATIONAL PLANNING COMMISSION BILL**

HON ACTING CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Does the Honourable Minister of Presidential Affairs and Attorney-General Move that the Bill be now read a Third Time?

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: I so Move, Honourable Acting Speaker.

HON ACTING SPEAKER: Who seconds? Any objection? Agreed to. Any further discussion? Does the Honourable Minister of Presidential

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**THIRD READING:
NATIONAL PLANNING COMMISSION BILL
HON DR KAWANA**

Affairs and Attorney-General wish to reply?

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Thank you very much, Honourable Acting Speaker. I rise to join my senior Colleagues to congratulate you for the history you have made in this Chamber by being elected unanimously and even being seconded by members of the Opposition. It shows that when it comes to the national interest, one can be proud of this country.

Returning to the Bill, as per the Namibian Constitution this Bill is to plan the economy of our country, the destiny of our country. The struggle was not just to liberate this country and hoist the national flag, but it was also an economic struggle and, indeed, this is part of our struggle for economic freedom so that we empower especially the previously disadvantaged Namibians

I stand before this august House to thank all the Honourable Members for supporting the Bill and I thank you.

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

SECRETARY: *National Planning Commission Bill.*

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

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**COMMITTEE STAGE:
DISASTER RISK MANAGEMENT BILL
HON HAUSIKU**

**RECONSIDERATION: DISASTER RISK
MANAGEMENT BILL**

SECRETARY: Reconsideration – *Disaster Risk Management Bill*.

HON ACTING SPEAKER: Does the Honourable Deputy Prime Minister Move that the Assembly now reconsiders the Bill?

HON DEPUTY PRIME MINISTER: I so Move, Honourable Acting Speaker.

HON ACTING SPEAKER: It is moved that the Assembly now goes into Committee and that I leave the Chair.

ASSEMBLY IN COMMITTEE

HON ACTING CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to reconsider the *Disaster Risk Management Bill* [B.19-2012] as passed by the National Council with proposed Amendments.

Clause 4 put.

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**COMMITTEE STAGE:
DISASTER RISK MANAGEMENT BILL
HON HAUSIKU**

HON DEPUTY PRIME MINISTER: Thank you, Comrade Acting Chair of the Whole House Committee. In Clause 4, I Move the following Amendment:

In Paragraph (c) of Sub-Clause (2) insert the following subparagraph after Subparagraph (ix): “(x) gender equality and child welfare.”

I so Move, Comrade Acting Chair.

HON ACTING CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Please table the Amendment. Any objection to the Amendment?

Clause 4, as amended, agreed to.

Clause 14 put.

HON DEPUTY PRIME MINISTER: Honourable Acting Chair, in Clause 14, I move the following Amendment: To substitute the following Sub-clause for Sub-clause (2):

“A regional committee consists of the following persons appointed by the relevant Regional Governor for the concerned Region:

- (a) The Chairperson of the Regional Council for the Region who is the chairperson of the regional committee;
- (b) The Chief Regional Officer of the Region;
- (c) The head of each relevant governmental institution represented in the Region;

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**COMMITTEE STAGE:
DISASTER RISK MANAGEMENT BILL
HON HAUSIKU**

- (d) All the Regional Councillors of the Regional Council;
- (e) A representative from each Local Authority services situated in the Region;
- (f) A representative of any defence association, organisation or institution established in terms of the law, if the association, organisation or institution is situated in the Region; and
- (g) A representative of the Namibian Red Cross Society in the region.

I so Move, Comrade Acting Chair.

HON ACTING CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Please table the Amendment. Any further discussion? Any objection to the Amendment? Agreed to.

Clause 14, as amended, agreed to.

Clause 16 put.

HON DEPUTY PRIME MINISTER: Thank you, Comrade Acting Chair. In Clause 16(3)(ii), substitute the following paragraph for Paragraph (a):

“(a) The Chief Control Officer of the settlement, who is the Chairperson of the Settlement Committee.”

I so Move, Comrade Acting Chairperson of the Whole House Committee.

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**COMMITTEE STAGE:
DISASTER RISK MANAGEMENT BILL**

HON ACTING CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Please table the Amendment. Any further discussion? Any objection to the Amendment? Agreed to.

Clause 16, as amended, agreed to.

I shall report the Bill with Amendments.

ASSEMBLY RESUMED

Bill reported with Amendments.

HON ACTING SPEAKER: Having considered the Amendments, the Assembly has now finally passed the Bill with Amendments and, therefore, concluded the business on the item. In terms of Article 75(3), the Bill will be referred to the President to deal with it under Article 56 and 64 of our Constitution. The Secretary will read the Third Order of the Day.

**RESUMPTION OF DEBATE:
MOTION ON ALCOHOL ABUSE IN NAMIBIA**

SECRETARY: Resumption of Debate on Alcohol Abuse in Namibia.

HON ACTING SPEAKER: When this Assembly adjourned on Tuesday, 26 June 2012, the Question before the Assembly was a Motion

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**MOTION ON ALCOHOL ABUSE
HON ULENGA**

by Honourable Ulenga, that the Motion be adopted. Honourable Kaura adjourned the Debate on behalf of Honourable Ulenga for his reply and he now has the Floor.

HON ULENGA: Thank you, Honourable Acting Speaker. I would like to start off by thanking the Honourable Members of this House who participated in the Debate from February when it was introduced. I would like to thank you all from the bottom of my heart.

Comrade Acting Speaker, I would also like to thank those who supported the Motion by saying nothing. The attitude that was adopted by the various Members across the political divide has shown us a rare glimpse of the Parliament of the future. The matter was dealt with in a sober and dignified fashion and I thank you very much.

Honourable Acting Speaker, since the Debate on this Motion in the National Assembly there have been various related developments, including some law enforcement activities by the Police concerning illegal shebeen operations in the Khomas Region, for example. The backlash that we see against that proper and correct law enforcement by the Police simply shows how deeply we have slipped into lawlessness as a society, because even those who clearly operate outside and contrary to the law expect to be left alone.

Honourable Acting Speaker, apart from decrying the negative effects of alcohol abuse both on society as well as on the individuals abusing alcohol, several recommendations were made by the various partakers in the Debate and I would like to separate these into two categories, namely one, the recommendations that are of a short-term nature and secondly, long-term recommendations.

Honourable Acting Speaker, Sir, short-term recommendations are best encapsulated in *Honourable Shixwameni's* intervention when he said, *"there is no need to reinvent the wheel."* There are already laws and measures in place that simply require stricter enforcement and stiffer

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**MOTION ON ALCOHOL ABUSE
HON ULENGA**

action from the law enforcement agents and from the responsible Government agencies. These short-term recommendations include:

1. Stricter policing of the existing laws.
2. Stricter enforcement of specifically the Liquor Act.
3. Emphasising the role that needs to be played by the State to protect society and individuals from self-destructing as well as emphasising self-regulation from individuals; that means striking a proper balance between the two.
4. Stopping the sale of alcoholic beverages at service stations.
5. Putting an end to the issuance of Special Liquor Licences.
6. Moratorium on issuing any further liquor licences.
7. No transfer of liquor licences.
8. Taxing alcohol more heavily so as to regulate availability more strictly.
9. Extra regulations of the Liquor Act to minimise shebeens per square kilometre.

Honourable Acting Speaker, the long-term recommendations were more brief and it was mainly recommended that we should engage the Nation and its various leaders at several levels and representatives as well as special stakeholders so as to be able to agree as a Nation on a stricter, more effective way of minimising and controlling the availability of alcohol and, therefore, controlling its effects on our society and controlling abuse. This would require the referring of this Motion to a Parliamentary Standing Committee for the required action.

Honourable Acting Speaker, I therefore Move that, apart from adopting the proposed and agreed on short-term recommendations, that this Motion

10 July 2012 **CONSIDERATION: REPORT ON STATE-OWNED
ENTERPRISES
HON HAUSIKU**

be referred to the Standing Committee on Human Resources, Social and Community Development for further action. I thank you.

HON ACTING SPEAKER: Thank you very much. I now put the Question, that the Motion be referred to the relevant Standing Committee. Any objections? Agreed to. The Secretary will read the Fourth Order of the Day.

**CONSIDERATION: REPORT OF AUDITOR-GENERAL'S
REPORT ON STATE-OWNED ENTERPRISES**

SECRETARY: Resumption of Consideration of Report on the Review of the Auditor-General's Reports on the State-Owned Enterprises for 2006, 2007 and 2008.

HON ACTING SPEAKER: When this Assembly adjourned on Tuesday, 19 June 2012, the Question before the Assembly was a Motion by the Honourable Maamberua, that the Report be adopted. The Right Honourable Prime Minister adjourned the Debate.

HON DEPUTY PRIME MINISTER: Comrade Acting Speaker, I have been requested by the Prime Minister to Move that this item be adjourned until tomorrow.

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**REPORT: FAMILIARISATION VISIT REGIONS
HON KAVETUNA**

HON ACTING SPEAKER: The item is adjourned until tomorrow. The Secretary will read the Fifth Order of the Day.

**CONSIDERATION: REPORT ON FAMILIARISATION
VISIT TO REGIONS**

SECRETARY: Resumption of consideration of Report on Familiarisation Visit to Karas, Hardap, Caprivi and Kavango Regions.

HON ACTING SPEAKER: When this Assembly adjourned on Tuesday, 9 June 2012, the Question before the Assembly was a Motion by Honourable Ncube, that the Report be adopted. Honourable Kavetuna adjourned the Debate and she now has the Floor.

HON KAVETUNA: Thank you, Honourable Acting Speaker. I was at the point of concluding my contribution, therefore I would like to repeat two points and then continue.

On Page 7 of the Report there is some confusion about the issue of the contribution towards the school development fund and the issue of exemption for orphans and vulnerable children and who is supposed to take care of that contribution towards the school. It is stated in the Education Act that an educational development fund will be created in order to contribute towards the learners who are exempted, but the community believes that if an orphan is registered as such, there needs to be an exemption from the school development fund.

The other issue that I alluded to is the orphans and vulnerable children. I

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**REPORT: FAMILIARISATION VISIT REGIONS
HON KAVETUNA**

wanted to emphasise the point that not all orphans are vulnerable and not all vulnerable children are orphans. That is an issue that we must take into consideration, that there are children who were left with big estates from their parents and are not really vulnerable. (Intervention)

HON RIRUAKO: On a Point of Order. Some children have been taken into the care of some people without the parents' consent and they have become orphans who are being taken care of by somebody else as individuals, but there is no family line. Most of these things happened and we found that some people are corrupt. I do not know why the children are being given to anybody without Government intervention. What does that mean?

HON KAVETUNA: The other issue that I wanted to raise about orphans and vulnerable children is the adoption process. In the African culture we care for our children in our communities, but the laws within the Ministry of Gender are so cumbersome and make it difficult for me to be able to adopt the child of my late sister. I need to register that child for medical aid and other benefits, because I want to take care of that child, but I will be asked whether I am married and the state of my housing environment. These are all cumbersome procedures that need to be reconsidered. It is un-African and it is making it very difficult for us to assist children of late family members.

On Page 11 it deals with income-generating projects and I am really thankful that the Ministry is trying to empower women financially here and there, but most of these projects are dying natural deaths. Why can this amount of money not be used to capacitate women in bigger and more organised structures where they can, for instance, establish a factory for T-shirts? When you give N\$5,000 here and N\$10,000 there, it will amount to one million, but at the end of the day one will not see any results. Let us try to establish structures that are more sustainable, that can create employment and that are really progressive in terms of making an impact

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**REPORT: FAMILIARISATION VISIT REGIONS
HON KAVETUNA**

in the community.

On Page 15 the Report deals with the issue of birth and death certificates. As Africans we know that our children are cared for by our grandmothers and sisters and in most cases when children need to attend school, there is always confusion as the person who has the document is the aunt and child is erroneously registered as her child. When the mother or father dies, the child cannot be registered as an orphan because there is a problem with the ID of the deceased and what is reflected on the child's birth certificate. A massive campaign should be embarked upon in order to educate the people so that they do not register the children of their beloved ones in their names, because at the end of the day it poses a problem for them to benefit.

Similarly, the Ministry also has to have a mechanism in order for the child not to be held responsible for the sins of the parents, because when the mother passes away, that child needs to benefit. However, due to the situation created by the family, that child will never be able to benefit when the mother passes away.

It also happens that when a child has to be registered as an orphan, the death certificate cannot be traced and they usually experience problems to obtain a duplicate at Home Affairs. (Interjection) Yes, the door is locked, they cannot be registered and we also need to look at this. (Intervention)

HON RIRUAKO: On a Point of Order. What does it mean that the door is locked? Who has the right to close the door? Could you clarify that?

HON KAVETUNA: The last point on Page 15 is on the issue of multiple marriages in our country, a man who marries someone in Oshakati, again marries someone in Otjiwarongo and then does the same in the South.

When he dies each woman claims to be legally married. (Interjection)

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**REPORT: FAMILIARISATION VISIT REGIONS
HON KAVETUNA**

Honourable Members, if you want polygamy in this country you should bring such a proposal that it be legalised. Let us not try to legalise it through the backdoor. (Intervention)

HON RIRUAKO: Polygamy is our right and if you want to rule out polygamy, you have to come over here too. If it applies to others, it applies to you.

HON ACTING SPEAKER: Can you try and conclude and perhaps answer the question on what is meant by the door is closed?

HON KAVETUNA: When you come at Home Affairs with this child you want to register or if you want to get a duplicate, there is always a long process that discourages you. I would like to request the Ministry of Home Affairs to computerise the marriages in this country so that we can avoid this situation. If someone is doing this, he should be sentenced to a certain period of years because this is abuse of the highest order.

Because of the interlinked services by the Ministry of Gender and the Ministry of Education to orphans and vulnerable children, we should have a one-stop shop where every service is made available to the people, because to be send from one post to another is very cumbersome and our people cannot afford to do so. It is for this reason that I support the Report and the recommendations should be taken seriously and put into action. Thank you very much.

HON ACTING SPEAKER: Honourable !Nawases–Taeyele.

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REPORT: FAMILIARISATION VISIT REGIONS
HON !NAWASES-TAEYELE

HON !NAWASES-TAEYELE: Thank you, Honourable Acting Speaker. I wish to congratulate the Chairperson and the Whole Committee for the work they have carried out and the report tabled. I, however, want to speak to some aspects raised in this Report, namely the issue that when cases of abuse of women are reported by their male companions to the Police, they face humiliation by Police officers who either make fun of them or laugh at them. This behaviour by certain Police Officers is said to infuse the perception in the community that the Woman and Child Protection Units are institutions that exclusively cater for women and their issues. I certainly believe this is a serious matter that must be met with uncompromising resolve, that where these cases are taking place, urgent disciplinary action should be taken against such officers and their commanding officers for failing to take the necessary actions against the culprits. This is necessary because of the wrong message that this behaviour is sending out to the community regarding the matter of gender-based violence and its destructive impact on our community.

It is a fact that there are some women who abuse men, be it mentally, physically or psychologically and emotionally, but that is happening, let us be realistic. The numerous incidents of gender-based violence which is spread out widely through all our communities basically violates the Constitution that guarantees the values stipulated in our Constitution and they are as follows:

Article 7 talks about Protection of Liberty; Article 8 talks about Respect for Human Dignity, Article 10 talks about Equality and Freedom from Discrimination.

Honourable Acting Speaker, Honourable Members, in the domain of gender and family affairs and the protection of the child and the woman's interest Namibia has indeed done exceptionally well in the enactment of a very progressive legislation that deals with the promotion and safeguarding of interests of women and vulnerable children. Amongst these are:

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- Combating of Domestic Violence Act (Act 4 of 2003) that provides for the protection of partners against violence in domestic relationships through the instruments of protection order that can be requested to protect the vulnerable partner from domestic violence. Any party is offered protection irrespective of gender or sex.
- Maintenance Act (Act 9 of 2003), providing for both parties to provide for their children equally according to their ability and responsibility.
- Combating of Rape Act (Act 8 of 2000), providing for protection to victims of rape and sexual abuse and providing stiff sentences for perpetrators.

Maybe what we can do here as lawmakers is to ensure that we do more awareness on these laws and educate our people on the existence of these laws because they are in place. Maybe it is only a matter of people not understanding these laws. These are the few laws made, but the challenge experienced with this legislation is with regard to the implementation where problems are encountered.

Not many maintenance orders are complied with. Partners avoid their responsibilities. Protection orders are not being observed strictly and enforced in some cases. As we mentioned in the Report, the rape charges are being withdrawn in some instances, which is a very disappointing state of affairs.

Honourable Acting Speaker, Honourable Members, what we have seen in many instances in dealing with particular areas of concern, such as children's rights when dealing with juvenile justice, namely children who had a run-in with the criminal justice system, is that the various parties dealing with the matter have their own reporting structures and relationship accounting for additional delays in finding solutions to this problem. The Police officers, for example, report to the Ministry of Safety and Security, the social workers report to the Ministry of Health and Social Services, Magistrates and Prosecutors report to the Prosecutor General and Ministry of Justice. While their functional reporting responsibility can be appreciated, there may be a need to create an inter-

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agency national coordinator that can receive such urgent reports and effect strong responses to these type of challenges. As a matter of fact, some experts have alluded to these challenges and I believe it is important for us to pay attention to these concerns.

These were my few contributions to this Report and I support the Report. Thank you.

HON SPEAKER: Thank you. Honourable Tjongarero.

HON A TJONGARERO: Thank you, Acting Speaker, Honourable Members. I rise to make my contribution on the Report and also to thank the Members of the Committee for a very comprehensive Report.

In the last Paragraph on Page 6 a concern has been raised about the Domestic Violence Act which lacks a provision for the prevention of the violation of a protection order by the complainant or discharge thereof if the order is broken, because the Act is silent on that. I think we have to look into this and together with the Ministry of Gender Equality and Child Welfare and the legal drafters come up with a solution.

In the first Paragraph on Page 7 there is a serious allegation which states that teenage pregnancies are caused by the uniformed forces. In some cases these are girls younger than thirteen years who fall pregnant. The concern here is the conduct of the law enforcement agency officials who break the laws instead of enforcing them and keep law and order in the Regions. I trust that we as lawmakers will also look into this serious issue together with the Ministries concerned and that the issue be investigated and correct action be taken against those who violate the laws.

Honourable Acting speaker, Honourable Members, Paragraph 5 on the same page states that applications for the foster care grants take too long because of lack of national documents and shortage of social workers to

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cover the Regions. The result is that most orphans in Karas and Hardap Regions are not receiving grants. Maybe we can speed up the process of issuing national documents, but the shortage of social workers will not be solved unless their remuneration issue is taken care of.

On Page 10 the second bullet states that sometimes the public misuse the service as they come to report abuse, especially women, and whilst officers are conducting their investigations, the cases are withdrawn. (Intervention)

HON RIRUAKO: You said the uniformed forces are the people who misuse their power and the lawmakers are too afraid to challenge them.

This is happening that way and we know who are doing this and we cannot even mention their names. At the same time we have women who molest men. They force men to have an affair with them and once they do so, they are reported to the Police, that “the persons raped me.” But what happened is that the judgment came out that the woman raped the man and it happened that way. It is a two-way stream, so please mention both sides.

HON A TJONGARERO: The withdrawal of these cases can actually be attributed to poverty and dependence on partners.

The third bullet: “*Woman and Child Protection Unit informed the Committee that child neglect is very common in Rehoboth and lack of child-care houses and safety homes is a challenge.*” It further states: “*Abused and neglected children are left at the mercy of the hospital managers.*” This is unacceptable because we all know that hospitals are already understaffed and now extra workloads are added onto their work.

I think the Ministry concerned must try and see what can be done for these children, because they might contract other opportunistic diseases while in

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HON SWARTZ**

hospital wards.

Honourable Acting Speaker, Honourable Members, it seems that the issue of withdrawing cases is not only in the South but also in other Regions, as is reported in the last paragraph of Page 10.

The second paragraph on Page 11 paints a very serious picture of our law enforcement agencies. It is stated that some Police Officers at Charge Offices laugh at male victims when they report gender-based violence. This may be the reason why some men take actions which result in murder, because they do not get any help when they seek it. My humble request to the Ministry concerned is to assist the Police Officers to understand the dilemma of those men who go and report gender-based violence by women.

Honourable Acting Speaker, Honourable Members, I once again thank the Committee for the information and I support the Report. Thank you.

HON ACTING SPEAKER: Thank you. Honourable Swartz.

HON SWARTZ: Thank you, Honourable Acting Speaker. I am part and parcel of the Gender Committee and I participated in the outreach programme to the regions.

There is a need for a one-stop centre in each and every main town in our country. I personally feel these centres will be of assistance to our people in those towns as it will take a holistic approach to gender-based violence and other activities related to gender. These one-stop centres can accommodate the staff, the social workers, the doctors and the Police. If all these departments are under one roof, then the person can move from one door to the other and be assisted. Therefore, we would appreciate if in future the Ministry responsible for gender could have a one-stop centre in each town in our country.

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On Page 10 mention is made of the Women Protection Unit. We have to lobby our men so that they can also be staff members on these units, because in Rehoboth you will only find women there and it is very dangerous for women to be at that centre alone, because sometimes the perpetrators are very aggressive. Therefore, we have to motivate our young men to become officers and be part of the Women Protection Unit. I support the Report and I thank you.

HON ACTING SPEAKER: Thank you. I call upon Honourable Ueitele.

HON UEITELE: Thank you very much, Acting Speaker. I join the Colleagues who congratulated the Committee for coming up with such a good report. My contribution is based on Page 10 where it is said that, *“one positive best practice that the Committee learned at Rehoboth is that the Magistrate does not allow withdrawal of gender-based violence cases since there is a directive from the Prosecutor-General’s Office which seemingly is not known by the WACPU in Keetmanshoop.”* This should be a concern to us because the withdrawal of cases also makes it difficult for the Police who have to use their manpower and time to trace the perpetrators, but at the end of the day the case is being withdrawn. I believe that it would be in the best interest of the country if the best practice of Rehoboth will be made a law which is applicable to the whole country. If there is no such law or policy, it is up to this House to come up with one. (Intervention)

HON RIRUAKO: It is not a matter of law, it is a matter of money. Instead of going to Court, she receives N\$10,000. We know this and you know this and you are part and parcel of that kind of agreement. Clean up your house first. I thank you.

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HON UEITELE: Thank you very much, Honourable Riruako, I take note of your concern. The issue mentioned on Page 11 was raised by the two previous speakers, namely the men being laughed at by the Police Officers at the Charge Office. This is a serious issue and our Police Officers need to be educated on this issue, because this could be a cause for violence. If I am laughed at by the Police Officers, I will go home and take revenge. We were also informed that there are those who are telling the men that, *“no, you are very weak, how could you be beaten by your wife and come and cry, go and beat her up.”* That is a serious issue which needs to be discouraged and the Officers need to be educated on this.

I believe when the Committee travelled to the Regions, the members of most communities were not even aware of a single policy that we are making in this House. We have to ensure that the Ministry of Gender goes out and sensitise the communities to be aware of the laws and policies.

Honourable Acting Speaker, I also want to touch on Page 12 where it is mentioned that the Ministry of Gender and also the Ministry of Trade and Industry are assisting the people with projects. They receive machinery but they do not have electricity. The electricity pass there at a distance of a kilometre and you are asked N\$40,000 to be connected. The Ministry responsible for electricity must try to electrify the rural areas so that those who receive projects can make use of the machinery.

With this, I wholeheartedly support the Report. Thank you very much.

HON ACTING SPEAKER: The issue of sensitising the various communities up and down the Republic of Namibia is an urgent matter. We talk about taking Parliament to the communities and it should be in that context. It is a joint venture between the Parliament and the relevant Ministries concerned. It has to be a combination of all of us to do precisely that. With that, I will call upon Honourable Mushelenga.

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HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you very much, Honourable Acting Speaker, I will try to be very brief. I just want to comment on two issues.

I thank the Committee for one of the very best reports I have seen before this House and I want to refer to the recommendations, the issue of the registration of the early childhood development centres.

Honourable Acting Speaker, it is not only that some of these centres are not registered, but also the question of the fee that they charge. There needs to be a formula, that when you offer these services, your fees should be this amount. For example, at some of these centres the kids go with their own food, but they charge high and exorbitant amounts. Some offer meals and their fees are reasonable. The Ministry needs to develop a formula to determine the amount.

The Committee also touched on the Maintenance Act and I want to refer to the abuse of maintenance payments. Honourable Acting Speaker, there are some parents who receive these maintenance payments, but it does not benefit the intended recipients, namely the children and we need to improve on the existing law to take measures against those parents who abuse the money meant for the kids for maintenance purposes, because some people are taking these maintenance payments as a money-making scheme in their own interest.

With these few words, I support the Report. I thank you.

HON ACTING SPEAKER: I call on Honourable Sioka.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you, Comrade Acting Speaker. I Move that the Debate be adjourned until tomorrow in order to respond to some of the questions which were raised.

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HON ACTING SPEAKER: The House stands adjourned until tomorrow at 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2012.07.11 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
11 JULY 2012**

The Assembly met pursuant to the adjournment.

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

HON ACTING SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Notice of Questions? Honourable Moongo.

ORAL QUESTION

HON MOONGO: Honourable Acting Speaker, thank you very much for the opportunity to pose my last question during this Session and I only want to share with you the photos of a Headman who was not compensated while the tractor is standing there to demolish his house and a notice reading “*first and last warning*.”

I would like to pose an Oral Question to the Minister of Education. We were impressed by the slogan, “*Education for All is the Key to Success*”, but it appears to be immaterial because the majority of children are from poor families and, therefore, they cannot afford higher education. Only the children of foreign, rich families will receive higher education in Namibia. The more Namibians demand a change in education, the more it remains the same year by year. When is the Minister going to introduce free or affordable higher education system in Namibia?

Lastly, I would like the Minister to clarify and explain why lecturers/professors at the Polytechnic of Namibia received a smaller

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HON DR A IYAMBO

increment to their salary this year in comparison to the lecturers at UNAM? Why are you discriminating against the Polytechnic lecturers?

HON ACTING SPEAKER: Honourable Moongo, I suppose this is a question that may require the Minister to consult further. I will give him the opportunity to respond, but he may require to consult with the institution that you have referred to.

HON MINISTER OF EDUCATION: Thank you very much, Honourable Acting Speaker. With respect to the question by the Colleague, Honourable Moongo, about the affordability of higher education and whether there is something we can do to assist our students at institutions of higher education, may I indicate that in terms of the Constitution of Namibia, the mothers and fathers of our Constitution were quite specific that primary education should be free and compulsory.

With respect to the question on higher education, the Constitution is very silent and it does not say whether education should be compulsory and free. Many studies have been conducted on the affordability of higher education. The Ministry assists students to study at higher institutions both locally and abroad. As you will recall, this year we have received an amount of about N\$520 million for loans and scholarships, which is a very big amount although not sufficient.

In terms of the affordability, we are receiving many complaints from students that they are unable to pay for their studies, but we are also constrained as a country as we do not have enough resources to pay for all the students at University and Polytechnic.

The last question was about the lecturers at the Polytechnic and the University of Namibia and Honourable Moongo indicated that he has received information that lecturers at the Polytechnic of Namibia have not received an increase in their salaries, whereas at the University they have.

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I am not well informed on that, as Dr Katjavivi just mentioned, and I will need to get some information on when the salaries were increased and if the salaries were increased, they should have been increased through the Budget that was discussed in this Parliament. I am not aware of those increases, but I will find out. Thank you very much.

HON MOONGO: I would like to thank the Minister for genuinely trying to answer the question and not like others who try to dodge the questions.

HON ACTING SPEAKER: Notice of Motions? Honourable Maamberua.

NOTICE OF MOTION

HON MAAMBERUA: Honourable Acting Speaker, I Move without Notice, that in terms of Article 24(1) of the Namibian Constitution, the Reports of the Auditor-General for the following Local Authorities, Regional Councils and Municipalities be referred to the National Council for scrutiny:

- Regional Council of Oshikoto Region for 2008/2009;
- Regional Council of Oshikoto Region for 2010;
- Regional Council of Ohangwena Region for 2008/2009;
- Regional Council of Otjozondjupa Region for 2008/2009;
- Municipality of Henties Bay for 2010;
- Municipality of Otjiwarongo for 2010, 2011;
- Municipality of Usakos for 2009, 2010;
- Municipality of Outjo for 2009 2010;
- Municipality of Tsumeb for 2010, 2011;

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- Municipality of Grootfontein for 2010,2011;
- Municipality of Keetmanshoop for 2009;
- Municipality of Walvis Bay for 2010;
- Municipality of Mariental for 2011;
- Municipality of Windhoek for 2008;
- Municipality of Karibib for 2009, 2010 and 2011;
- Municipality of Okahandja for 2010, 2011.
- Municipality of Gobabis for 2011;
- Municipality of Outjo for 2011;
- Municipality of Swakopmund for 2011.
- Town Council of Opuwo for 2007, 2008;
- Town Council of Okahao for 2009, 2010 and 2011;
- Town Council of Ondangwa for 2010;
- Town Council of Helao Nafidi for 2010, 2011;
- Town Council of Rehoboth for 2009, 2010;
- Town Council of Rundu for 2010;
- Town Council of Katima Mulilo for 2009, 2010;
- Town Council of Nkurenkuru for 2011;
- Town Council of Opuwo for 2009, 2010;
- Town Council of Okakarara for 2010;
- Town Council of Ruacana for 2011;
- Town Council of Khorixas for 2010;
- Town Council of Otavi for 2011;
- Town Council of Eenhana for 2009, 2010;
- Town Council of Ongwediva for 2011.
- Village Council of Kalkrand for 2008, 2009;
- Village Council of Leonardville for 2010;
- Village Council of Stampriet for 2007, 2008 and 2009;
- Village Council of Berseba for 2010;
- Village Council of Kamanjab for 2010;
- Village Council of Aroab for 2010;
- Village Council of Aranos for 2010;
- Village Council of Gochas for 2010;
- Village Council of Oshikuku for 2010;
- Village Council of Otavi for 2010;

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- Village Council of Witvlei for 2000 to 2007;
- Village Council of Bethanien for 2010;
- Village Council of Gibeon for 2008, 2009 and 2010;
- Village Council of Tses for 2010;
- Village Council of Gochas for 2011.

I so move, Honourable Acting Speaker.

HON ACTING SPEAKER: Please table the Motion. Message from the Head of State? Ministerial Statement? Honourable Dr Kawana.

MINISTERIAL STATEMENT

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Thank you, Honourable Acting Speaker. I rise to make a Ministerial Statement regarding articles which appeared in the newspapers, such as the *Confidante* of 5-11 July 2012, Volume 38, *The Namibian* of Friday, 6 July 2012 and the *Namibian Sun* of Monday, 9 July 2012.

The articles in the aforesaid newspapers give an impression that His Excellency Dr Hifikepunye Pohamba, President of the Republic of Namibia, assisted His Royal Highness Hompa Daniel Sientu Mpasi, Chief of the Oukwangali community, to evict Kwanyamas and Ndongas, as it was put, from Western Kavango in return for allocation of land to the President in the same area.

Allow me to partly quote the *Confidante* newspaper: It is alleged that the President received the land, “*just after the President allegedly helped the Kwangali Traditional Authority to push out unwanted Kwanyamas and Ndongas in Oukwangali area.*” The heading of the article in the same

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newspaper is titled, “*President Benefits from the Okwangali Tribal Land Purge.*”

The above reported article gives an impression that the President assisted the Okwangali Chief to evict illegal grazers from Western Kavango in return for land. There is even a caption where the President is pictured together with the Honourable Chief, with the President purporting to say to the Chief, “*do not worry, I will look after you.*” This is a very serious allegation against the Head of State and, therefore, cannot go unchallenged.

First, there is no law in Namibia which empowers the President to render assistance to any person to evict communities from land, no matter how illegal such communities are on such land. Secondly, in terms of Article 1(1) of the Namibian Constitution, the Republic of Namibia is founded upon the principles of democracy, the rule of law and justice for all. The principle of the rule of law requires that actions of public officials should be based on legality. This means any action of public officials should be authorised by law.

Honourable Acting Speaker, in 2002 our Parliament passed an Act of Parliament called Communal Land Reform Act (Act 5 of 2002). This Act regulates the administration of communal land. It vests certain powers in our Traditional Leaders, Traditional Authorities, Land Boards and, indeed, the line Ministry. Any citizen can apply for allocation of customary land rights. Should such allocation exceed twenty hectares, the application is processed from the Traditional Authority right up to the line Ministry.

Some time during 2008 the President applied for a plot or site in accordance with the provision of the Communal Land Reform Act of 2002 near the Kavango River. The application was approved with three main conditions, namely that:

(a) *The site must strictly be used for the purpose applied for.*

(b) *The land allocated by the Traditional Authority is not for sale.*

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(c) If the applicant is no more interested in using the applied plot/site, it must be returned to the Traditional Authority.”

As is standard procedure, the approval was signed by His Royal Highness, Hompa Daniel Sientu Mpasi, and Mr Rudolf Ngondo, Chairperson of the Chiefs Council of the Oukwangali Traditional Authority. It is, therefore, misleading and, indeed, false to create an impression that the granting of the plot was done between the Chief and the President. The plot in question was allocated by the Uukwangali Traditional Authority. That Traditional Authority is headed by the Honourable Chief Daniel Sientu Mpasi.

Upon approval, the President requested that the plot be clearly demarcated as required by the Communal Land Reform Act of 2002 that I have referred to earlier on. The plot was subsequently demarcated, whereafter it was registered by the Ministry of Lands. A certificate of registration of customary land right was issued in terms of Section 25 of the Communal Land Reform Act of 2002 and Regulation 5. The plot measures 13.8 hectares. The certificate indicates that the plot is to be used for crops and residential units.

It may further interest Honourable Members of this august House to learn that the demarcation expenses of the plot were fully paid for by the President. The cost included the daily subsistence allowance for the land-use planner, a driver who accompanied the planner, cost of car rental and kilometre tariff at N\$3.50 per kilometre. The total cost came to N\$14,582.47.

Article 21(1)(h) of the Namibian Constitution provides: “*All persons shall have the right to reside and settle in any part of Namibia.*” The only qualification which one may attach to this right is that it has to be done in accordance with the law. In respect of communal land which, in terms of the Communal Land Reform Act is State land, such settlement must be done in terms of the aforementioned Act.

Against this background it is clear that His Excellency the President fully

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complied with both the Namibian Constitution and the Communal Land Reform Act. I further wish to point out that Article 21(1)(h) is part of Chapter 3 of the Namibian Constitution, meaning that it forms part of the fundamental human rights and freedoms which cannot be amended to diminish the enjoyment of such rights.

Honourable Acting Speaker, I hold the view, as I have always done in the past, that freedom of expression as enshrined under Article 21(1)(a) of the Namibian Constitution should be protected. However, it is clear that the article which appeared in the *Confidante* is nothing but malicious, vindictive and defamatory. It is totally unacceptable for a newspaper to insinuate that the President is benefiting from the plight of his fellow citizens, including members of his community. On the contrary, the issue of lack of grazing for the community who lives in that part of our country has received Cabinet attention. Cabinet meetings which discussed the plight of our citizens were indeed chaired by the President. A committee of senior Ministers was set up to advise and update Cabinet on the situation. Indeed, a temporary solution was found in that the cattle which were grazing illegally in Western Kavango were allowed to be kept in some NDC farms at Mangetti, pending a long-lasting solution to the problem.

Therefore, the impression which has been created that the President does not care about the plight of his fellow citizens is totally false and misleading.

I have already pointed out that the President applied for a plot or a site as opposed to grazing land. It is a small plot of 13.8 hectares, lawfully acquired in terms of the procedure provided for under the Communal Land Reform Act. Our media is cautioned not to resort to sensational reporting which has an effect of disturbing peace and stability in our country. Journalists should be apostles of truth, not agents of propaganda. We need peace and stability in our country for the sake of development, for the sake of fighting poverty, hunger, disease, unemployment and, indeed, underdevelopment. We should all be partners and agents of development. Sensational reporting is destructive and retrogressive, therefore it should be condemned by all patriotic Namibians in the

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strongest possible terms.

Honourable Acting Speaker, it is not my intention to comment on cases which are before Court. I can only say that the cases of illegal grazing in Western Kavango have nothing to do with the President. It will suffice to say that in respect of criminal cases, decisions whether or not to prosecute are made by the Prosecutor-General in terms of Article 88(2)(a) of the Namibian Constitution and the provision of the Criminal Procedure Act of 1977, as amended.

In conclusion, some of the article which appeared in the print media regarding the President and the acquisition of land in Western Kavango are false, defamatory and sensational. I thank you for your attention.

HON ACTING SPEAKER: Thank you. Any further Ministerial Statements? The first Notice of Motion is the one of the Right Honourable Deputy Prime Minister. Does the Honourable Member Move the Motion?

**NOMINATION: MEMBER OF
PUBLIC SERVICE COMMISSION**

HON DEPUTY PRIME MINISTER: I so Move, Honourable Acting Speaker.

HON ACTING SPEAKER: Who seconds the Motion? Any objection? Agreed to. The Deputy Prime Minister has the Floor.

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HON DEPUTY PRIME MINISTER: Thank you, Acting Speaker, Honourable Members of the National Assembly. 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 members nominated by the President and appointed by the National Assembly by resolution. Currently, Comrade Acting Speaker, the Public Service Commission consists of seven members who are, Ambassador Eddie Amukongo, the Chairperson, Mr Marcus Kampungu, Ms Magdalena Wilhelmina Deetleffs, Ms Teckla Lameck, Ms Florence Munyangano, Mr Phillemon Kondja Kambala and Mr Steve Motinga.

Comrade Acting Speaker, the term of office of Mr Marcus Kampungu as a Public Service Commissioner will expire on the 30th of November 2012. In keeping with the provision of Article 112(3) of the Namibian Constitution, His Excellency President Pohamba has nominated Comrade Marcus Kampungu for reappointment as a member of the Public Service Commission upon expiry of his current term of office. I have the honour to request this august House to reappoint by resolution Comrade Marcus Kampungu as a commissioner of the Public Service Commission for a period of five years with effect from the 1st of December 2012. Comrade Marcus Kampungu's experience in public management and administration would provide continuity in the work of the Public Service Commission. His Curriculum Vitae was distributed to the Honourable Members previously.

Comrade Acting Speaker, Honourable Members of the National Assembly, the term of office of Ms Teckla Lameck will expire on the 19th of October 2012. His Excellency the President is unable to nominate Ms Teckla Lameck due to her suspension, thus the non-renewal of Ms Teckla Lameck will create a vacancy on the Public Service Commission when her term comes to an end and a replacement will have to be found for nomination to fill the vacancy at that specific time.

Comrade Acting Speaker, Honourable Members of the National Assembly, may I now request you to endorse the notice as proposed in this submission and, indeed, thank you in anticipation.

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HON NYAMU / HON MUSHELENGA**

HON ACTING SPEAKER: Thank you. Any further discussion?
Honourable Nyamu.

HON NYAMU: Thank you, Honourable Acting Speaker. I would like to thank the Deputy Prime Minister for his submission. I, however, noticed that in his statement he has used a term, referring to the candidate as a “*Comrade*”. I want to know the meaning and implication of this term. In my view Civil Servants are supposed to be strictly non-partisan, but it appears by this introduction that this person is partisan. Otherwise, why refer to him as a Comrade? If this is the case that this is a partisan candidate, then I think somebody is violating the rules or even the Constitution of this country by appointing people on the basis of partisanship. On the basis of this fact, unless otherwise proven by explanation to be provided to this House, I think this candidate is not going to be a candidate for the Nation, but for a certain Party. I, therefore, reject such an approach.

HON ACTING SPEAKER: Thank you. I call on Honourable Mushelenga.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you very much, Honourable Acting Speaker. I rise to support the Motion by the Honourable Deputy Prime Minister for the reappointment of Marcus Kampungu as a member of the Public Service Commission. Commissioner Kampungu is currently one of the longest serving members of the Commission. His reappointment, therefore, serves to maintain institutional memory. It is common practice even in big international corporations when reappointment of boards is made that due consideration is given to maintaining institutional memory and that is why some of these members are retained.

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HON MBUMBA**

Commissioner Kampungu has the interest of the Public Servants at heart, coming from the background of the Trade Union as a former leader in the Namibia National Teachers Union (NANTU), of which the first President is the Honourable Deputy Prime Minister. When you work with someone, when you are able to agree on issues, when you are able to help another person, when you can die for another person, that is what comradeship is all about. I am surprised that Honourable Nyamu, having used this term for over five decades is still doubting when a Trade Unionist calls another Trade Unionist a Comrade, both of them having been prepared to die for the sake of each other's interests as workers. Therefore, I find nothing strange or odd for the Honourable Deputy Prime Minister to refer to Commissioner Kampungu as a Comrade. Commissioner Kampungu has executed his duties over the past years with dedication and as impartial as is provided for in Articles 112 and 113 of the Namibian Constitution. He is not there to serve a Political Party, as the Honourable Member seems to insinuate in this House.

Commissioner Kampungu, having gone through the Trade Union, knows the plight of the Civil Servants and I should also add that he is a member of the Public Service Commission. He is an office-bearer, he is not a Civil Servant himself, as the Honourable Member was trying to imply.

Given the rich experience that Commissioner Kampungu has gained over the past years as a Civil Servant, as a Trade Unionist as well as a member of the Public Service Commission, anyone who would be opposing such reappointment would do it for the sake of politicking and I find no reason whatsoever to waste time debating this issue. I, therefore, want to register my unequivocal support for the appointment. Thank you.

HON ACTING SPEAKER: Thank you. Honourable Mbumba.

HON MINISTER OF SAFETY AND SECURITY: Thank you,

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HON KAIYAMO**

Honourable Acting Speaker. I am rising to support the recommendation of the President and the motivation by the Deputy Prime Minister on the reappointment of Commissioner Marcus Kampungu.

We cannot pull down a person, an officer, a commissioner who has done and has been doing his job excellently by bringing in semantics, that because he is being called "*Honourable*", because he is being called "*Comrade*", because he is being called "*Mr, Mrs, Ms, Dr or Professor*", then he becomes a bad guy. This person has been on the Commission, this is a reappointment. Marcus Kampungu has not made any political statement in favour of any organisation or anybody, he has been doing his job quietly.

There are some people who are happy when they are received at State House and they go there proudly, but their intention is to block the presidential appointment of one commissioner on the Public Service Commission. Comrade Nyamu, my schoolmate, no longer wants people to be called "*Comrade*". We are wasting time, we have no issue, we have no case against this commissioner, let the commissioner be allowed to continue doing his job. Thank you very much.

HON ACTING SPEAKER: Thank you. Honourable Kaiyamo.

HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION: Comrade Acting Speaker, I want to join those Colleagues who are supporting the reappointment of this Comrade and I want Honourable Nyamu to understand that he was part and parcel of the Cabinet that decided to use the word after Independence and we accept and respect that. I know Comrade Kampungu as a Party cadre of the Youth League who were ready to fight for Independence of this country and I also know him as a NANSO activist as a student. I also know him as an underground activist of the Party. That is why I support the

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HON DR KAWANA**

Comrade's appointment. Thank you.

HON ACTING SPEAKER: Thank you. Honourable Dr Kawana.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Thank you very much, Honourable Acting Speaker. I rise, first and foremost, to commend the Honourable Deputy Prime Minister who, in terms of the Constitution, motivated the nomination of this very respectable Comrade on behalf of the President. I would have had a problem if the name of this Comrade was something like "*Satan*" or "*Nazi Hitler*" but not "*Comrade*". This Comrade is a living and mobile archive in the Public Service Commission. He has impeccable credentials, objective and upright. In fact, he is one of the very rare Namibians who command respect across the political spectrum in that institution.

Secondly, I could have been worried, Honourable Nyamu, if the appointment was just from one Political Party affiliation, but on the contrary, the history of the Public Service is that there are many Namibians, as long as they are Namibian citizens, qualified for the positions they have been appointed to, who are not even members of the Party. In fact, we even know to which Political Parties some of them belong to and we are not discriminating against any Namibian and, therefore, I want to wholeheartedly support the Motion of the Honourable Deputy Prime Minister. This Comrade has impeccable credentials, he is objective and upright and I support the Motion.

HON ACTING SPEAKER: Thank you. Honourable Riruako.

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HON RIRUAKO**

HON RIRUAKO: I am here to tell the truth. I am not supporting a person without scrutinising his behaviour and character.

Honourable Acting Speaker, I am not opposing the gentleman, but how many years has he served? Fifteen years of service? For how many years is a person supposed to serve as commissioner? It is not a matter of he is a qualified person, but for how many years you ought to serve. That is the point. There must be criteria for how many years you are supposed to serve as commissioner. (Interjections) You can make a row, it does not disqualify me to talk. Let us listen to one another. For how many years is a commissioner supposed to serve? (Interjections) I am not talking about the people who are serving the Nation from nowhere, just given the position as a person. I am talking about a person who is well-known. The commissioners are quite different from the parliamentarians. (Intervention)

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
On a Point of Order. Did I hear the Honourable Riruako referring to this young man as somebody from nowhere?

HON RIRUAKO: Who is the young man I am referring to?

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
Kampungu.

HON RIRUAKO: No, I did not say that.

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HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Honourable Acting Speaker, the Honourable Deputy Prime Minister in his motivation was very clear, he made reference that the curriculum vitae of this young man was distributed. For the Honourable Riruako who is a respectable leader in our community, both traditionally and politically, to stand up here, despite all this information, and to refer to Comrade Marcus Kampungu as somebody coming from nowhere, I think the Honourable Riruako must retract the statement that he is from nowhere.

HON RIRUAKO: I did not say that. I said I am not talking about a person who is not from nowhere. Are you not hearing that? Are you with me? If you did not hear, I will repeat. I said I am talking about somebody who is well-known. I said I am not talking about somebody who is not from nowhere.

HON ACTING SPEAKER: May I ask you to conclude?

HON RIRUAKO: Listen properly and we need to have earphones. Acting Speaker, I may say this, Kampungu is well-known, he is not a stranger, he is not from nowhere like other people who come today and tomorrow are given a position like somebody who is liked. That is the attitude here. Did you hear me? You cannot hear because you do not want to hear. Listen carefully and take note of my words. Let me put it this way, if I have served fifteen years as a commissioner, it is wrong. If the Constitution is applied, you are supposed to serve this way, but if you are deserving, you can be allowed to serve five years more, but randomly without a specific period is wrong. Did you hear what I am saying? Your character and behaviour can allow you to serve five years more. We can allow a person to serve longer than others because of his behaviour and the way he serves the Nation as a whole, but it must be written in a

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HON TWEYA**

constitution. It cannot be just like that. I thank you.

HON ACTING SPEAKER: Honourable Tweya.

HON DEPUTY MINISTER OF TRADE AND INDUSTRY:
Honourable Acting Speaker, I rise to register my wholehearted support for the reappointment. (Intervention)

HON RIRUAKO: On a Point of Order.

HON ACTING SPEAKER: The Honourable Member has actually said nothing.

HON RIRUAKO: We are not here to call for Kavangos, we are defending the issues ourselves.

HON ACTING SPEAKER: No, I do not think that is acceptable, Honourable Riruako.

HON DEPUTY MINISTER OF TRADE AND INDUSTRY:
Honourable Acting Speaker, before I proceed with my support, I wish to

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call on you to request the previous speaker to withdraw his statement. I have not risen to talk about Kavangos, we have a candidate on the Table here who is a respected, professional, reputable Namibian. The Honourable Member must withdraw his statement.

HON ACTING SPEAKER: Honourable Riruako, I am asking you respectfully. Actually your remark went beyond the necessary borders. Please withdraw the expression because it is not a dignified expression.

HON RIRUAKO: Before I am going to withdraw it, I have to be clear why. We are here to defend what is right, no matter if I am a Herero or what. We are here to defend the truth. He is a human being like me and we are here to defend one another. I did not say I am against him, we are here to defend him. I withdraw because you do not hear me.

HON ACTING SPEAKER: Thank you very much. On that note we break for tea and we continue.

HOUSE ADJOURNS AT 15:45

HOUSE RESUMES AT 16:25

HON DEPUTY MINISTER OF TRADE AND INDUSTRY:
Honourable Acting Speaker, my last sentence was that I wholeheartedly support the reappointment of Comrade Marcus Kampungu. Comrade Kampungu is a respected professional, he is one of the long-serving...
(Intervention)

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL

WELFARE: May I ask a question? By the way, I wholeheartedly support the visionary leadership of our Head of State by recommending the reappointment of Comrade Marcus Kampungu. I had the privilege to serve under him as a Public Servant. My question to Honourable Tweya, however, is whether it is not possible for this House to come up with a law that would disqualify and/or bar Members of this House on the basis of senility and banality, as clearly displayed by the likes of Comrade Nyamu and Honourable Riruako?

HON ACTING SPEAKER: In the interest of making progress, let us proceed as rapidly to the point, because the moment we entertain this kind of interaction, we will not get where we would like to be. Can I call upon Honourable Tweya to continue?

HON NYAMU: On a Point of Order. The previous speaker used terms which amount to insults and I cannot accept being referred to as such. I, therefore, ask you to request him to withdraw immediately and unconditionally.

HON ACTING SPEAKER: Deputy Minister, you were actually Out of Order and your remarks were unparliamentary. Can I request you in a very dignified manner simply to withdraw those words?

HON DEPUTY MINISTER OF LABOUR AND SOCIAL
WELFARE: Comrade Acting Speaker, I withdraw.

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HON KUUGONGELWA-AMADHILA**

HON ACTING SPEAKER: This is what makes us to be who we are, when we are able to do that. Can I call upon Honourable Tweya to proceed?

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Honourable Acting Speaker, Honourable Members, the reappointment of Comrade Marcus Kampungu is wholeheartedly supported. He has the experience, good conduct, and he is professional Public Servant of this Republic, and I therefore, do not need to waste time. He is not new; his record in terms of his performance speaks for itself prior Independence and post-Independence. I, therefore, support the reappointment of Mr Marcus Kampungu as Commissioner.

HON ACTING SPEAKER: Thank you very much. Honourable Kuugongelwa-Amadhila.

HON MINISTER OF FINANCE: Honourable Acting Speaker, I would briefly like to say something in addition to the support given to the nomination by most of the Members of Parliament to indicate that in approving appointments of persons to Public Offices, this House is guided by clear guidelines and considerations. The political affiliation of candidates that are put on the Table of this House for consideration is not a factor to be considered by the House in appointing persons, nor are titles or any other forms of reference by which they are identified in the House.

I just wanted to say that Honourable Nyamu really missed the point when he disregarded the background of the candidate put forward for appointment and his performance, being one of the longest serving members of the Commission, and instead attempted to insinuate that because of whatever comradeship is viewed in by Members of this House,

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HON IIVULA-ITHANA**

he is automatically unsuitable for the position. I just want to state as a matter of principle that that is inappropriate and I have no doubt that Honourable Nyamu would agree with me in saying so. I support the nomination.

HON MINISTER OF JUSTICE: Thank you, Comrade Acting Speaker. Comrade Acting Speaker, this House is losing reputation in the eyes of the public just because of how we conduct our business. This country is faced with serious and urgent issues requiring our interventions as leaders, but here we are procrastinating, prolonging the Debate unnecessarily, talking about somebody who has been serving in the Public Service for some time. He is not an old person, he is a young person whose brains we still need to tap into and I really fail to see the essence of us discussing this issue for this long. It is either we debate unnecessary issues or we procrastinate or we are not here and there is no quorum and when there is a quorum, we debate about one person. Really, what image are we portraying to the public out there? Let us not mend where it is not broken. Let us make progress, appoint the gentleman because in the views of all those who spoke before me, I have not heard anybody saying Mr Kampungu has conducted himself badly and, therefore, he is not appropriate to be appointed. Nobody has said so. What is taking the House this long?

In supporting the reappointment of Comrade Kampungu, I Move that we conclude the Debate and move on with other issues. I so Move.

HON ACTING SPEAKER: That is a proposal on the Table. Seconded? I have two Honourable Members and let me grant them the opportunity and then conclude. Honourable Shixwameni.

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HON SHIXWAMENI: Honourable Acting Speaker, I rise to support the Motion to reappoint Commissioner Kampungu to the Public Service Commission. In fact, I did not want to speak but what provoked me was the Debate around the issue of who and what is a Comrade, because I think for quite a long time we have allowed that Debate to be taken for granted.

According to the initial meaning in the Soviet Union and the Germans, a Comrade is a person that you have walked with in difficult times, a person that is ready to die for you or you are ready to die for him. That word cannot be ascribed to a particular Party and I hope that we would demystify that word so that we can all own it, because Honourable Kaiyamo and I are comrades. We have slept in trenches in the cold everywhere, fighting for the liberation and Independence of this country, as well as Honourable Mushelenga, Honourable Nambahu and Honourable Tweya. Therefore, we should not confuse the meaning of the word, it has a real meaning.

I can say with confidence that the colleague that we are discussing here is my Comrade, but one thing that I know is that he is a hardworking person. He is a professional person, he is not a man of many words, but when he is given a task to do, he does that task and he excels in what he does. That one I can testify to.

What we need to do is to encourage our Public Service Commissioners to maintain the track record that they have maintained over the years of being non-partisan at all times when it comes to appointments to the Public Service Commission, because they must ensure, as they have ensured and as they must ensure that the Public Service remains committed to professionalism. That is one issue that we should not compromise on and that is the message that we should send not only to Comrade Kampungu that he must continue the way he has been working, we must send it to all the Public Service Commissioners, that we appreciate the work they have been doing and they must continue to be steadfast, committed and non-partisan. With these few words, I support the Motion.

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HON KAURA**

HON ACTING SPEAKER: Thank you very much. Honourable Kaura.

HON KAURA: Thank you, Honourable Acting Speaker. After 22 years I expected us to have outgrown certain jargons and on top of that, to make a clear distinction between our Public Servants and politicians. When you are dealing with somebody who is going to deal with the public, remove the stigma from him of appearing to belong to a particular Political Party and serving a particular interest.

Before the younger generation used the word “*Comrade*”, those of us who are old-timers, like myself and Jesaya Nyamu, when we could regurgitate the dialectics of materialism, we called each other comrades, when we were Maoists, Leninists and Stalinists and whatever the case may be. However, we have come to the point where the word “*Comrade*” is owned by the Ruling Party, SWAPO, and by virtue of the fact that SWAPO is responsible for every single Namibian regardless of his political affiliation, anybody who is going to be a Public Servant of this country should not be identified with a word which is owned by a Political Party.

I did not want to speak on this because I did not want to appear to place a vote of no confidence in the proposal of the President. I wanted to accept it without saying anything, but by virtue of the fact that a word is used and it is imperative that you must outgrow the SWAPO Party Government... (Interjection)

HON MEMBER: Yes, it is the SWAPO Party Government!

HON KAURA: This is the Government of the Republic of Namibia where SWAPO is the Majority Party. This Government does not belong

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to SWAPO and that is the reason why I, who is not a SWAPO member, am sitting here.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** May I ask Comrade Kaura a question, please? Comrade Kaura, do you know the commissioner we are talking about that has been there for many years? If Comrade Kaura knows Comrade Kampungu, why the complaint?

HON KAURA: I did not object to our brother Kampungu to occupy that position. I am not objecting to it, I am saying ... (Interjection)

HON MEMBER: He is not your brother!

HON KAURA: He is not my sister either. He is a man, he could not be my sister. I am not objecting to his appointment, I am objecting to bringing in issues... (Intervention)

HON MINISTER OF ENVIRONMENT AND TOURISM: I have listened very carefully to Honourable Kaura and I agree with you that this is a Namibian Government, it would be good if you can maintain that at all times, but when you try to apportion blame, you tell the people it is a SWAPO Government, but today it is a Namibian Government. Can you maintain that so that you never again say it is a SWAPO Government when you want to blame? Can you be consistent and not selective?

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HON KAURA: When His Excellency President Pohamba was making the State of the Nation Address here and he referred to the SWAPO Party Government, I asked him whether this is the Government of the Republic of Namibia or is it the SWAPO Party Government. I asked that question to His Excellency the President, because I do not accept that and you perpetually continue to refer to the SWAPO Party Government and you must outgrow that. (Intervention)

HON ACTING SPEAKER: Honourable Members, let us conclude this issue rather than having a dialogue on something like this.

HON KAURA: On the basis of that, Honourable Acting Speaker, I have no objection to the appointment of Kampungu, but I want to ask my Colleagues to outgrow this jargon and when it comes to the Office of the President and the Honourable Deputy Prime Minister stands up and refers to somebody who is going to serve the public as “*Comrade*”, that is absolutely unacceptable and wrong. (Intervention)

HON NYAMU: I want to give information. I want to give you fresh information. I spoke to the Deputy Prime Minister during the break and I found out that his written statement refers to “*Mr*” and not to “*Comrade*”. To that extent I feel that it should be very easy for him to stick to the written statement. I have no objection to the appointment of this gentleman, but I object to the use of “*Comrade*”.

HON ACTING SPEAKER: This is the point where the Chair will rule. Honourable Kaura concluded his statement and I now call on the Deputy Prime Minister to reply.

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HON HAUSIKU**

HON DEPUTY PRIME MINISTER: Comrade Acting Speaker, I want to thank all the comrades and Honourable Members who have supported the Motion. However, I want to answer one pertinent question by Honourable Riruako on how many years the commissioners are supposed to serve. By law it is five years, but Article 112(4) mandates the President to re-nominate a commissioner for appointment whom he feels befitting to be re-nominated and reappointed for another five years.

I want to react to the statements by two Honourable Members, namely *Honourable Nyamu and Honourable Kaura*. Go back to the record of the National Assembly, starting from 1990, I have never used the word “*Comrade*” in relation to Honourable Kaura or to any other that I do not consider as a Comrade and I have never in my life called Nyamu a Comrade from the day he has betrayed the trust that I had in him and he must know that. Go back to the records and you will see that I have never addressed the Speaker as Honourable Speaker, I always say Comrade Speaker, Comrade Deputy Chair, but the day when Honourable Kaura sits there, I will never say Comrade Kaura because I do not have trust in you. You cannot defend me to the last, I cannot defend you to the last and I will never call you “*Comrade*”.

Comrade Mushelenga and Honourable Shixwameni have clearly indicated the definition and meaning of comradeship and I tell you, I met Comrade Kampungu when he was very young and I have seen Comrade Kampungu in different capacities and one of the capacities that have boosted my trust in him is that we were all Trade Unionists. We slept together in the bush, mobilising people. *Honourable Ulenga, Honourable Kaiyamo, Honourable Mutorwa, Honourable Ilonga and Honourable Tweya* can testify to that. I will never, just because of pretention, call Comrade Kampungu “*mister*”, simply because there are people who are frustrated and do not want to hear the word “*Comrade*”.

I want to assure you Honourable Nyamu that Kampungu is one of those professionals that will never be frustrated whatever you say and stoop down to the level that you are and I am assuring you that Comrade Kampungu will do his work professionally. All you are being asked is to

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reappoint by resolution Comrade Kampungu. That is all the President is asking you.

I Move, Comrade Acting Speaker, that the Honourable House approves the reappointment of Comrade Kampungu as commissioner for the next five years.

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

**MOTION ON WATER DEBTS OWED TO
NAMWATER BY RURAL HOUSEHOLDS**

SECRETARY: Resumption of Debate on Water Debts owed to NamWater by Rural Households and Communal Farmers.

HON ACTING SPEAKER: When this Assembly adjourned on Wednesday, 20 June 2012, the Question before the Assembly was a Motion by Honourable Tjihiuko, that the Motion be adopted. The Honourable Deputy Minister of Agriculture, Water and Forestry adjourned the Debate on behalf of the Minister and I give him the Floor.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you, Honourable Acting Speaker of our National Assembly, Honourable Members. Thank you for giving me the Floor to provide some information in response to the issues raised by Honourable Tjihiuko

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in his Motion.

Article 40(e) of the Namibian Constitution demands from the Members of the Cabinet, *“to attend meetings of the National Assembly and to be available for the purposes of any queries and Debates pertaining to the legitimacy, wisdom, effectiveness and direction of Government policy.”* In addition, Article 40(a) of the same Constitution empowers the Members of the Cabinet, *“to direct, coordinate and supervise the activities of Ministries and Government Departments, including Parastatal Enterprises.”*

NamWater is a hundred percent State-Owned company. I am the current Cabinet Minister responsible for NamWater. I shall thus respond accordingly to the issues raised by Honourable Tjiuiko without degrading and lowering the Debate and the important subject matter under discussion to a level of cheap and meaningless politicking as Honourable Tjiuiko was insincerely, ambivalently and unconvincingly attempting to do only in one paragraph and that is Paragraph 5 of his motivation statement in which he unconvincingly to himself stated the following: *“We all know that our capacity as Namibians to host, house and feed our people has deteriorated alarmingly under the current Government. There seems to be no vision, nor coordinated and concerted efforts to steer the agricultural sector towards expansion of especially the agri-business to bring about a meaningful improvement in its productivity.”* To this one I would just like to say to my Honourable Colleague, during the Budget Debates the Executive, through the Ministers responsible, come to this House to account to the citizens about the activities in their respective Ministries and we do bring reports here and if the Honourable Member would like to Move a Motion one day to debate what is reflected in this statement and if I am the Minister at that stage, I will be willing to participate in such a Debate.

Coming back to the specific issues raised by Honourable Tjiuiko, let me state the following: To strike a mutually acceptable balance between the availability, provision and supply of clean quality water as a right and as an indispensable life-giving and life-sustaining commodity, on the one hand, and the financing of very expensive water infrastructures,

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equipment and all other essential necessities and requirements, as well as the actual judicious, prudent sustainable utilisation and management of this valuable resource, on the other hand, has never been, is not and will most certainly not be an easy undertaking anywhere. Surely and undoubtedly not in a semi-arid country like ours, the Land of the Brave, Namibia our Motherland, we love thee.

Honourable Acting Speaker, Honourable Members, the Motion under discussion was first introduced and comprehensively motivated by the Honourable Katuutire Kaura, President of the DTA, on the 22nd of October 2003. The Motion of the Honourable Kaura which at that time asked for the abolishment of NamWater was after an extensive Debate in this House voted against democratically by the majority of the National Assembly Members on the 4th of November 2003. Exactly five years thereafter the Secretary-General of the DTA, as a Member of this House, Honourable McHenry Venaani, somebody that we are looking forward to come back to this House maybe as a SWAPO member, reintroduced the same Motion on the 22nd of October 2008. Again the said Motion was comprehensively and seriously debated. Many Honourable Members made valuable contributions. Volume 113 and 114 of the HANSARD, which is the record of the proceedings in this House of 2008 will provide the specific information of the Honourable Members' contribution to the said Debate.

The Minister of Agriculture, Water and Forestry's statement that provided specific factual responses to the allegations and questions raised by the Honourable Venaani and other Honourable Members who participated in that Debate was adequately and competently presented by the Honourable Isak Katali, the then Deputy Minister of the Ministry of Agriculture, Water and Forestry and the current Minister of the Ministry of Mines and Energy. That statement, as presented by Honourable Katali, is to be found in HANSARD, Volumes 113, 114, from pages 178 to 185.

However, let me simply reiterate here, Comrade Acting Speaker, that that statement as a response to that Debate was true and valid then and it is true and valid now and will continue to be true tomorrow and thereafter when and if the same issues and questions are raised.

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It is also important for me to add here that in terms of the law that established NamWater, this particular entity was established to operate on a cost recovery basis. It simply means that the services and commodities so provided must be paid for by consumers and it includes debts that are accumulated. But it is also true that in cases where a client feels that he or she is unfairly treated, then surely such a client must take up the matter directly with the NamWater management or Board and by extension, even the Ministry to find an amicable solution.

During that time when Honourable Venaani Moved the Motion, his request was that the Motion should be referred to the Parliamentary Standing Committee on Economics and Natural Resources and I must refresh our recollection as Honourable Members of this House that that request was not opposed by the Ruling Party. If I may quote myself what I responded as a Minister, I said the following and I quote from the HANSARD: *“If at the end of the day the intention of the Motion is not for cheap political point-scoring, then we cannot ask Parliament to write off the debt, but if the intention of the Mover of the Motion is to refer it to the Parliamentary Standing Committee for inputs from the general public, then we would not have any objection.”* That is exactly how we handled that particular Debate dealing with a very important issue like water in 2008.

Honourable Tjihuiko in his motivation, genuinely so, but maybe not so correctly, quoted from the yet-to-be tabled Report of the Parliamentary Standing Committee on Economics and Natural Resources and when I saw this particular sentence, I must agree with what the Secretary General of the SWAPO Party just said when we dealt with the issue that we have just disposed of, this particular matter was comprehensively concluded in terms of Debate in this House in November 2008. It was referred to the Standing Committee, the Standing Committee got into action and as Honourable Tjihuiko correctly pointed out, they went to the Regions, they consulted many stakeholders, but due to technicalities, maybe of our Standing Rules, that particular very important Report of the Standing Committee was never tabled in this House for us to debate and look at the recommendations to address the issues that are affecting our people on a daily basis. We never did that, but we just got involved in some of the

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issues that are definitely not so relevant to the practical situation and issues affecting our people. We will however find a solution and I will come to that at the end of my statement.

As a line Ministry and part of the Government we remain – and I want to put this with all the emphasis that I can muster – we remain eager to receive a copy of that Report of the Standing Committee on Economics and Natural Resources which dealt with this matter through their consultations, because we believe that the findings and recommendations contained in that Report will greatly enhance and enrich the submission of Ministry of Agriculture, Water and Forestry to the Cabinet with regard to the possibility of the Government of the Republic of Namibia subsidising the provision of water to genuinely poor people in Namibia, because the Cabinet some time back decided and this assignment was given to the line Ministry to investigate measures how the Government could assist in terms of possible subsidisation of the provision of water to our poor people. That assignment we are still busy with and yesterday this particular matter was again discussed by the Government and we undertook that during the course of August the line Ministry needs to submit that particular Report with various scenarios and recommendations so that the Cabinet will be enabled to deliberate and maybe take appropriate decisions. I am talking about the possibility of subsidising the provision of water to the genuinely poor. It is a difficult assignment even to determine who is poor as it is not that straightforward, but at one point or another Government will have to deal with this issue.

After further consultations with Honourable Tjihuiko and I thank him for his forthrightness that we could consult as leaders on how to take this particular Debate forward and these consultations took place in the presence of our eminent Acting Speaker yesterday. We mutually agreed that as elected national leaders we cannot and may not allow any unnecessary and insincere division on the Floor of this House, particularly when we are deciding on an important life-giving and life-sustaining issue like water. Hence, my request and as agreed in our consultations here, is to request the Honourable Tjihuiko to amend his Motion to formally request the Honourable Speaker to procedurally facilitate the process of tabling the Report of the Standing Committee on Economics and Natural

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Resources in this Honourable House, even though at this late hour, as per our Standing Rules and Orders and then thereafter to refer such Report to the line Ministry of Agriculture, Water and Forestry for appropriate consideration as per my earlier explanation in Paragraph 5 of my statement, that is, that we need to benefit from the recommendations and findings of the parliamentarians who were tasked to consult. We need to see what it is that the people said, as Honourable Tjihuiko pointed out in his motivation statement, and then use that, together with the assignment that was given us, so that when we table this particular Report and submission to the Cabinet, that all the views that were obtained by the elected leaders will then be taken into consideration when the final decision will be made by the Executive, which is the Cabinet of the Republic of Namibia.

Honourable Acting Speaker, I so Move and I so submit.

HON ACTING SPEAKER: Thank you very much. In the light of the statement by the Minister, I call upon the Mover, Honourable Tjihuiko, to respond and, hopefully, to find a way forward.

HON TJIHUIKO: Thank you very much, Honourable Acting Speaker. Let me start by thanking the Honourable Minister of Agriculture, Water and Forestry, Honourable John Mutorwa, for the very important statement that he has made. Yes, indeed, the Chamber had an opportunity to discuss this Motion on previous occasions and that shows the importance of this issue of providing water. I am sure that all of us would agree with that and obviously that has been demonstrated through the Debate that has taken place in this Chamber, that all of us were very sincere about provision of essential services to our people. In that respect one would want to thank everybody who has participated and contributed to the Motion. Indeed, I have consulted the Honourable Minister because of the fact that the Motion was not meant to be rejected, it was a sincere Motion and, obviously, we as leaders are expected to try and solve problems

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through consultations. Thank you very much, Honourable Minister.

Honourable Acting Speaker, allow me, first and foremost, to thank all the Honourable Members who participated in this very important Motion and raising issues that concern our poor people. It has become the norm in this Chamber that once a serious and sincere Motion is introduced in this Honourable Chamber, it in most cases unify all the lawmakers across the political divide. I was personally very happy with the manner in which this Motion was discussed.

After consultation with the Honourable Minister of Agriculture, Water and Forestry and the mere fact that I was also informed that Cabinet was equally concerned about this issue and they are also discussing it, I deemed it necessary that the current Motion needs to be amended and I have, therefore, decided to amend the Motion to read as follows:

After a long Debate in this Chamber, I would, therefore, recommend that the Motion be referred to the Parliament Standing Committee on Economics, Natural Resources and Public Administration for them to compile one report, inclusive of all the recommendations by the various Motions tabled in this Honourable Chamber, and to report back to this Chamber by September 2012 and through this Parliament to refer this Motion to the Ministry of Agriculture, Water and Forestry as the responsible Ministry for further action. I so Move, Honourable Acting Speaker.

HON ACTING SPEAKER: Thank you very much. It is very clear that this Motion will now be referred back to the relevant Standing Committee as per the agreement between the Mover, Honourable Tjihiuko, and Honourable John Mutorwa. Therefore, we have disposed of this issue with that understanding. The Secretary will read the Second Order of the Day.

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**CONSIDERATION: REPORT ON FAMILIARISATION
VISIT TO KARAS, HARDAP, CAPRIVI AND KAVANGO
REGIONS**

SECRETARY: Resumption of Consideration of Report on the Familiarisation Visits to Karas, Hardap, Caprivi and Kavango Regions.

HON ACTING SPEAKER: When the Assembly adjourned yesterday, 10 July 2012, the Question before the Assembly was a Motion by Honourable Ncube, that the Report be adopted. The Honourable Minister of Gender Equality and Child Welfare adjourned the Debate and she now has the Floor.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you, Comrade Acting Speaker. First of all, I would like to thank the Chairperson of the Parliamentary Standing Committee on Gender and Family Affairs for her motivation speech with regard to the familiarisation visit to Karas, Hardap, Caprivi and Kavango Regions. Let me also thank the team of Honourable Members for a job well done.

Comrade Acting Speaker, let me now take you through the issues observed by the Committee.

Firstly, the income generating projects or activities and that there are not proper business plans: The Ministry of Gender Equality and Child Welfare has developed a pro forma application form that the project members complete. The simple application form that the applicants complete is an easy way of avoiding going around in search of support by consultants to complete the business plan.

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With regard to the issue raised on the Woman and Child Protection Unit, I would like to say that the Ministry of Gender Equality and Child Welfare, the Ministry of Safety and Security and Ministry of Health and Social Services are involved, but the main culprits could be referred to the Ministry of Safety and Security and the Ministry of Health and Social Services.

On the national documents, the staff members of the Ministry of Gender Equality and Child Welfare and the staff members of the Ministry of Home Affairs and Immigration are working together, but we need to improve. We need to consult in the case of children who have only one parent or none at all so that we make it easier for them to obtain birth certificates.

On the decentralisation of maintenance grants: The Ministry of Gender Equality and Child Welfare has already embarked on a business process, re-engineering the implementation on how to improve the process. The Ministry also has staff in the constituencies who are helping the grant beneficiaries with applications, changes and all enquiries. Recently we were given an award by the Deputy Prime Minister for being one of the best Ministries on implementation.

Early Childhood Centres: The Ministry has just conducted a baseline survey that will give more information on those centres in each Region. The Ministry is busy consulting Regions on ECD registration requirements and subsidy applications. The training of ECD caregivers has been on-going.

Many questions were posed on income generating activities and this Ministry is managing a small Income Generating Activity Fund which is meant to provide money in the form of a grant to support community-based initiatives, with emphasis on income generating activities run and managed by the women and men. The fund is very small in size and is divided amongst the thirteen Regions. Therefore, the money given is based on the poverty profile. However, we are not giving cash, people submit quotations and the Ministry pays the shop owners.

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Despite the fact that the Ministry is responsible for motivating the communities towards self-reliance, it is however not an economic Ministry. This should be borne in mind and, therefore, the Ministry has established a referral system whereby projects are referred to other Ministries or funding agencies for financial support, such as the Ministry of Agriculture, Water and Forestry, the Ministry of Trade and Industry, the National Planning Commission, the Ministry of Regional Government and Housing and the Regional Councils.

There was poor coordination between the Ministry of Gender Equality and Child Welfare and the Ministry of Agriculture, Water and Forestry when these projects were initiated with support from FAO. The Ministry was not fully involved, therefore the Ministry's regional staff might not be aware of this project. Meetings were held between FAO and the Ministry of Agriculture, Water and Forestry where the staff of the Ministry of Gender Equality and Child Welfare played a key role on mobilising the community and training project members on group dynamics and project management.

It was stated earlier that the Income Generating Activity Fund for the Ministry is very small and it cannot cater for all the needs of every project in the country. The Ministry is fully aware that there are many projects competing for financial resources and the Ministry cannot provide for all. The Ministry, therefore, resorted to a referral system.

While the Ministry can play a facilitating role to assess financial or any other assistance for community-based projects, members of these projects are also encouraged to, where possible, approach funding agencies or Ministries instead of waiting for the Ministry of Gender Equality and Child Welfare to provide, but where not possible, the regional staff always stand ready to refer, provide advice and information pertaining to possible funders.

The issue of land and electricity can further be discussed with the relevant line Ministries in coordination with the respective regional and constituency councillors.

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The Ministry takes cognisance of the long time it takes for projects to be approved. Since the Business Process Re-engineering Programme of the Office of the Prime Minister has been initiated, this programme has drastically reduced the long time it used to take for projects to be approved.

As far as the Ministry is concerned, all project proposals recommended for funding first have to be assessed to ascertain their potential to succeed. The Ministry officials visit the project sites and assess before the project is recommended.

The DPR programme mentioned earlier aims at improving the Income Generating Activity Programme by also looking at practical skills, training for project participants, business management skills and assessing the market for their products either at local, regional and international trade fairs.

The Ministry has also initiated the formation of Women In Business Association in all thirteen Regions. You will remember when we were hosting SADC, we had a workshop whereby we trained some of them and issued certificates. This Association will play a crucial role in providing business women with a forum where they will speak with one voice on issues affecting them, exchange ideas, receive training through the Association and even trade among themselves.

The Ministry has looked into the transport issue and the allocation of three thousand kilometres per Region. As you have mentioned in your statement, the Ministerial Implementation Team has looked into the matter and the recommendation will be shared with all Regions and stakeholders.

With regard to registration of Early Childhood Development Centres, there has been no stringent registration requirements. A guideline on how to register ECD Centres is being used, but not so stringent. However, the Ministry is in the process to develop minimum standards for ECD Centres, which are expected to be basic and easy to follow. The standards will lead to proper registration of ECD Centres and those centres that do not meet the standards, will receive assistance from the Ministry until they meet the

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requirements. On Monday I launched those standards in the Hardap Region.

Let me now come to the questions posed yesterday. It was mentioned that the adoption process is very cumbersome, but this was supposed to be referred to the Ministry of Justice as they are the ones dealing with this issue.

Another question was on national documents and this needs to be referred to the Ministry of Home Affairs and Immigration.

With regard to the one-stop centres, these centres may not be visible to some of the Honourable Members, but they do exist in all thirteen Regions.

As to a formula for payment to Early Childhood Development Centres, these centres were given to communities and they were paying in kind. I do not know how one can come up with a formula if one is giving a chicken, one is giving mahangu and the other is giving money. We are busy registering all these centres so that they qualify and most of them are community-run, not private, although we will assist the private centres once they are registered. Therefore, it would be difficult to determine school fees because some of them are still paying in kind.

As to the withdrawal of cases, I think a directive was given to the Magistrates in the Regions. Therefore, anybody who does not comply with the directives should be dealt with by the Ministry of Justice. (Intervention)

HON SWARTZ: On a Point of Information on the issue of identification documents. The two Ministries have to communicate with each other so that the staff on the ground know how to manage that issue. For example, in the north, the north-east and north-west the people will walk from one office to the other office. The Ministry of Gender Equality and Child Welfare and the Ministry of Home Affairs and Immigration have to

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communicate and information has to be given to the people on the ground.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Can I repeat what I said? (Intervention)

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:
Comrade Acting Chair, on a Point of Information on the coordination between the Ministry of Home Affairs and Immigration and line Ministries such as Health and Gender. Last year we had a meeting in Otjiwarongo and invited all the staff members on the ground from the Ministry of Gender Equality and Child Welfare, the Ministry of Health and Social Services and Non-Governmental Organisations to discuss the matter so that we can work together on the issuance of identity documents during the registration of orphans. I think there is coordination.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: I will repeat what I said. (Intervention)

HON RIRUAKO: Honourable Acting Speaker, it is not her report, it is the Committee's Report and participants must also be allowed to add to what is being said.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Comrade Acting Speaker, the staff members of the Ministry of Gender Equality and Child Welfare are working together with the Ministry of Home Affairs and Immigration with regard to national documents. Is that not communication? How does one coordinate?

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(Intervention)

HON ACTING SPEAKER: With due respect, the compilers of this Report are not expressing their individual views, they are reporting on findings, information given to them. What we need to do is to take note of that. Maybe these are people who are not well-informed, but I think we should not tamper with that, but rather find a way to make sure that there is better clarity on these kinds of issues in terms of communication.
(Intervention)

HON LIMBO: Honourable Acting Speaker, I just want to help the Colleague. What we found on the ground is that the staff of the Ministry of Gender Equality and Child Welfare are somehow blaming the Ministry of Home Affairs and Immigration, because what is happening is that if I take the children to be registered, the Ministry of Home Affairs and Immigration will tell me that I cannot register the child because it is my grandchild or I am the guardian to this child. They will tell me to bring the father or the mother of the child and that is where the problem lies. What we have also discovered is that if a single mother wants to register her child, she will be told that the child cannot be registered unless the father is present.

HON ACTING SPEAKER: Thank you for that explanation. I think we may not actually resolve all these issues and what we can do in fairness is to take note and work on that basis. I am sure we can improve on some of those challenges.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: We are communicating with the Ministry of Home Affairs

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and Immigration and I even wrote them a letter.

HON ACTING SPEAKER: With due respect, Honourable Member, the issue is not that you are not communicating, we are dealing with people on the ground who might have difficulties in communicating by themselves. The issue is not at your level. We fully understand that there is communication between the two Ministries, but we cannot ignore the fact that there might be some loopholes on the ground at the staff level and that is what has been picked up in the Report. Do therefore not take it personally. Please continue.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Comrade Acting Speaker, I am still insisting that we are communicating. (Intervention)

HON ACTING SPEAKER: No, I am not challenging that.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Then in conclusion, Comrade Acting Speaker, laws passed in Parliament are not known by the public. Comrades, when we are here, we are all lawmakers. The Ministries can take the laws and explain them to the people. Even the Committees have that right to take the laws and explain them to the people. It is the responsibility of all of us.

In conclusion, the Ministry concurs with the recommendation made by the Committee and it will implore staff members to implement the recommendations. Let me once again thank the Committee for the good work and the Ministry of Gender Equality and Child Welfare, both at national and regional levels, will always work together with the

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Committee in future. Thank you.

HON ACTING SPEAKER: Thank you very much. Honourable Kazenambo.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you very much, Honourable Acting Speaker. Let me prelude my contribution to the findings of the Committee by seeking clarity or perhaps making a suggestion, that somewhere, somehow our Parliament, which is the Legislature, and the Executive which is composed of Ministers who happen to be Members of Parliament, need to develop a mechanism where the findings of the Parliamentary Committees could be deliberated in a manner that is conducive to both parties. I have been here for seven years and I am about to exit Parliament, my years are coming to an end. (Interjection) Yes, you can take it as an announcement, but I have been in politics for more than 30 years. I entered politics when I was young, but that is not the issue. (Interjection)

HON MEMBER: You want to become president.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I am not interested in presidents.

HON ACTING SPEAKER: Can I plead, our time is almost up and I want to ask the House whether we can continue for ten minutes to dispose of this item.

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HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: What I was suggesting, Honourable Acting Speaker, with due respect, for the past seven years that I have been in this House, I have listened to progressive reports, findings by members of the committee, an institution that is formally established, composed of members of different Parties, including the Ruling Party, but when they come here, we indulge in what I have observed to be an exercise defensive offensive. I do not think that is healthy to all of us. I do not think that it is healthy for governance and law-making.

This is my observation and I am appealing to all parties, that we have senior leaders who have been here for so long, lawyers, economists and Whips, that we try to emulate what other Parliaments do. What is next after this Report? Are we at each other's throats here, defensive offensive and then it ends there? Does it resolve the issues raised on the ground or not by engaging here? This is the question-mark that I am putting to both progressive and reactionary Members of this House – and maybe I am in the category of those who are reactionary and the reactionary Member of this House is putting this question.

HON TJIHUIKO: Honourable Acting Chairperson, may I ask the Honourable Minister a question?

HON ACTING SPEAKER: Can I just express an opinion? It is within our own hands as Members of this august House to work consistently in the interest of our people. This Report tries to capture life on the ground and it should not present such a difficult thing for us, even to start being at each other's throats. I would like to appeal to you and ask for your concurrence to continue for the next ten minutes to dispose of this Report. Honourable Kazenambo, please, let us not express ourselves in a manner that will simply make us to try and get at each other. Be as polite as possible, it does not cost anything and I think we are doing a disservice to the Report by provoking each other now. I do not think that is what is

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needed at this late hour. I ask you to conclude and I have two or three Members to follow and then we call it a day.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Comrade Acting Speaker, I have to defend myself because we defend ourselves here. I have never provoked anybody, I have never mentioned anybody's name, I have used the usual culture of this Parliament since I came here. People categorise each other as reactionary and progressive. If you pronounce yourself on an issue, an issue is not addressed, you are branded a name that either you are reactionary or you are progressive. Some people pull their faces when you are talking as if you are a criminal. I have observed it here.

To conclude, as you want me to conclude, I am concluding with the question that after this Report was heard here, what mechanism does our Parliament have to address the issues that were raised on the ground, without a specific Member taking a defensive or offensive approach, and I am not pointing to anybody, but this has been my observation for the past seven years which SWAPO and the people of Namibia have given me to be in this House, and I am about to get out. Even where I am going to live, if I were to be asked even by my child one day, that, *"Daddy, when you were in Parliament, there were Reports from Committees of Parliament that were submitted there, but what were the results and outcomes from those Reports?"* I will not have an answer.

HON ACTING SPEAKER: Bear with me, I am not accusing at all. I respect your views when you express them forcefully, but I just want to make progress, not have a Debate. Honourable Kaura.

HON KAURA: Honourable Acting Speaker, I would like to request Honourable Ngatjizeko and Honourable Minister Nghidinwa just to look

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at Page 7 and to tell me what do they think about it, especially on orphans and vulnerable children. It reads: *“The Committee was informed that due to the HIV/AIDS pandemic, the number of orphans and vulnerable children is increasing. When parents die or become incapable of taking care of their children, the grandparents are taking the responsibility of these children in most cases.”*

The next paragraph deals with the non-registration of these orphans and it is a big problem and I hope Honourable Minister Nghidinwa will look at this issue of the non-registration of orphaned children. I do not want to go into that.

The last paragraph reads: *“Income-generating activities: It was observed that poverty among rural communities is very high and that the vast majority of the population derive their only source of income from the Government pension and social grants. It was widely reported that pensioners could no longer cope with their pension grants as they are taking care of family members and the needs of these orphans and vulnerable children who are unregistered.”* They are taking care of these orphans and vulnerable children that are unregistered, they are taken care of by pensioners.

I want to leave this at the doorsteps of the two Ministers and I want them to take cognisance of this and Honourable Ngatjizeko, there is no increase on the grants that are given to vulnerable children and orphans in the Budget, only the N\$50 for old-age pensioners that are taking care of these people. I just want him to take cognisance of that. Thank you very much.

HON ACTING SPEAKER: Thank you very much. Honourable Ulenga.

HON ULENGA: Thank you, Honourable Acting Speaker. Initially I was not going to speak on this Report because it is our Report, but I just want

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to point out two things, the first one being the issue raised by Honourable Kazenambo a few minutes ago with regard to the way forward with these kinds of Reports.

Clearly, Colleagues, all of us together must ensure that these kinds of matters are always brought to a logical conclusion. When the Committee brings issues here, there are clear recommendations to specific instances, generally Ministries, and the idea is that these recommendations, once passed by the House, are taken up by the responsible instances and, of course, the Committees will not let go of these issues because the Reports are based on Government policy. It is one thing to pass Government policy here, it is another thing to have it work on the ground. Therefore, what we as Committees normally do is to see what we have agreed with the Cabinet here in Parliament is actually really working on the ground and if you find instances where it, for whatever reason, is not working... (Intervention)

HON MINISTER OF ENVIRONMENT AND TOURISM: On a Point of Order. There is a wrong impression created, Honourable Acting Speaker. I really do not want a wrong impression to be created that the Government does not take the work of the Committees seriously. This Parliament will remember that there was a very serious Report with serious financial implications by a Parliamentary Committee in relation to the status of our Defence Force and that Report was presented here, adopted and referred to the Government. The following years the Minister of Finance has been budgeting based on that Report in order to improve, although we as parliamentarians even started asking why the Government is allocating big Budgets to Defence, forgetting that it is us who instructed Government to improve the infrastructure of Defence. Therefore, the Government does act on Reports from the Committees.

HON ULENGA: I thank the Minister, we are actually together, but the previous speaker was asking what the way forward is and I just repeated

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that when the Reports are passed here, they are referred as recommendations to the relevant instances. That is what happened in the past also.

Comrade Acting Speaker, this specific issue of one-stop centres is an issue that we need to make sure that we understand it in the same way. I am sure there are those of us on both sides who remember what they saw in Rwanda where a proper example of these one-stop centres is available.

You will remember that we had a situation where this cluster of buildings house those people who are looking for shelter, getting raped or being abused by their partners and at the same place you also have rape kits.

These people do not have to come to the shelter and then walk a kilometre to go to a Police Station or a doctor. Everything is housed at the same place. This is not in criticism of ourselves here, because everything that happens outside there comes here and we pass the laws here, but I think we are still lagging behind as a Nation with regard to the development of these one-stop centres. The Minister may be right to say they are there, but perhaps they are so microcosmic that they are not yet visible.

I just want to say that we have to build on this issue of one-stop centres, so that in the end we really reach what is the aim and objective of Government in the first place, because it is part of Government policy. I thank you.

HON ACTING SPEAKER: Thank you. Does Honourable Ncube wish to reply?

HON MANOMBE-NCUBE: Thank you very much, Honourable Acting Speaker. First of all, I would just like to thank everybody who has contributed to this Report and their support. Many issues have been raised which need to be looked into. We have presented them and now we only

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wait for the endorsement of these issues and make sure that they are assigned for implementation.

Gender issues are really sensitive and we have proven cases to be seriously considered. The Report we have tabled scrutinised issues and I urge all Honourable Members to take it very seriously and to make it a point that we take our hands to protect women and children at home and in their communities. Many of our children and women are victims of attacks every day, being battered and even murdered by those who are supposed to enforce the laws and protect them. Some of these cases go unreported and perpetrators go scot-free. You have all exhibited enthusiastic concern during the sessions and as a team we are counting on you that these matters and cases will be booked as history.

It is also our duty to make sure that these cases are thoroughly investigated and fairly dealt with. Awareness campaigns should be held to raise awareness among both adults and children, male and female, to see to it that ignorance is not an excuse. We are all entitled to our rights and no-one is superior to the other. These rights are for all of us, whether man, woman or child.

Let us see to it, Honourable Members, that there is no more woman and child abuse, full support to orphans and vulnerable children, full support to women and youth in business, full support to our elderly and full support to educational empowerment of our men so that they know that women and children are equally important in the society.

Honourable Acting Speaker, I just wanted to highlight the fact that whenever we are going to the Regions, the communities are always asking us to report on what we have discussed in Parliament. They are expecting us to report back on what steps have been taken with regard to their issues and problems. They are always accusing us of returning to hear their problems but never giving them a solution.

Finally, I want all the Members to understand that we are not targeting specific persons in all these issues that we are raising, but as lawmakers we are trying to improve the situation on the ground and save our

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Government from all the finger-pointing on issues that can be solved. We are only trying to improve the situation that is facing all of us. We are also coming from communities and we also face these problems. We all admit that women and children are experiencing these atrocities and we have to do something to resolve the matter. There are, however, men who have been outstandingly working in support of these matters and I would like to single out some Honourable Members of this House who belong to the Gender Committee, such as Honourable Ueitele, Honourable Kapia, Honourable Ulenga, Honourable Shixwameni, Honourable Lucks. I really have to congratulate these men because they are progressive and they are very helpful. They have made visible efforts in supporting the recognition of these rights and we urge other men to do the same.

I ask for one united Namibia for a strong economy and I thank you very much, Honourable Acting Speaker.

HON ACTING SPEAKER: Thank you very much. I now put the Question, that the Report be adopted. Any objection? Agreed to. The House stands adjourned until tomorrow, 14:30.

HOUSE ADJOURNS AT 18:07 UNTIL 2012.07.12 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
12 JULY 2012**

The Assembly met pursuant to the adjournment.

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

REMARKS BY ACTING SPEAKER

HON ACTING SPEAKER: Honourable Members, one or two things to reflect upon by way of sharing with you:

On a sad note, last weekend the people around the world had cold shivers run down their spines as they witnessed the gunning down of a 22-years old woman by the Taliban in the province near Kabul in Afghanistan, having accused her of a ridiculous crime under flimsy excuses. This is a despicable act; it really demonstrates the dangers of extremism in the world and explains further why we should jealously guard our hard-won Independence, peace and stability that we enjoy in this part of Africa.

On a positive note, soon our gallant Namibian men and women will be participating in the forthcoming Olympic Games in the United Kingdom. I am sure the entire House wishes our team all the best.

Likewise, we stand squarely behind the Honourable Kazenambo Kazenambo as we wish him and his entire team a safe travel to and from the Games and the best of luck at the Games. The Nation will stand with the team as they tussle it out and as they keep the Namibian flag flying high in the United Kingdom. Thank you.

HON ACTING SPEAKER: Any Petitions? Any Reports of Standing or

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**ORAL QUESTIONS
HON ULENGA**

Select Committees? Other Reports and Papers? Notice of Questions?
Honourable Ulenga.

ORAL QUESTION

HON ULENGA: Honourable Acting Speaker, I have an Oral Question to the Minister of Regional and Local Government, Housing and Rural Development, Comrade Jerry Ekandjo, concerning the apparently difficult situation regarding the people who have been camping in front of the Municipality of Bethanie for several months now, braving the cold weather and so forth.

Honourable Minister, can you please brief the House on the current situation with the demonstrators who are camping in protest against some wrong procedures which apparently have been followed in the appointment of some officials in Bethanie. Have these people been charged and which law did they breach?

RESPONSE TO ORAL QUESTION

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you, Honourable Acting Speaker. Let me respond as follows:

Bethanië Village Council is Opposition controlled and the chairperson is from the RDP. Now the Opposition-controlled Council has extended the five-year term of office of a Councillor with another five years. It was recommended to the Minister that the person is doing good work and I had to extend because it was a request from the Council. Now the community

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**RESPONSE TO ORAL QUESTIONS
HON EKANDJO**

are demonstrating that the Council must be removed. Those Councillors are not appointed by the Ministry. The community should rather direct letters to the respective Parties to withdraw their Councillors. It is not within the power of the Minister to withdraw a Councillor if there is no charge against that Councillor. They are saying these people must go, we never elected them and the Minister cannot withdraw a Councillor.

If they addressed a letter to SWAPO on a SWAPO Councillor and SWAPO is satisfied with the allegations, then SWAPO can withdraw that Councillor, but it is Opposition controlled and I cannot withdraw a UDF or RDP councillor.

Secondly, if a Civil Servant is appointed to a position for a period of five years, I do not think any Minister can withdraw that person because the community is complaining, unless the community lays a charge against that person and a disciplinary hearing is conducted where the person is found guilty. Only then can the person be withdrawn. This has been coming since September last year that they want the Minister to remove the CEO and I cannot. The person has been appointed by the Council and he is an employee of the Council. The Councillors should direct their concerns to the Parties, not to the Minister. I cannot intervene and withdraw the person. Let them direct their grievances to the various Political Parties.

I am also told that the SWAPO Councillors are among the demonstrators, which is wrong. They are divided, two SWAPO Councillors are with the demonstrators and one is with the Council, but that is not an issue for the Ministry, that is for the various Political Parties to handle. Tell the community there to follow that procedure, the Government cannot interfere. Thank you.

HON ULENGA: Honourable Acting Speaker, I thank the Minister for his response, but seeing that you are the Minister of the concerned Ministry and it looks like these people have been addressing their pleas to you as Minister, why have you not been able to say what you have just

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**ORAL QUESTIONS
HON SHIXWAMENI**

said now to the people? What I understand is that the people wanted to hear the Minister's position and they have invited you to come and address them. Why could you not just go to them and say this issue should be addressed with the various Political Parties?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I will never respond if you invite me through the press. Secondly, if you go to the press and say the Minister must do this and that and later on you send a letter, I will never respond. If you are serious, address a letter to me and leave the press out of the matter, then we can negotiate, but not through the press.

HON ACTING SPEAKER: Honourable Shixwameni.

ORAL QUESTION

HON SHIXWAMENI: I would like to ask an Oral Question to the Minister of Safety and Security. Not long ago we debated the issue of alcohol abuse in this Chamber, but for the past three weeks running we have had a situation of the Police closing down illegal shebeens and the Minister and the Governor of the Khomas Region negotiating with the shebeen owners, to the extent that the situation has arisen where the Police are being shouted at, "*down Commissioner Shilongo, down Ndeitunga and Viva Mbumba!*" Given the fact that our top Police Officers are now being humiliated on the streets, I would like the Minister to clarify what is the position of the top politicians in the country. Are they backing the tough stand taken by Commissioner Shilongo and Inspector General Sebastian Ndeitunga to continue closing down illegal shebeens or what is the position of the Ministry of Safety and Security, so that the Nation out

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**RESPONSE TO ORAL QUESTIONS
HON MBUMBA**

there can be clear whether it is the Police who is stating that they are going to continue closing down illegal shebeens or whether it is the position of the Minister of Safety and Security that illegal shebeens can still continue in the meantime.

RESPONSE TO ORAL QUESTION

HON MINISTER OF SAFETY AND SECURITY: Comrade Acting Speaker, Question 22 by Honourable Peter Naholo deals exactly with the same issue and I would rather prefer to lump them together in my answer.

ORAL QUESTION

HON MOONGO: Honourable Acting Speaker, I would like to ask an Oral Question to the Minister of Agriculture, Water and Forestry. Since Independence the big canal came up to Omutsegwonime and there it stopped. People are still digging holes after 20 years and I want to know when the Ministry is going to provide them with pipes to connect to the Casablanca pipeline.

RESPONSE TO ORAL QUESTION

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you very much, Comrade Acting Speaker. Yesterday we dealt with the very important subject matter of water through the Motion of Honourable Tjihuiko. Our Rules regarding questions in the Standing

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**RESPONSE TO ORAL QUESTIONS
HON MUTORWA**

Rules and Orders that have guided us so far are very clear and I do not think it would do us well to dilute the importance of questions by the Opposition and the answers from the Ministers by just rising and asking questions as the Honourable Moongo has done. It is a very important question that he has raised and he is asking when that lifeline that provides water to the people will be extended.

With all due respect, I am not the type of person who will play with the emotions of people outside by the information that I give and then not do justice to those expectations. Therefore, I am not answering the question, but I would like to invite Honourable Moongo to pose that very same question in written form or by way of a Motion and I will undertake to properly consult with the experts in the Water Department who are dealing with this issue and provide factual, not speculative, information in this House that people can quote and rely on. That would be my response, Comrade Acting Speaker.

HON ACTING SPEAKER: Thank you very much. Notice of Motions? Ministerial Statements? Question No. 3 was posed by Honourable Von Wietersheim. Does the Honourable Member put the Question to the Honourable Minister?

RESPONSE TO QUESTIONS

QUESTION 3:

HON VON WIETERSHEIM: I put the Question.

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HON EKANDJO

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:**

Thank you, Comrade Acting Speaker, Honourable Members. I want clarity regarding this very long question. Honourable Von Wietersheim, can you just clarify what you think the price of land should be per square metre? The Honourable Member is complaining about the price of land, but who determines the price of land?

As I have mentioned, we are amending the Local Authorities Act so that in future foreign nationals will lease land in urban areas for 50 years, renewable, and Namibian nationals will have an option to either lease or buy land and we are going to make it as cheap as possible for people to be able to afford. Even N\$30,000 is too expensive for that piece of land because nobody can say he or she manufactured that piece of land.

The Honourable Member said the valuation of the piece of land is N\$1,9 million. Where did the Council buy that land for N\$1,9 million if they now want to sell it for that price? One can ask why God created people on earth if we are to buy land, because today you even have to buy a piece of land just to bury a person. What is going to happen to the poor people who cannot afford to be buried? Are they going to be burned or thrown away in the river? What will they do with the corpse?

That is why this N\$30,000 is appropriate because people fought for land and we are not supposed to buy a piece of land. That is my answer.

I received a petition from the Swakopmund Ratepayers Association. The people who fought for land never complained, but those people who wanted to maintain colonialism and who own farms in Namibia are the ones complaining. They do not ask their grandfathers how they acquired the farms, but they complain when SWAPO or any Namibian buys land.

There was a time when I was briefly the Minister of Lands and late Honourable Pandeni and I went with the President to Germany. There at the reception we were asked, "*what about our farms?*" That time there were three farms which we wanted to expropriate here and they were saying, "*we understand you are expropriating our farms.*" Is there an

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HON EKANDJO

African owning land in Germany?

That is why I filed the letters of those people who complained to me, I never responded, because they were saying it must be N\$1,9 million, why N\$30,000? Where were they when we struggled to liberate this country? We liberated the country and now suddenly they come and complain. If a Namibian says a farm in the Otjiwarongo area belonged to his grandfather and his grave is there, then they say it is not democracy.

Therefore, the answer is that the Local Authority has the mandate to determine the price and the people of Swakopmund has put SWAPO in power in the Local Authority. They have the executive mandate from the people of Swakopmund to run the affairs of Swakopmund and that is my answer. Thank you.

HON ACTING SPEAKER: Thank you very much.

HON VON WIETERSHEIM: Honourable Acting Speaker, is the Minister of Regional and Local Government, Housing and Rural Development serious when telling us that the Town Council of Swakopmund is justifiably breaking the existing laws and regulations? I explained everything in the question to make it easier for the Minister and not to fall back on political questions to me, but to be able to judge what is happening there. Is the Minister serious in saying that the Town Council should ignore their own regulations, their own legislation and sell a piece of land to SWAPO because they are SWAPO, against all existing regulations? He may come any day or any year and bring new regulations and new legislation, which I can accept, but at the moment that is not the case. Therefore, I am really asking myself, is the Minister this time serious in what he is saying in this august House? Thank you.

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**RESPONSE TO QUESTIONS BY HON KAURA
HON EKANDJO**

HON ACTING SPEAKER: Question 4 was by Honourable Kaura. Does the Honourable Member put the Question?

QUESTION 4:

HON KAURA: I put the Question.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you, Comrade Acting Speaker. Honourable Kaura enquired about as to when the toilet project at Block E in Rehoboth is going to be completed and about accountability of N\$600,000 by persons who participated in the incomplete toilet project.

It is commonly known that one of the strategic themes of the Ministry of Regional and Local Government, Housing and Rural Development is “*Sustainable Habitat for All*”. Under this strategic theme the Ministry is obliged to ensure development in rural and urban areas. The project in Block E was a sanitation one, geared towards providing toilets to individual households in various parts of Rehoboth.

The first phase of providing underground sewerage lines and sanitation for the entire target area was successfully completed at a cost of N\$14 million, with new pump stations erected in Block E and G. The second phase was to build 440 toilets, for which N\$6.9 million was provided.

Three hundred and sixty toilets have been completed and eighty toilets remain still to be built. The total amount of N\$1.7 million was previously withdrawn by Council in March 2009 and May 2010. This money, we have been made to understand, was used for administration purposes within the Council before the project started in August 2010.

The second phase of project, namely the toilet project, was thus rendered

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**RESPONSE TO QUESTION BY HON MOONGO
HON NGATJIZEKO**

incomplete because of the cash-flow shortages. Only N\$21 million of the earmarked N\$42 million were availed. The Ministry of Regional and Local Government, Housing and Rural Development would like to see the sanitation projects coming to completion. This will eventually be realised progressively as funds become available. The amount unaccounted for is not N\$600,000 as mentioned by Honourable Kaura, but the abovementioned fund is N\$1,735,536.34, made up of N\$1,258,980.80 meant for construction of 80 toilets and another N\$476,447.54 earmarked as retention money for Phase 1, which phase entails the installation of bulk services, such as water and sewerage reticulation.

Here I wish to point out that this Phase 1 has been completed. Investigation into the accountability of N\$1,735,356.34 continues and the result will be made known. I thank you.

HON KAURA: I thank you the Honourable Minister for the comprehensive answer.

HON ACTING SPEAKER: Question 9 was put by Honourable Moongo to the Minister of Labour and Social Welfare. Does the Honourable Member put the Question?

QUESTION 9:

HON MOONGO: I put the Question.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you very much, Honourable Acting Speaker. Honourable Moongo wanted to know the following from the Minister of Labour:

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HON NGATJIZEKO**

“I would like to find out from the Minister of Labour as to whether it is true that the minimum wage of domestic workers is estimated to be N\$1,200 per month and whether the Minister is aware that the Government cleaners who are the lowest paid employees in the Government are paid N\$2,000 per month. For instance, if an employer has two domestic workers, one is a housekeeper, the other one is cattle post and he/she is supposed to pay the two workers N\$1,200 each per month while his or her own salary is only N\$2,000, practically and economically we subject the employer to an unaffordable situation. What remedy can the Minister propose to solve the problem and the best option is for the Government to subsidise the poor and underpaid employers.”

I have a very short answer to that, Honourable Moongo. I just want to inform the Honourable Member that this Minister has not yet set a minimum wage for domestic workers. I think that one might clarify all the many other things that you have said in your question. The Ministry has only recently established the Wages Commission and has appointed tri-partite commissioners and administrative staff. The current status is that the Commission is preparing to go out on a mission and in fact, they have already done so to effect broader consultation with the public on the said issue. The Minister and the Ministry would only be in a position to advise this august House and the public at large on a possible minimum wage set once inputs from the public were solicited and all the stakeholders have been consulted.

I thank you for the interest that you have shown.

HON ACTING SPEAKER: Question 10 is by Honourable Moongo addressed to the Minister of Labour and Social Welfare. Does the Honourable Member put the question?

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**RESPONSE TO QUESTION BY HON MOONGO
HON NGATJIZEKO**

QUESTION 10:

HON MOONGO: I put the Question.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you very much, Honourable Acting Speaker. May I enlighten the Honourable Member and the august House that the security personnel of the Namibia Protection Services receive their salaries on a regular basis. Included in their monthly salary is a subsistence and travelling allowance. As far as the Ministry is concerned, this is an arrangement between the company, which is Epupa Investment Technology, and the Namibia Protection Services, whereby the allowances are included in the salary of the personnel as they are in the field for the full month. The company does not pay any overtime at this point as they try to avoid to work afterhours since they are a relatively new establishment whose financial basis is very fragile.

However, in the event that a staff member does work afterhours, the company pays back hours work by giving the staff member hours off, in which instances it could range between three to seven days, depending on when they stopped the payment in any given month.

For the same reason advanced above, the company has not introduced a pension and medical benefit yet, but the company is in the process of working towards introducing these benefits.

The Honourable Member referred to dangerous and unprotected Regions, which raises a big concern with me as it borders on the mandate of the Ministry of Defence and the Ministry of Safety and Security. In this respect, my two Colleagues from the two Ministries are also present in the House and they could assist me in reassuring Honourable Moongo that Namibia is a relatively safe and peaceful country.

Finally, the reason why we engage security companies in this programme is to protect the moneys of the old-aged people as it is also an insurance

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HON BEUKES**

requirement. May I also assure the Honourable Member that to date no money was lost due to any form of heist or organised crime. I thank you very much.

HON ACTING SPEAKER: Question 16 was put by Honourable Kaura to the Minister of Regional and Local Government, Housing and Rural Development, does Honourable Kaura put the Question?

QUESTION 16:

HON KAURA: I put the Question.

**HON DEPUTY MINISTER OF REGIONAL AND LOCAL
GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:**

Thank you, Honourable Acting Speaker, Honourable Members. On the question posed by Honourable Kaura regarding the completion of the Opuwo Constituency Office, the answers are as follows:

As it is the case with the construction of the constituency offices, the first order of business is the work of the quantity surveyor who measured the work to be carried out and the outstanding work, whereafter he compiled a bill of quantities. This is followed by the appointment of the contractor. The first contractor was appointed through the Regional Tender Board, but failed to deliver and consequently was removed off site. A new bill of quantities was forwarded to the Regional Council for advertisement to identify a contractor who would finalise the remaining work. The Regional Tender Board only notified the consultant to appoint a new contractor, being Jonas Eibeb Building Renovations and Electrical Repairs on the 19th of June 2012 to carry out the work for the amount of N\$450,000. The consultant has as a matter of fact instructed the contractor to commence with work. The site handover has already taken

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HON DR KAMWI

place on the 25th of June 2012 and the project is expected to be completed by the end of September 2012. I thank you.

HON KAURA: I thank the Honourable Deputy Minister. I wish Honourable Muharukua was here because she kicked up a lot of dust when I asked that question.

HON ACTING SPEAKER: Question 20 was put by Honourable Von Wietersheim to the Minister of Health and Social Services. Does the Honourable Member put the Question?

QUESTION 20:

HON VON WIETERSHEIM: I put the Question.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you very much indeed, Honourable Acting Speaker, for giving me the Floor.

Honourable Acting Speaker, Honourable Members, first of all, permit me to thank Honourable Von Wietersheim for the questions put to me primarily for the information of the general public.

The Honourable Member has the right to ask questions, however his oversight function should not be abused to the extent of personalising issues. He tabled a Motion related to the same question that he has put to me. Clearly he has a mission only known to him. However, I will respond to his questions, hoping that will be the end of his Motion. I will combine Questions 1, 2 and 3.

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HON DR KAMWI**

I want to say to the Honourable Member that please, *do not teach your grandmother and grandfather how to suck eggs*. You do not need to lecture me about the responsibility of the Ministry that I am entrusted to. I had the rare honour to have been appointed by His Excellency President Hifikepunye Pohamba to this most complex and challenging Ministry in confidence, no doubt about it, and reappointed me together with the Honourable Deputy Minister in confidence, having satisfied himself. I guess that I was the right man for the job.

I also want the Honourable Member to know that I was not wheel-chaired in this position. I hold various credentials, including a National Diploma in Public Health, a Masters Degree in Science in Applied Paracitology and Medical Entomology and a Ph.D. This is to say I am suitably qualified to run the Ministry, given sufficient resources both financially and availability of key health professionals on the ground.

You talk of implementation, monitoring and that is why I am saying you do not need to lecture me. In Public Health it is indicators that speak loud. They determine whether you are on course with the programmes. In our situation priority programmes are HIV/AIDS, TB, malaria, maternal and child health and incommunicable diseases, which have been the major killers in this country according to the health information system to date.

It is equally important to note for your information that in terms of the eight Millennium Development Goals, the health sector is accountable to three goals, namely Goals 4, 5 and 6, that is, reduction of maternal and neo-natal deaths by three-quarters and two-thirds, respectively, and reduction of deaths related to HIV/AIDS, TB and Malaria. Perhaps the question that you need to have asked me is where we stand with these targets; are we on course, is AIDS which was killing thousands before my term of office as Minister of Health and Social Services still the same to date? The answer is no, unless one wants to argue something that does not exist. Deaths due to AIDS in this country has significantly declined.

According to the WHO, member states are expected to bring TB cure rate to 85%, with the latest target now standing at 90%. Where do we stand as a Nation and the Ministry of Health and Social Services spearheading this

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HON DR KAMWI**

programme? We are now at about 85%, meaning we are meeting the targets.

Malaria: I have repeatedly informed this Chamber and the Nation at large that malaria has been killing Namibians in their thousands. At Independence it stood at 7,000 on an annual basis, but we have reversed that trend to an elimination phase. For example, as of last year, nine Namibians died due to malaria as compared to the six to seven thousand lives who died on an annual basis before Independence and at Independence.

Maternal and child mortality: I cannot agree more with the data which you cited, obviously from the Demographic Health Survey carried out by the Ministry. The question that you need to ask yourself, that you would have asked me perhaps, Honourable Member, is whether the highest maternal mortality rate which stood at 449 per hundred thousand has gone above this rate since I took over as Minister or is it declining. Where do we stand?

The information that I can give you in this regard, which you stubbornly do not want to hear, is that the official estimates from the World Bank, WHO, UNICEF, UNAIDS stands at 180 per hundred thousand. Regarding maternal and child mortality, I stated in this Chamber that I am in possession of 2012 Status Report on Maternal New-born and Child Health produced by the African Union, which will be presented to the Heads of State and Government during the upcoming Summit and not by Kamwi and team. I invite the Honourable Member to log onto the website, www.africa-union.org. For easy reference, check Page 20 of that Report. The last paragraph on that page reads:

“Mauritius has the lowest maternal mortality rate in the SADC Region and stands at 36 deaths per hundred thousand live births as well as in Africa (excluding North Africa). None of the countries in the SADC Region is considered on track to achieving MDG. However, Mauritius is clearly making very good progress. It is followed by Namibia with a maternal death rate of 180 per hundred thousand live births and Botswana with a rate of 190.”

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HON DR KAMWI**

If my pronouncement of the above gave you some answers, I advise you to check notes with the World Bank, the UN Agency, as I mentioned above and, indeed, with the AU as an authority on this Report I simply quoted and that is what scientists do. By the way, in science you argue based on scientific results, documented by experts, not arguing out of the blue. I do not need to be lectured that “*recent maternal and child mortalities are a wake-up call, just as the deaths were irresponsible and could have been prevented.*” It is indeed a wake-up call to those of you who are ignorant of the situation on the ground and not to me and my team. I want to say we are hard at work, responding to the national call of duty.

I would like the Honourable Member to know that I was the first person to say it in public that what occurred in Katutura Maternity Ward on that fateful day bordered on negligence. I said it publicly. Indeed, I summoned the Acting Superintendent and the Matron responsible for Katutura Maternity Ward and demanded a detailed report. Accordingly, the matter was referred to the Health Professionals Council of Namibia that is an independent body dealing with matters of this nature. Let us not use this Chamber as a kangaroo court to try Kamwi, especially when my team and I are working to address health challenges in this country.

We recognise that we are dealing with lives, but at the same time the needs are overwhelming while resources are very limited. I wonder whether the Honourable Member is aware of that. I also want the Honourable Member to note that while you do not recognise my contribution, there are people in this country, including the international community who are aware that there is quality leadership in the SWAPO-Party Government. You have never made any contribution to the betterment of the health system other than making a hullabaloo in this Chamber.

Honourable Acting Speaker, on Question 4, again this question demonstrates how ignorant the Honourable Member is in terms of Public Health. We cannot discuss a matter of a mother who lost her new-born baby in public, let alone mention her name. That is unethical in terms of Public Health. Where is her file in this Chamber for us to debate on her

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case? As I said earlier, we are dealing with lives in the Public Health centre, we are aware that despite efforts to ensure that lives are not lost while in our care, there are those unfortunate cases that occur due to medical complications which result naturally in death. But again, we must take into account the overall reduction in maternal and neonatal mortality rate.

Question 5 deals specifically with your concern and I want to give you some information in the form of a lecture.

HOUSE ADJOURNS AT 15:40

HOUSE RESUMES AT 16:30

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you very much. I will now explain how the statisticians arrived at this data and not me or the Ministry, but the statisticians from the World Bank, the WHO, UNICEF and UNAIDS as UN agencies.

Data on maternal and child mortality can be obtained, first of all, from different sources, including health facility mortality statistics or reports, community-based mortality data or reports, demographic and health surveys, as we have done, and global estimations from the United Nations and other bodies. Hence I quoted them. Each source of information has its own advantages and disadvantages and uses different methodologies to collect and report data. I will now give you some examples:

Maternal and Child Mortality: This source of information is easy to obtain as it is part of the routine health facility/hospital information collection is not expensive. Its limitation, however, is that it does not include the deaths that occur at the community level.

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HON DR KAMWI**

Community-based Mortality Data: This way of collecting death statistics is not easy unless there is a good vital registration system that records every birth and death and links to professional investigation to identify causes of death and determine whether the death is through maternal death that occurred due to complications of pregnancy and childbirth.

The Ministry of Health and Social Services is working to make every maternal and child death notifiable in this country. That means, every death is reported and investigated in order to identify and take appropriate measures for the deaths that occur in the community. We have, as a result, included it in our Environmental and Public Health Bill which will be tabled in this Chamber. The combination of the health facility-based deaths and community-based death reports will give us a relatively better and true picture of our current mortality rate and ratio.

Demographic and Health Survey: This method of collecting maternal and child deaths occurs every five years. If we take maternal mortality, demographic health survey uses the sisterhood method. What does this mean? You ask a sister of a deceased woman to recall a death that happened to her sister if it was pregnancy and child-birth related death. Demographic health survey analyses the death that happened ten years prior to the time of the demographic health survey. That means, the demographic health survey of 2006/2007 in Namibia collected deaths that happened in the past ten years preceding the survey; that is 1998 to 2007. In this case the 449 per hundred thousand live births reported had a range from 341 to 557 per hundred thousand live births. It gives a wide range of estimation of the maternal deaths due to the nature of the survey itself. We can only compare the demographic survey data that we have when we conduct the next demographic health survey, which is scheduled for 2013. We cannot compare apples with oranges; we have to compare data that have been collected using the same methodology.

WHO/UNFPA/UNICEF and the World Bank Estimates: This method uses various parameters to come up with estimations of maternal and child deaths. The 2010 maternal mortality estimation for Namibia was 180 per hundred thousand live births. The range is between 93 to 270 per hundred

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thousand live births. I want to state here that all these are estimates based on different parameters that include the number of women who are delivering in the facility, the standard of services provided, the magnitude of HIV/AIDS and other related diseases and other parameters that the UN body uses to compare countries.

Honourable Acting Speaker, Honourable Members, I am explaining this not to justify the deaths in this country, but I am presenting to you the different methods available and the limitations that each methodology has and following the questions put to me by the Honourable Member. We do not want any mother to die while giving life, absolutely not. Even the 180 per hundred thousand live births cited here is too much and simply unacceptable by any standard. Since 2006/2007 when the demographic health survey was reported, the Ministry has introduced various interventions to curb the maternal and child deaths in Namibia. After 2006, several hospitals are now providing emergency operations. Doctors have been trained and continue to be trained in order to be able to do emergency operations in our district hospitals. They have been trained in anaesthesia to be able to make people sleep for operations. Nurses and midwives are trained to provide and continue to be trained, lifesaving interventions for mothers and their new-born. As we speak, nurses and midwives from all parts of the country are undergoing training in emergency obstetric and new-born care in the northern parts of the country. This is organised in collaboration with the American College of Nurse Midwives and with support from the UN and other bilateral partners. The required medicine, equipment and supplies have been deployed to the health facilities that need them most. Several hospitals and clinics have been built and all upgraded to provide better services.

On Question 6, there are very specific minimum standards laid down for patient care in our Patient Charter. By the way, we have a Patient Charter in all our health facilities. The Charter also makes provision for complaint procedures for anyone treated in a state hospital and not satisfied with the care received. We aim at providing the best items one requires while in hospital, however some people may prefer to bring along their own items, not because they are not provided, but in their view, may not be adequate or meet their expectations. I am not aware of the N\$50 fee charged for

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birth. What I know is that State patients are admitted and treated at State expense in all material respects.

Question 7: The upgraded Windhoek Central Hospital Maternity Ward is now up and running. Of course, there had been unavoidable delays which were technical in nature, which could only be attended to by experts and this called for some related financial costs.

On Questions 8 and 9 combined, I have the following: Oxygen supply at Gobabis and Windhoek Central Hospital is back to normal and has been so ever since the unfortunate incident that occurred during 2010, again the underlying problem having to do with regular power supply, availability of emergency generators and procurement system that my Ministry had no control over.

The Windhoek Central Hospital Cardiac Unit, on the other hand, is going on well. Of course, it is difficult to attract specialists to Namibia's Public Health centre if they can earn triple of the salary we can offer in some of our neighbouring countries and up to five times this salary if they were to work in the Private Sector. Ours is a public institution, we may not compare to the Private Sector.

Again for the information of the Honourable Member, it is not my Ministry that sets salary levels, but the Public Service Commission. In this regard, we have engaged the Public Service Commission and obtained a special dispensation for these specialists.

The message to the Honourable Member is that we have to keep the services running and learn to do more with less. There is no crisis insofar as we are concerned and to the contrary, we must sometimes learn to give credit where credit is due.

For Questions 10 and 11, Honourable Acting Speaker, Honourable Members, I have never apportioned blame onto others for wrongs that occur within the Ministry of Health and Social Services. I responded to the issues related to Cuban vaccines and the Global Fund in this Chamber and elsewhere. Thus, I do not believe in tautology. As a result, I stand by

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the statement I made in this Chamber and elsewhere. In this regard, I rest my case on the Cuban vaccine issue.

As far as the Global Fund issue is concerned, I defended our submission to the Global Fund. I am pleased to say that as a result of that intervention in Geneva, which started here, we were successful through the on-going rolling continuation channel without assistance from the Honourable Member. By the way, I wish to put it on record that there were very few countries who succeeded with the rolling continuation channel. Namibia is one of them.

I would like to say that no amount of cheap politicking can make you a more popular or a better politician.

In closing, Honourable Acting Speaker, allow me to quote from a credible and objective opinion on how the Namibian Public Health Sector is doing. I presume that many of the Honourable Members were present in this Chamber during the address of the World Health Organisation's Director-General, Dr Margaret Chan, to this august House during April 2012. In her speech, Dr Chan praised His Excellency Dr Hifikepunye Pohamba, President of the Republic, for his initiative, cited as provision of housing and farmland, safe drinking water, rural electrification and the expansion of health and education facilities in tackling the root causes of illness and I want to quote:

“Such initiatives put the country on the right track to reduce poverty. Above all, they promise to improve health outcome by tackling the main root causes of illnesses that flourish alongside poverty. As someone who has worked in the Public Health for more than 35 years, I have deep admiration for the achievements and long-range ambitions of this country's leaders, its Minister of Health and Social Services and the authors of Vision 2030. This is a transformation vision. It aims to transform the economy, transform opportunities for employment, transform systems for health and education and build the requisite capacities and infrastructure for sustaining programmes. In doing so it promises to transform the quality of life for all citizens. Public health is trained in compassion and driven by passion. This country's health

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policies show an abundance of both. For passion you need look no further than the words and deeds of Minister Kamwi. In a pact published in the Wall Street Journal, he wrote passionately about malaria, the lives it claims and the development it stunts in Africa. He argued heartedly for freedom to fight malaria the right way."

In addition to this, Honourable Acting Speaker, at a fully packed World Health Assembly in Geneva, Switzerland, in May this year, Dr Chan said: *"I visited Namibia in April. That country's Minister of Health, an expert in vector control, is leading a group of eight neighbouring countries in a joint effort to eliminate malaria within the next few years. The World Health Organisation has produced a complete set of technical manuals for testing, treating and tracking to guide them on their way. These countries are ambitious, they are determined, their eyes are wide open to the challenge, but the chances of success are good."*

I am the first and last to acknowledge with humility the enormous challenges the Public Health is faced with in this country, but I would like to assure this august House that there are men and women out there, dedicated and committed to ensure that we continue to improve the health delivery system. We need your support both materially and financially in order to improve the quality of the lives of our people through the health system. Constant criticism can be demoralising. We will, therefore, welcome genuine and constructive criticism. After all, we are one team and as a team together everyone achieves more. Thank you for your kind attention.

HON ACTING SPEAKER: Thank you. Honourable Members, that was a question that was the response. I am sitting here, I am supposed to act as a bridge to facilitate communication. I wanted to allow the Honourable Minister to conclude the statement before I raise one particular point that troubles me sitting here. I am not sure whether I heard him right with the reference he made to the grandfather having to suck the egg or something like that. I did not want to interrupt you, Honourable Member, at that point, but I thought it did not really sound

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appropriate. It is language that we would like to do without and if I misheard you, obviously I would like to let go, but if that is the statement you made, I felt it was not well-placed and I would like you to withdraw that.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Honourable Acting Speaker, I withdraw.

HON VON WIETERSHEIM: I would like to thank the Honourable Minister for his reply. He should have been aware I mentioned the long list of achievements and I was also present when the lady spoke here, I was interested in specific other questions and the answers he also supplied and I thank him for that. My provocation, of course, was his pre-emptive Ministerial Statement after I had tabled the Motion, which was on the Order Paper. That is how this question arose.

HON ACTING SPEAKER: Question 21 is by Honourable Moongo, addressed to the Minister of Lands and Resettlement. Does Honourable Moongo put the Question?

QUESTION 21:

HON MOONGO: I put the Question.

HON MINISTER OF LANDS AND RESETTLEMENT: Honourable Acting Speaker, Honourable Members, I rise this afternoon to respond to questions raised in this House by Honourable Moongo. Although I

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appreciate the contribution being made in the House by the Honourable Member through the Notice of Questions, I hasten to point out that some of the questions fall outside the realm of the mandate of the Ministry of Lands and Resettlement and I would want you to take due note thereof, Honourable Moongo.

Your first question was: “What prompted and hindered the SWAPO-Party Government – and mind you, it is you asking the question, it is not the Minister saying that it is a SWAPO-Party Government – what prompted and hindered the SWAPO-Party Government not to give or allocate three plots to poor Namibians who maintained and lived there long before Independence in all the Municipalities in the country?”

My response: This question is not directed to the right Minister as the Ministry of Lands and Resettlement does not administer land in municipal areas. I, therefore, advise Honourable Moongo to direct this question to the Minister responsible for land in urban areas.

On *Question 2*, allow me to point out that communal land is land that belongs to the State. This land is communally owned by the communities that reside in those communities and is entrusted to the whole community. It is not privately owned by any individual. Individuals cannot own communal land but may have customary land rights or right of leasehold with regard to certain areas of land. Communal land in this country is administered under an Act of Parliament which is called the Communal Land Reform Act (Act 5 of 2002). The Act makes it clear that all communal land areas vest in the State. The State must keep the land in trust for the benefit of the Traditional Communities living in those areas. As State land, the State must put systems in place to make sure that communal land is administered and managed in the interest of the people living in those areas. The Act does this by including the Chiefs or Traditional Authorities in the administration process and by creating communal land boards. This means that if any community member or any Namibian citizen requires a place in the communal area, such citizen can approach the Traditional Authority of the area of choice and I am confident that if a place is available, the concerned Traditional Authority

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and the Land Boards will be able to assist and allocate land to that individual.

Honourable Acting Speaker, Honourable Members, I would like to point out that currently there are two types of land rights that can be allocated in communal areas, namely the customary land rights and right of leasehold. All these land rights existed before the coming into operation of the Communal Land Reform Act (Act 5 of 2002). This current piece of legislation requires that those people who occupied such rights, be it customary or leasehold, before the inception of the Act should apply for the completion and registration of their land rights.

What it means is that the Government is compelled to register and affirm the land rights of all Namibian citizens in communal areas. The Ministry of Lands and Resettlement is doing this through a systematic land registration process in close liaison with the Traditional Authorities and Communal Land Boards. The process involves the issuing of customary land right certificates to individual households and leasehold certificates for those with business ventures in communal areas.

Allow me further, Honourable Acting Speaker, to inform you that these customary land rights, according to the current law, last for the natural life of a person and are thus inherited by surviving family members. These rights are secure and it is apparent from the current land registration exercise that the Government is securing the communal land rights of all Namibians, including those that occupied the land prior to Independence. All they need to do is to apply and have their rights with respect to communal land registered.

Question 3: “Will the system of the rich getting richer and the poor getting poorer continue to dominate in and independent Namibia?” A very loaded question. “Can you explain as to why the rich people in this country are the only ones that own land in Namibia? Are you not upholding the Constitution which is stating that all people, whether poor or rich, are equal before the law?”

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My response: The Government of the Republic of Namibia responded to the land issues by adopting a National Land Reform Programme and Land Policy immediately after Independence. Within the National Land Policy a unitary land system was proposed that is currently being implemented. Under this unitary system all citizens have equal rights, opportunities and security across a range of tenure and management systems. Namibia's National Land Policy is based upon the principle enunciated in the Constitution and on the national commitment to redress the social and economic injustices inherited from the colonial past.

Freehold land can only be acquired through purchase from the land owner on the open market. The farms acquired by Government for resettlement purposes cannot be registered in the names of beneficiaries, but is rather leased.

The Ministry of Lands and Resettlement, as the custodian of land, is mandated to acquire land and distribute it fairly among the citizens of this country, as guided by the Namibian Constitution and the Agricultural (Commercial) Land Reform Act (Act 6 of 1995). All those that have benefited under the National Resettlement Programme have done so following the provisions of this Act and the majority of the beneficiaries are vulnerable members of our community. That fact cannot be reasoned away.

My response to Question 4: I want to inform the House that although Honourable Moongo is allowed to express his views as per our democratic culture, I would want him to note that it would be naïve to conclude that the lack of economic emancipation and colonially influenced and driven social strife being experienced by our people can be easily undone. The truth is that those sectors of our population who socially, economically and politically benefited from colonial policies continue to date to reap the enormous rewards of the legacies that we hail from as a Nation. That is a given. Any amount of camouflaged statements from this august House, probably aimed at scoring politically, would be kicking the ball drastically miss. You will not be able to talk as a Brave Warrior if you would embark on that road.

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I am borrowing from your phrase, “*the SWAPO-Party Government*” does not condone any divisions amongst its citizens, nor does it support discrimination of any kind, especially as it pertains to land ownership and redistribution.

The question by Honourable Moongo should be raised and discussed within the wider context of the Debate on socio-economic and political marginalisation of Namibians as a whole which led to the adoption of the Land Reform Policy at Independence and the painful reality is that, as this policy directive was informed by national reconciliation, not everybody as citizens of this country have come on board and that is so clear with the prices of land, with those who previously benefited from access to land and they know how they have gained access to land then and still continue to benefit from the lopsided, skewed access to land in the present-day Namibia. That is a reality.

The Land Reform Policy is meant to respond to the unspeakable injustice, address land repossession and enact empowerment policies in response to livelihood challenges being experienced by our people, as pointed out by the Honourable Member. It is exactly this link to feelings of injustice that makes the current land reform process a crucial development issue in our country.

In an effort to deal with the social strife, the Government is addressing a range of issues arising from our historical experiences through policies meant to dismantle the apartheid legacy. The Land Reform Policy and supporting legislation are earmarked at challenging the resistance to our people’s empowerment by vested interests. I do not need to spell it out, you know it. Sometimes because of the demand of economic challenges, we end up acting in cohorts with those who are economically powerful, probably for short sighted considerations, at the expense of the long-term prospects of developing our country as a whole.

Inequality in access to land exacerbates poverty and exclusion in urban and rural areas. We see it. If you do not have access to land, how do you develop a small garden behind your house to feed your family? How do you put up a shack, how do you put up a roof? You need land and we

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know the access to land in our country is skewed. I really do not want us to politick on this score, we must be united as Members of this House and find ways how we can constructively untangle the strongholds that some sectors of our community have on land and access to land.

The current Government policy on land remains a priority as inequalities in access and ownership are still prominent in our country. On this note, I would like to reassure the Nation that the Ministry is cognisant of the diverse and different economic needs of our people and especially the poor in the various economic enhancing programmes. I want to thank you for the opportunity to respond to the questions that you have raised Honourable Moongo and I can only beseech the Almighty to bless you with wisdom so that we can hold hands for the socio-economic upliftment of the masses of our people. I thank you.

HON MOONGO: I would like to thank the Minister for his well elaborated answer, though he only spoke on the damage done by colonialism, but now this Government is also doing the same damage because the poor people still do not have land. Municipalities own the land but it is so expensive that the poor people cannot afford it. Therefore, we fought for nothing, for mere freedom without land and we are not independent yet.

HON ACTING SPEAKER: Honourable Moongo, I thought the Minister actually invited you to explore the possibility of improving some of the shortcomings that we are experiencing as far as land reform is concerned. Therefore, I think there is an open invitation by the Minister.

Question 22 was posed by Honourable Naholo to the Minister of Safety and Security. Does the Honourable Member put the Question?

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QUESTION 22:

HON NAHOLO: I put the Question.

HON MINISTER OF SAFETY AND SECURITY: Thank you very much, Honourable Acting Speaker. When I saw the Question Paper, I thought I was the first to be asked to answer and that is why I answered Honourable Shixwameni the way I did, not knowing that I will be the last.

Honourable Acting Speaker, the question is: *“Can the Honourable Minister confirm or deny the alleged meeting between himself and the President of the Namibia Shebeens Association?”*

Firstly, I confirm that I had a meeting, not with the President of the Namibia Shebeens Association, but with leaders of the Shebeen Association of Namibia, either owners or operators from Samora Machel, Moses Garoëb, Tobias Hainyeko Constituency and not, as I said before, with the president. That is another person altogether.

As a Member of Parliament and as a Cabinet Minister I have a duty and responsibility to meet citizens who so request to see me. I met them in the boardroom of the Ministry of Safety and Security and in my company I had Major General Vilho Nghifindaka and Deputy Inspector General for Operations of the Namibian Police Force, I was not alone. The meeting was attended by about eleven or twelve members of the Association. They did present their problems in meeting the requirements to get licences. Firstly, the issue of land availability, the issue of the fitness test and all the other problems in terms of the relationship between them and the Municipality, City Police and Namibia Police Force.

We did listen to them and after that they were able to go back to their members and say, since we are talking to the Government, let us not try to create problems for the Government and they did not go ahead with what they were planning to do. I do not need to go into what they were planning to do because they did not do it.

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Then the next question is: “*Can the Honourable Minister explain to this Honourable House*”, I am supposed to have quoted that yes, the law is in place but enforcement of the law must also take into consideration the people’s circumstances and possible consequences.

Honourable Acting Speaker, as I said already, we as elected leaders have a responsibility to listen to our people and tell them where they are wrong and where they are right and, therefore, allow me to start off with answering the second question with a phrase from the fundamental law of the Land of the Brave, Chapter 1, Article 1, which reads as follows: “*The Republic of Namibia is hereby established as a sovereign, secular, democratic and unitary state founded upon the principle of democracy, the rule of law and justice for all.*” As the Minister responsible for law and order in this country and as a Member of Parliament there is no way I could condone lawlessness and anarchy. Above all, the obedience to the law benefits all citizens in this country.

I must say that all my most senior Police Officers have confirmed this on several occasions, including last night on NBC on “*One-on-One.*” Those who saw is, saw a very determined Police Officer answering questions on the basis of law passed by this Parliament, the legislative branch of Government. Once they pass laws those laws must be obeyed by the citizens until they are changed. I did get some calls last night after that interview, one of them very encouraging from a very dedicated former Minister of Health and former Deputy Prime Minister, the Honourable Dr Libertina Amathila.

We as Members of this House who have the honour and the benefit of being elected by the people, as much as we have the responsibility to listen to our people every time and at every corner, it is our responsibility to ensure peace, order and stability and how do you guarantee that? By ensuring that all of us live by the same rules and by the same laws. Any deviation from that is the creation of anarchy and anarchy is something the poor people in any country cannot afford, because they will always be the ones to suffer the most.

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There is a saying in Oshiwambo which says, “*Ne ngele tamu mwena owala omamanya ogongoka tage mupe uusama mbala*”, if you as people who pass laws do not want to defend the laws, then there will be some sons and daughters of Namibia who are ready to put their lives on the line to defend the laws of the Republic of Namibia and it was made very clear yesterday by the Commissioner, Festus Shilongo, Regional Commander of the Khomas Region.

Khomas Region has the largest mixed population from all languages and not only Namibians, but even languages that are spoken in Asia, Europe and Latin America and it cannot be the most lawless Region in the country. That will be problematic in terms of finance, in terms of tourism and development.

Having said that, we also have a responsibility to ensure that our Municipality is friendly to poor people; that our law enforcement agencies follow proper procedures and as the political head of the Police in this country, I have no other option but to make sure that laws are obeyed and I support my commanders.

The next question: “*Who should the public now follow? The Minister or the Police?*” An Honourable Member who makes laws is asking who should be followed. Follow the law, my friend. If you do not follow the law and you follow an individual, you will not be tried in court on the basis of what somebody has said, but on the basis of the law you have passed. It is a written law, it is gazetted; it was passed by Parliament, the representatives of the people of this land.

The following question: “*How many shebeen operators have been arrested?*” By the time of the question by Honourable Peter Naholo there were three shebeen operators who were arrested, two women and one man. They appeared at Katutura Magistrate’s Court and two of them paid bail of N\$1,000 each and the last one paid N\$300 and allowed to go home. The total now of those who were arrested so far is one hundred.

Honourable Acting Speaker, we are doing everything possible. The Prime Minister, the Governor of Khomas Region, the Municipality, the Police

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and the Ministry responsible for Regions we are all coordinating to make sure the laws are obeyed and any extra issue that needs to be resolved is resolved. The issue of land availability, we are talking about money being transferred to the Municipality, therefore let the Municipality utilise that money to make land available. On the issue of compliance certificates issued by the Ministry of Trade and Industry, there is a word which I do not like, being “*moratorium*”, because a moratorium only creates opportunities for people to break the law and that we cannot afford. These are issues we as a Government must continue to address while maintaining law and order.

Maybe I should now touch on what was mentioned by Honourable Shixwameni. He said the people are now saying “*down Shilongo, down Ndeitunga*”, but I question that there is anyone who was going to say “*viva Mbumba*”. If we are all down, we are all down, but we will stand our ground.

We have a number of laws and we cannot have some laws being respected and others either ignored or violated. We have the Liquor Act and it must be applied as any other Act. We have the Casino and Gambling House Act, we have the Subsistence Abuse and Rehabilitation Act. Let all of us learn how to live within the four corners of the law.

Lastly I would like to use this opportunity to call upon our Namibian nationals to please acquaint themselves with the relevant Acts, such as those I have just quoted. I also urge them to seek audience with their Local Authorities to propose how they could best manage the communities as well as working in good relationship with their respective Councillors.

Having done that, I rest my case.

HON NAHOLO: Honourable Acting Speaker, I would like to thank the Honourable Minister for his response. The primary objective of my question was only for the Minister to clear the air as to where the

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Government stands on the issue of shebeens. Now the Minister has made it very clear where the Ministry stands and I think as of today everybody is clear. I see some of the shebeen owners are sitting around and the message is clear, there is no longer a hide-and-seek game, the Police are going to continue to arrest you, no matter whether you are poor or hungry. The message is clear today and I thank you very much, Honourable Minister, the air is now cleared.

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

**CONSIDERATION: NATIONAL RURAL
DEVELOPMENT POLICY**

SECRETARY: Consideration – National Rural Development Policy, March 2012.

HON ACTING SPEAKER: Does the Honourable Minister of Regional and Local Government, Housing and Rural Development Move that the Policy be considered?

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

Honourable Acting Speaker of the National Assembly, Honourable Members, I have the honour to introduce the National Rural Development Policy to the Honourable Members in the National Assembly.

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The National Rural Development Policy was approved on the 22nd of May 2012 by the Cabinet to accelerate a broad-based rural industrialisation and economic growth through enhanced rural infrastructure development, research and appropriate technology development, income generation and employment creation. As a result, the Cabinet authorised me as the Minister of Regional and Local Government, Housing and Rural Development to table this very important Policy to the National Assembly for endorsement.

In this Policy the rural areas in Namibian context refer to all of the countryside other than those Municipalities and townships proclaimed by the Government. These include freehold and State-owned communal and resettlement land which support activities ranging from capital intensive commercial to low-input subsistence farming, as well as various forms of conservation areas. The Policy is also referring to rural development as action which aims to improve rural people's standard of living by providing basic social and economic services and by creating a political, legal, economic and social environment which empowers them to take charge of their own development.

Rural development is complex and an over arching concept, covering nearly all sectors and, therefore, the National Rural Development Policy is necessary to ensure a systematic, coordinated development planning and implementation in order to guide rural development processes and also to respond to a variety of situations and issues affecting the lives of the rural population. The Policy is, therefore, seeking to integrate sectoral policies and amplify their efficiency and effectiveness in the delivery of services to the rural communities.

Development of rural areas, however, is a major concern of the Government of the Republic of Namibia, partly because of its commitment to fight poverty and inequality. Rural residents across the country are worse off in terms of income and employment opportunities and access to public services than their urban counterparts. Rural poverty remains high with extremes in marginalised areas and amongst certain vulnerable groups, such as female and youth-headed households.

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Related to this, rural unemployment and underemployment are increasing, again with extremely high levels amongst women and youth.

About 26% of the Namibian workforce is unemployed. Under-five malnutrition and mortality rates are also unacceptable, reflecting the problem as poverty, nutrition, basic sanitation, hygiene and housing, amongst other things.

Honourable Acting Speaker of the National Assembly, Honourable Members, the many shocks to the livelihoods of the poor that often lead to hunger include crop failure and insufficient grazing due to drought, flooding, crop and livestock pests and diseases, environmental degradation and crime leading to loss of livestock and crop income, family member mortality and morbidity, leading to loss of labour and farm income, employment and pension.

The impact of the HIV/AIDS pandemic on households' labour resources and income stream is perhaps the major cause of vulnerability currently. This Policy, however, looks at the cost of living for communal rural people, which is generally higher than it needs to be because of lack of access to transport and commercial infrastructure and basic amenities, such as water and electricity, social services such as health and education. Furthermore, this growth path has meant that upstream and downstream industries related to agriculture in communal areas were hampered in their development, thus depriving rural people further opportunities. The National Rural Development Policy, however, has identified key challenges. Amongst others these key challenges needs to be urgently addressed in order for the rural communities to lead a decent life. They key challenges, therefore, have resulted in fragmented and overlapping activities without harmonised guidance. Poor coordination, poor consultation and weak participation are common refrains.

At the same time, service delivery capacity in some instances is diminishing due to resources limitations to rural development and increased cost, for example of transport.

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Honourable Acting Speaker, Honourable Members, the National Rural Development Policy further identifies strategies for the implementation of rural development interventions and takes coordination and integration of rural development as the key to rural development. Therefore, the heart of the rural development process is coordination in terms of integrated planning, collaborative implementation and joint monitoring and evaluation. This is what pumps blood through the process to optimise its efficiency and effectiveness. Rural development embraces all the elements of public and private sector activities that affect economic and social advance in rural areas. Coordination is needed to ensure that services are complementary, synchronised and comprehensive. It is also needed to ensure equity in the use of Government's limited resources, given the widespread distribution of rural target groups and the high transaction cost incurred in reaching them.

It is against this background that the National Rural Development Policy mandates that the overall coordination of rural development intervention be the responsibility of the Ministries responsible for rural development coordination.

It is a common fact that coordination requires, amongst others, the development needs assessment and integrated planning, institutional arrangement and capacity development, resources mobilisation and reallocation, collaborative implementation and joint monitoring and evaluation.

The National Rural Development Policy can only be used as a basis of development strategy and thereafter of its actual implementation through a coherent and coordinated multisectoral approach. This will be defined in a National Rural Development Strategy which will elaborate the implementation framework and description of the operational functions and resources requirements for the implementation of the Policy. It will be prepared in a participatory manner after the adoption of this Policy.

The chapter provides a brief outline of the key elements of the Strategy. It focuses on the mechanisms to be used for the rural development coordination, capacity-building interventions, monitoring and evaluation

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requirements and the responsibilities of key role-players.

In conclusion, the National Rural Development Policy does not seek to replace existing sectoral policies, but to integrate and boost effectiveness to their approaches on rural development intervention. The Policy can be considered as having a complementary function in relation to sectoral policy. It addresses those issues that are not best dealt with at the sectoral levels and that, if they are not addressed, make sectoral actions less effective.

Honourable Acting Speaker, Honourable Members of the National Assembly, this Policy was expected to have been completed many years ago, but so many delays occurred in-between. Allow me, therefore, Honourable Acting Speaker, to extend my appreciation to my staff members in the Ministry, especially the Directorate of Rural Development Coordination, who worked so hard to formulate the National Rural Development Policy currently on our tables. The work they did is so exceptional. Sooner or later my Ministry will also submit the National Rural Development Strategy for consideration.

I, therefore, have the honour to recommend to the Honourable Members of the National Assembly the endorsement of this very important National Rural Development Policy and I thank you.

HON KAURA: Honourable Acting Speaker, I want to adjourn the Debate until September, but I just want clarity on something from the Honourable Minister, whether I understood him wrongly or correctly.

It states here that about 51% of the Namibian workforce is unemployed, but I heard the Minister saying 26%. Did I hear you correctly or not?

12 July 2012

**NATIONAL RURAL DEVELOPMENT POLICY
HON MAAMBERUA**

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I have 26%.

HON KAURA: But here it states about 51% of the Namibian workforce are unemployed.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** The 51% includes the self-employed in the rural communities, those who are tilling the land and have communal farms. The 51% are those who are not in formal employment. When you are self-employed, you are counted because you do not get a monthly salary from somebody else, but the 26% are the ones who are not employed. The 51% include the communal people, but they have their mahangu fields, they have their cattle, they are self-employed.

HON KAURA: May I adjourn the Debate until September?

HON ACTING SPEAKER: I give the Floor to Honourable Maamberua.

HON MAAMBERUA: Honourable Acting Speaker, in the third paragraph on Page 7 it says: “*The SWAPO-Party Manifesto 2009 and guidelines for implementing the SOWPO Manifesto...*” Could you just clarify what is “SOWPO Manifesto?” Has SWAPO now changed its name to SOWPO or what is written here? (Intervention)

12 July 2012

ADJOURNMENT

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** It was SWAPO, but he doctored it to be this way.

HON ACTING SPEAKER: I will ask Honourable Kaura to postpone the Debate on this particular item.

HON KAURA: Honourable Acting Speaker, I would like to adjourn the Debate until September.

HON ACTING SPEAKER: We have come to the end of the road due to time constraints. We have run a good race. Perhaps we did not get to the end of all the items and for that reason, all the items that were not disposed of today will lapse. According to our Rules they cannot be adjourned. Rule 24(b) actually confirms that they will lapse, however these items can be reintroduced during the next Session of the Assembly that will open on the 11th of September 2012.

On that note, what is left for me is simply to thank you and to adjourn the House until the due date in September and I wish to thank you for your cooperation.

HOUSE ADJOURNS AT 17:48 UNTIL 2012.09.11 AT 14:30

QUESTIONS AND ANSWERS

QUESTIONS AND ANSWERS

QUESTION 1:

Hon Moongo asked the Minister of Defence –

1. What prompted and why was S&T not paid to members of the Defence Force residing in Windhoek who were assigned to go to Uulunga wa Kolondo for three months from Otavi and Ondangwa?
2. Is it true that it is only the high ranking officers from Major to Commander who are entitled to get S&T while they are all going to perform the same duty, can this be regarded as corruption and exploitation of lower ranking officers by the higher ranking officers?
3. Does the NDF regulations prevent members to demonstrate against unfair victimisation and unequal treatment in the Force? Is misinterpretation of regulations the cause of more suffering of members of the Force?

ANSWER:

HON MINISTER OF DEFENCE: Honourable Speaker, Honourable Members, allow me to answer the Questions asked by Honourable Moongo. However, before I do that, I want to appeal to Honourable Moongo to listen and to understand, because it is the third time I am answering this type of question and I would like him to understand what I am going to tell him so that he does not ask a similar question just in another form.

The Honourable Member would like to know whether the Minister of Defence can explain what prompted and why was S&T not paid to members of the Defence Force residing in Windhoek, who were assigned to go to Uulunga wa Kolondo for three months and from Otavi to Ondangwa.

I would like to answer and inform the Honourable Member and this House that these members were sent to Uulunga wa Kolondo to participate in a military exercise, to which we also invited you. There they joined NDF members from different formations and units for that specific exercise called Desert Rumble II. Each member had a special role to play in the preparation and the conducting of this exercise. When the NDF moves a large number of troops, it provides for their sustenance and survival for the duration of the assigned mission. It is impossible for the Ministry of Defence to provide S&T. S&T, in normal circumstances, is provided to people who have no accommodation, no food, so that they can sleep in

QUESTIONS AND ANSWERS

hotels and buy food. In this case food, accommodation and everything was provided, including a clinic. I do not think the Government has enough money to give you food and then again give you money to buy food. Where would they buy food in Uulunga wa Kolondo and there is no hotel in Uulunga wa Kolondo.

I think you will all understand that when you are given S&T, you are given for that purpose. The officers you mentioned, namely Major to Commander, you should understand that a Major is a rank and a Commander is a function. A Major can be a Commander and a Colonel can be a Commander.

We provided transport for these forces, food and accommodation, therefore there was no need for them to receive S&T. If one day there would be a combat operation and they go to war, would you want us to give them S&T? We must understand these things and there is no way that they were discriminated against, they were provided with adequate essentials which could sustain them for three months. Even toilets were provided, water tanks were provided, field kitchens were provided and they had showers. It was like a hotel for them.

The purpose of travelling and subsistence allowance is to cover expenses incurred by an employee while on an official trip and I think that is clear to everyone. However, in the case under discussion the members were provided with all supplies needed while deployed operationally and it was not necessary for the Ministry to pay out S&T, as all their needs were catered for. They were at the base which was as if they are in a cantonment, namely lodgings for soldiers.

The officers were assigned to go and supervise from different units and they needed to get accommodation either in Ondangwa or in Oluno or elsewhere because they were not part of these soldiers who lodged there. However, the Commanding Officers were with their units and they did not receive S&T because they had to live with their forces in order to organise them properly.

In Question 3 the Honourable Member is asking whether the NDF regulations prevent the members to demonstrate against unfair victimisation and unequal treatment in the Force. Is misinterpretation of regulations the cause of suffering of members of the Force?

Honourable Moongo, when the Defence Act (Act 1 of 2002) was adopted in this House you were a Member and you should have read the Act and informed the members of their rights. As a Member of Parliament you should have informed that member that what he is asking is not provided for. The Defence Act puts reasonable restrictions on members of the

QUESTIONS AND ANSWERS

Defence Force not to demonstrate publicly against perceived or real victimisation and unequal treatment in the Force. It is lucidly stated in Section 10 of the Military Disciplinary Code, Schedule 1, which is incorporated in the Defence Act (Act 1 of 2002) that any person who in circumstances not amounting to an offence under any other provision of this Code, conspire with another person to mutiny or cause a mutiny, joins a mutiny, being present at a mutiny, fails to do such person's utmost to suppress the mutiny or being aware or suspecting that any other person is conspiring to cause a mutiny, fails to report without delay to his or her superior officer all the facts within his or her knowledge in that regard, commits an offence and is liable on conviction to imprisonment for a period not exceeding five years.

If you demonstrate in the Defence Force it is mutiny and you could be prosecuted. Before you join the Defence Force, the regulations are read to you to understand and even when the recruits are trained, we address them upon completion of the training and then at that particular moment they take an oath of allegiance, to say I commit myself to the regulations and laws of the Namibian Defence Force, that you will not demonstrate, you will not belong to any Trade Union and only serve the Nation and be prepared to die for this country. If we allow them to demonstrate, then one day when you want them to go and defend this country, they will demonstrate and not go there. Therefore, it is not allowed in the Defence Force.

Therefore, it can be clearly inferred from the Defence Act that any member who is subjected to the Act shall not strike or perform any act of public protest or participate in any strike or act of public protest or conspire with, or incite or encourage, instigate or command any other person to strike or to perform such an act or to participate in a strike or such an act.

It is, therefore, a requirement that those who take up employment in the Defence Force accept to be detached from interests and activities of ordinary society and of ordinary citizens because they become soldiers. Members of the Namibian Defence Force are prevented from taking any action at all to support any purpose, objective or demonstration. Such restrictions imposed on the NDF members are necessary for a democratic society and they are also in the best interest of sovereignty and integrity of Namibia's national security and public order. You know how dangerous it would be to allow soldiers to demonstrate. They can demonstrate with their tanks or their aircraft, loaded with bombs and what do you expect will happen? They will bomb you or you will see a tank coming through this wall while in Parliament. Why are you calling for them to demonstrate?

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It can however be accepted, that when a member of the Namibian Defence Force feels that he or she is unfairly victimised or receives unequal treatment at work, the provision in Military Disciplinary Code which serves as an aid for all members of the NDF to seek justice be enacted. It is stated with absolute certainty in Section 33 of the Military Disciplinary Code's Schedule 1, which is incorporated in the Defence Act (Act 1 of 2002) that any person who fails to attend to a complaint by another person who is subjected to the Military Disciplinary Code that has been lodged with such person, under the impression redressing the whole or referring the complaint to higher authority in accordance with the Military Disciplinary Code or to report a complaint to higher authority or to the Minister, when it is such person's duty to direct the complaint to such person's Commanding Officer or other authority as directed in the Military Disciplinary Code commits an offence and is liable upon conviction to imprisonment for a period not exceeding one year.

Therefore, they are all represented and what they should do is to direct their complaint to their direct Commander, because in Defence it is so transparent that if you have a complaint, you write directly to your Commanding Officer. If he fails to take it up, then he has committed an offence and then he can be found guilty and be sentenced to imprisonment not exceeding one year. Therefore, they have to forward all the complaints of their subordinates. A member must, therefore, exhaust existing internal grievance procedures which are handled by a network of mutually supporting command systems devoid of any demonstrations. He or she can also direct the complaint to the Minister or the Commanding Officer, higher than his direct Commander. That is also open for them to do.

It is not only the Defence Act that makes provision for members to lodge their complaints when they are unfairly victimised or receive unequal treatment at work. If a member of the NDF believes that he or she has been unfairly victimised or treated unfairly, he or she can visit the Office of the Ombudsman. The Office of the Ombudsman serves as an office of the last resort for serving members of the Defence Force, who must first exhaust existing internal grievance procedures before the Ombudsman can review or examine their cases. An aggrieved member can, for example, lodge such complaint with the Ombudsman on actions taken without proper authority, taken on irrelevant grounds, the result of negligence or carelessness, based on wrong or incomplete information, improper, discriminatory or contrary to fair or sound administration.

It is explicitly stated that the Labour Act (Act 11 of 2007) does not cover members of the NDF. However, Section 5 of the Labour Act which deals with the prohibition of discrimination and sexual harassment, applies to all employers and employees. This means that even the members of the

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Defence Force are protected against such discrimination.

Honourable Moongo, you are listening and you have a copy of the Defence Act. I also suspect that these people who are raising such questions are those who have joined the Defence Force because of employment and not because they have a passion to serve in the Defence Force. They are not ready to serve and sacrifice their lives, because they have come here for employment and they want a cent every time they move, forgetting that they are being taken care of. Next time when we recruit, it will be very strict, to take only those who have a passion to defend and be custodians to the safety of this country. I thank you.

HON MOONGO: I would like to thank the Minister and say that his members were not aware of all those facts, otherwise they would not come with the same questions all the time. If I can get that answer, I will take it to them. However, if those Majors and Commanders were accommodated in towns like Ondangwa and come every morning and receive S&T, there are would not be complaints. They did not know all this. I thank the Minister and if he can provide me with the answer, I can convince his members if he has failed to do so.

QUESTION 2:

Hon Moongo asked the Minister of Environment and Tourism –

It is a fact that Members of Parliament took an oath and affirmed to uphold and defend the Constitution and laws of the Republic of Namibia (Schedule 3), but the State failed dismally to implement Article 6, “Protection of Life”. The life of Namibians must be respected and protected and Article 115, “in order to secure the internal security of Namibia and to maintain law and order.”

Can the Minister explain what prompted and hindered the Ministry not to introduce a law which will protect the lives of the people who are killed by protected animals, such as crocodiles, hippos, elephants, snakes and lions, by assisting and providing funds for treatment and funerals, like the MVA Fund. When will the Minister introduce such a law?

QUESTIONS AND ANSWERS

ANSWER:

HON MINISTER OF ENVIRONMENT AND TOURISM: Thank you, Honourable Deputy Speaker. Let me thank Honourable Moongo for posing this question to me. Of course, Honourable Moongo is reminding us of the oath we have taken to uphold and defend the Constitution and the laws of the Republic of Namibia and the Ministers and all Members of Parliament definitely do uphold and defend the Constitution and the laws of the Republic of Namibia, as mentioned.

The Honourable Member is alleging, that *“the State failed dismally to implement Article 6 on the protection of life.”* Honourable Deputy Speaker, Article 6 of the Constitution reads: *“The right to life shall be respected and protected. No law must prescribe death as a competent sentence. No Court or Tribunal shall have the power to impose a sentence of death upon any person. No execution shall take place in Namibia.”*

Honourable Deputy Speaker, Honourable Members, it is really unfortunate that the Honourable Member has failed to understand this particular Article of the Constitution. Since the SWAPO Government took over when Namibia gained her Independence, we have not put any law on our books that prescribes death. No Court in Namibia has been given any power to impose the death sentence on any person and no execution has taken place in this country. In all fairness, how can you say the Government has failed if it is the Honourable Member who has failed to interpret and understand the Constitution, besides the fact that he has been in this House for the last 22 years. Why does he allow the Honourable Kaura to continue serving in this Honourable House?

The Honourable Member in question continues: *“The lives of Namibians must be respected and protected.”* Article 115 deals with the internal security of Namibia and to maintain law and order and it reads: *“There shall be established by Act of Parliament a Namibian Police Force with prescribed powers, duties and procedures in order to secure the internal security of Namibia and to maintain law and order.”* We do have the Police in this country and they are maintaining law and order. Honourable Moongo, do not misrepresent the Constitution of the Republic of Namibia.

Then the Honourable Member asks: *“Can the Minister explain what prompted or hindered the Ministry not to introduce a law which will protect the lives of the people killed by protected animals, such as crocodiles, hippos, elephants, snakes and lions by assessing and providing funds for treatment and funerals?”*

Honourable Deputy Speaker, Honourable Moongo is a Member of this House and I recall very well that he was in the Chamber when I

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introduced the Human-Wildlife Conflict Policy. That Policy, amongst others, does assist families whenever their family members become victims of wildlife and it was debated here. I brought it here for the information of Members. At the same time the Policy has also prescribed a self-insurance scheme and that scheme has started in the Conservancies. Those outside the Conservancies have been given that relief by the Government through the Game Trust Fund. Honourable Members, you cannot expect the Police to be where the snakes are and to arrest them when they come close to people. You cannot have the Police arresting these animals. In any case, they are just part of the eco-system and understanding the responsibility of the Government, we have put those mechanisms in place.

Honourable Deputy Speaker, I should not even have answered this question because from the way this question has been formulated I can tell the Honourable Member is not serious. However, we are very serious in assisting members of our communities who have become victims of wild animals. At the same time we are saying this is our national asset as part of our biodiversity and we need to see how best we can manage human-wildlife conflict. This is not an easy matter and we cannot make a joke of it, we just need to think seriously how to manage it and that is what we are doing in our Ministry. I thank you, Honourable Deputy Speaker.

HON MOONGO: The Ministry and the Police fail to assist those people who are attacked by hippos and crocodiles every now and then.

HON DEPUTY SPEAKER: May I ask a question? How can the Police prevent a snake biting a human being?

HON MOONGO: I respect the Chair, but how can they protect the people if the Minister herself has failed completely? I have the solution, but I am not a Minister. But I am saying they failed dismally.

HON MINISTER OF ENVIRONMENT AND TOURISM: Honourable Deputy Speaker, that is exactly what I am saying, that the Honourable Member is not sincere. If you have a solution and you do not want to speak to the Minister, His Excellency the President has an open door policy and every year he meets with the members of the Opposition

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Parties. I cannot see how you as the Vice-President of your Party cannot share that information with your President so that we know how to arrest snakes, lions and elephants.

QUESTION 3:

Hon Von Wietersheim asked the Minister of Region and Local Government, Housing and Rural Development –

1. Is the Honourable Minister aware of the objections against the sale of a prime property in the centre of Swakopmund – virtually opposite the new municipal building – with a sworn valuation of N\$2,6 million to the SWAPO Party at a nominal price of N\$30,000 by the SWAPO dominated Town Council of Swakopmund?
2. Does the Honourable Minister know that:
 - This prime developed erf of 3486 square metres was leased to the SWAPO Party for the last twenty years for an amount of N\$10 per year under the pretext of developing and maintaining a self-help training centre for construction workers and/or artisans, which never materialised, instead SWAPO erected their Regional Headquarters on the land, as well as leasing part of the land to business partners;
 - The lease agreement to the SWAPO Party provided for the purchase of the said property on termination of the lease, stating that “the lessee (SWAPO Party) was obliged to purchase the property at the current market value of the time.”
 - When SWAPO indicated its interest in buying the property, sworn valuations were obtained in terms of the Council’s property alienation policy, which resulted in an average valuation of N\$1,9 million at the existing zoning of the property as “light industrial”, while another valuation was obtained for possible future zoning as “office” property, resulting in a value of N\$2,6 million;
 - Contrary to laid-down property policy, the SWAPO dominated Council in May 2010 approved the sale of Erf 3486, zoned “light industrial”, to SWAPO at a purchase price of just over N\$1 million, only little more than half the average valuation;
 - After formal objections by the Swakopmund Residents’ Association, the Council amended the selling conditions, stating that the erf was to

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- be rezoned to “institutional”, which normally applies to churches, schools, non-profit organisation, at a proposed purchase price of N\$30,000;
- After it was pointed out that the zoning as “institutional” would result in a violation of the Town Planning Scheme, due to the intended use of the property for SWAPO offices and businesses, the selling conditions were once again amended;
- At its meeting on 26 January 2012 the SWAPO dominated Council decided to amend the rezoning of the erf from “light industrial” to “office”, that is where it was valued at N\$2,6 million, while, however, maintaining the purchase price of N\$30,000;
- Can the Honourable Minister agree that the sale of Erf 3486 at a market related price, as stipulated by the lease conditions, could do wonders in terms of making funds available for the servicing and provision of land in the municipal area of Swakopmund, with a view to alleviating the extreme housing plight of Swakopmund inhabitants, particularly with regard to the informal settlements which the SWAPO dominated Town Council was threatening to bulldoze away recently?
- Will the Honourable Minister therefore carefully consider the ethically, legally and socio-economically questionable, if not despicable, decision by the SWAPO dominated Town Council, serving only in the interest of self-enrichment of the Party and reject it with the contempt it deserves? (Interjections).

ANSWER:

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you, Comrade Acting Speaker, Honourable Members. I want clarity regarding this very long question. Honourable Von Wietersheim, can you just clarify what you think the price of land should be per square metre? The Honourable Member is complaining about the price of land, but who determines the price of land?

As I have mentioned, we are amending the Local Authorities Act so that in future foreign nationals will lease land in urban areas for 50 years, renewable, and Namibian nationals will have an option either to lease or to buy land and we are going to make it as cheap as possible for people to be able to afford. Even N\$30,000 is too expensive for that piece of land because nobody can say he or she manufactured that piece of land.

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The Honourable Member said the valuation of the piece of land is N\$1,9 million. Where did the Council buy that land for N\$1,9 million if they now want to sell it for that price? One can ask why did God create people on earth if we are to buy land, because today you even have to buy a piece of land just to bury a person. What is going to happen to the poor people who cannot afford to be buried? Are they going to be burned or thrown away in the river? What will they do with the corpse?

That is why this N\$30,000 is appropriate because people fought for land and we are not supposed to buy a piece of land. That is my answer.

I received a petition from the Swakopmund Ratepayers Association. The people who fought for land never complained, but those people who wanted to maintain colonialism and who own farms in Namibia are the ones complaining. They do not ask their grandfathers how they acquired the farms, but they complain when SWAPO or any Namibian buys land.

There was a time when I was briefly the Minister of Lands and late Honourable Pandeni and myself went with the President to Germany. There at the reception we were asked, “what about our farms?” That time there were three farms which we wanted to expropriate here and they were saying, “we understand you are expropriating our farms.” But is there an African owning land in Germany?

That is why I filed the letters of those people who complained to me, I never responded, because they were saying it must be N\$1,9 million, why N\$30,000? Where were they when we struggled to liberate this country? We liberated the country and now suddenly they come and complain. If a Namibian says a farm in the Otjiwarongo area belonged to his grandfather and his grave is there, then they say it is not democracy.

Therefore, the answer is that the Local Authority has the mandate to determine the price and the people of Swakopmund has put SWAPO in power in the Local Authority. They have the executive mandate from the people of Swakopmund to run the affairs of Swakopmund and that is my answer. Thank you.

HON ACTING SPEAKER: Thank you very much.

HON VON WIETERSHEIM: Honourable Acting Speaker, is the Minister of Regional and Local Government, Housing and Rural Development serious when telling us that the Town Council of

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Swakopmund is justifiably breaking the existing laws and regulations? I explained everything in the question to make it easier for the Minister and not to fall back on political questions to me, but to be able to judge what is happening there. Is the Minister serious in saying that the Town Council should ignore their own regulations, their own legislation and sell a piece of land to SWAPO because they are SWAPO, against all existing regulations? He may come any day or any year and bring new regulations and new legislation, which I can accept, but at the moment that is not the case. Therefore, I am really asking myself, is the Minister serious this time in what he is saying in this august House? Thank you.

QUESTION 4:

Hon Kaura asked the Minister Regional and Local Government, Housing and Rural Development –

1. When is the Block E Rehoboth toilet project going to be completed to address the unhygienic situation prevailing in that community?
 2. When is the N\$600,000 going to be accounted for by those who participated in the incomplete toilet project in the Block E Rehoboth settlement?
-

ANSWER:

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you, Comrade Acting Speaker. Honourable Kaura enquired about as to when the toilet project at Block E in Rehoboth is going to be completed and about accountability of N\$600,000 by persons who participated in the incomplete toilet project.

It is commonly known that one of the strategic themes of the Ministry of Regional and Local Government, Housing and Rural Development is “*Sustainable Habitat for All*”. Under this strategic theme the Ministry is obliged to ensure development in rural and urban areas. The project in Block E was a sanitation one, geared towards providing toilets to individual households in various parts of Rehoboth.

The first phase of providing underground sewerage lines and sanitation for the entire target area was successfully completed at a cost of N\$14 million, with new pump stations erected in Block E and G. The second

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phase was to build 440 toilets, for which N\$6.9 million was provided.

Three hundred and sixty toilets have been completed and eighty toilets remain still to be built. The total amount of N\$1.7 million was previously withdrawn by Council in March 2009 and May 2010. This money, we have been made to understand, was used for administration purposes within the Council before the project started in August 2010.

The second phase of project, namely the toilet project, was thus rendered incomplete because of the cash-flow shortages. Only N\$21 million of the earmarked N\$42 million were availed. The Ministry of Regional and Local Government, Housing and Rural Development would like to see the sanitation projects coming to completion. This will eventually be realised progressively as funds become available. The amount unaccounted for is not N\$600,000 as mentioned by Honourable Kaura, but the abovementioned fund is N\$1,735,536.34, made up of N\$1,258,980.80 meant for construction of 80 toilets and another N\$476,447.54 earmarked as retention money for Phase 1, which phase entails the installation of bulk services, such as water and sewerage reticulation.

Here I wish to point out that this Phase 1 has been completed. Investigation into the accountability of N\$1,735,356.34 continues and the result will be made known. I thank you.

HON KAURA: I thank the Honourable Minister for the comprehensive answer.

QUESTION 5:

Hon Kaura asked the Minister Land and Resettlement –

When are the Botswana returnees who are now found in Gam and Eiseb Block going to be considered for resettlement on the farms bought by the Government in the Commercial Farming Sector?

ANSWER:

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Honourable Deputy Speaker. When I initially looked at the question, I thought I am not reading it properly, but if the question is alluding to what I read, my response is very simple, that in terms of the legal framework

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under which we function when it comes to land reform in our country, the expectation is that individuals apply once farms are advertised in the newspapers and upon having applied and lapse of a certain time, the process of adjudication starts and land is allocated to successful applicants. I would just advise the very distinguished residents of Gam and Eiseb Block to keep an eye on the applications appearing in the press and get application forms from offices of the Ministry of Lands and Resettlement to make use of the same opportunities.. Thank you.

HON KAURA: The reason why I asked that question is that they have been complaining that they did apply, but they are not being considered.

QUESTION 6:

Hon Maamberua asked the Right Honourable Prime Minister –

If Article 23(2) of the Namibian Constitution enjoins Namibia to redress imbalances and to achieve a balanced structure of the Public Service, the Defence Force, the Police Force and the Correctional Service:

1. How is it that about 80 percent or more of the heads of the following Offices/Ministries and Agencies (herein referred to as the Public Administration Nerve Centres) are from the same ethnic group or 100% from the northern part of Namibia and by “northern part” I mean the geographic northern part of Namibia, that is starting from Otavi upwards?
2. How and when does Government intend to correct this imbalanced situation before the perception is created that in Namibia ethnicity and/or regionalism is practised?

Security Nerve Centre:

1. Chief of Defence Force
2. Chief of Police Force
3. Chief of Intelligence
4. Chief of Windhoek City Police
5. Chief of the Air Force
6. Chief of the Navy
7. Minister of Safety and Security
8. Minister of Home Affairs and Immigration
9. Chief of Prisons and Correctional Services

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Judicial Nerve Centre:

1. Prosecutor-General
2. Judge President
3. Chief Justice
4. Minister of Justice and Deputy Minister
5. Attorney-General

Public Finance Accountability Nerve Centre:

1. Chairman of the Public Accounts Committee
2. Auditor-General
3. Director of Anti-Corruption Commission

Public Administration Nerve Centre:

1. Chairman: Public Service Commission
2. Prime Minister and Deputy Prime Minister and Permanent Secretary
3. Secretary to Cabinet
4. President and Secretary to President
5. Head of State-Owned Governance Council

Public Finance Nerve Centre

1. Director-General: National Planning Commission and Permanent Secretary
2. Minister of Finance and Permanent Secretary
3. Governor of Bank of Namibia
4. Head of NAMFISA
5. Head of AgriBank
6. Head of Development Bank of Namibia
7. Head of Namib-Re
8. Head of GIPF.

I thank you.

ANSWER:

RT HON PRIME MINISTER: Honourable Deputy Speaker, Honourable Maamberua, the Member of Parliament for the South West Africa National Union (SWANU) posed a question which insinuates that certain appointments in the Public Sector contravene the letter and spirit of the National Constitution or are in violation of Article 10 of the Constitution. He further alleged that certain appointments are based on

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ethnicity and regionalism. My answer to Honourable Maamberua's question is as follows:

Whereas the majority of Namibia's Nation is found north of Otavi town; noting that the Government of the Republic of Namibia is controlled by the SWAPO Party which won the 2009 National Assembly elections by 74.29% and securing 54 seats in the National Assembly; reaffirming that the Republic of Namibia is governed on the basis of the rule of law and appointments to the Public Service have to comply with the laws and conscience that Namibia is a unit in diversity; therefore I wish to inform Honourable Maamberua and the public at large as follows:

1. Holding of public office or a position in the Public Service is regulated by the Constitution, law or conventions applicable in Namibia.

1.1. The President of Namibia is elected under the provisions of Article 28 of the Namibian Constitution. The current President was elected during the 27th-28th November 2009 presidential elections. President Hifikepunye Pohamba of the SWAPO Party received 611,241 votes out of 812,237 votes cast or 75,25% of the national votes. It is, therefore, impertinent for Honourable Maamberua to question the will of the people of Namibia.

1.2. The Prime Minister, the Deputy Prime Minister and Ministers are appointed under Article 35 and Deputy Ministers are appointed under Article 37 of the Constitution. In the case of the Prime Minister and Deputy Prime Minister and Ministers, they should first and foremost be Members of the National Assembly. The Deputy Ministers may be appointed from either the National Assembly or the National Council. During the 2009 National Assembly elections the SWAPO Party garnered 602,580 votes out of 811,143 votes cast or 74,29% and gained 64 seats. The President had to appoint the Prime Minister, Ministers and Deputy Ministers from those elected by the people through his Party. The President enjoys direct mandate from the people. His Prime Minister, Deputy Prime Minister, Ministers and Deputy Ministers also passed the democratic test of the electorate. It is, therefore, impertinent for Honourable Maamberua to question both the wisdom of the President and that of the electorate.

1.3. Appointment of Judges is provided for in Article 82 of the Constitution. The appointment of the Prosecutor-General, on the other hand, is provided for in Article 88 of the Constitution. The Judicial Service Commission is the constitutional body. It

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- 1.4. makes recommendations to the President for the appointment of the Judges and the Prosecutor-General. It is, therefore, impertinent for Honourable Maamberua to bring into disrepute the honour and reputation of the Judicial Service Commission by his impertinent question.
- 1.5. The appointment of the Attorney-General is provided in Article 86 of the Constitution, read together with Article 32(i). Similarly, the appointment of the Prime Minister, Deputy Prime Minister, Ministers and Deputy Ministers, Director-General of the National Planning Commission is provided for in Article 32(i) of the Constitution. It is insolent for Honourable Maamberua to insinuate that the President made these appointments on the basis of ethnicity or regionalism.
- 1.6. The Secretary to Cabinet post is provided for in Article 43 of the Constitution. The incumbent is appointed by the President mainly on the basis of competence, loyalty and trust. Honourable Maamberua is, therefore, guilty of accusing the President of ethnicity and regionalism or denying anyone from north of Otavi to be appointed as Secretary to Cabinet. If the current Secretary to Cabinet is not fit for occupying such position, Honourable Maamberua should state the reason why.
- 1.7. The Chairman of the Public Service Commission; Honourable Members, the Chairman of the Public Service Commission is appointed in accordance with Article 112(3) of the Constitution. This Assembly appointed the Public Service Commissioners including its Chairperson on the recommendation of the President. Honourable Maamberua must have been sleeping on the job when the National Assembly approved the appointment of members of the Public Service Commission for him to pose this question.
- 1.8. Article 114 of the Constitution established the Security Commission. The Commission makes recommendations to the President on the appointment of the Chief of Defence Force, the Inspector-General of Police and the Commissioner of Prisons. Honourable Maamberua should provide evidence to show that the Security Commission acted improperly in recommending to the President the appointment of the incumbent officials to their positions.
- 1.9. The appointment of Permanent Secretaries is done in terms of the Public Service Act. In addition, the Public Service Commission, established under Article 112 of the Constitution,

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- 1.10. advises the Prime Minister and the Cabinet on the appointment of Permanent Secretaries. It is, therefore, impertinent for Honourable Maamberua to single out a few Permanent Secretaries and allege that they were appointed on the basis of ethnicity or regional considerations. This is demeaning of the Permanent Secretaries concerned.
- 1.11. Appointment of heads of what Honourable Maamberua termed Public Finance Nerve Centres. These appointments are regulated by Statutes, Boards and Line Ministers who make recommendations to the Cabinet. Rather than generalising, Honourable Maamberua should produce evidence of wrongdoing in the appointment of such officers.
- 1.12. Promotion in the Defence Force: Promotion in the Defence Force is regulated by tradition and promotion in Defence Force is strictly rang-based. You cannot just jump from somewhere and become the Chief of Defence Force when you never even saw a battlefield.

Deputy Speaker, on the basis of the above, it is fair to conclude that Honourable Maamberua and his ilk are suffering from ethnic phobia. His question is aimed at incitement, ethnic hatred and ethnic cleansing. However, Honourable Maamberua and his ilk should be reminded that they are inviting the attention of the International Criminal Court. I thank you for your attention.

HON MAAMBERUA: First of all I should thank the Honourable Prime Minister for replying to the question and I need to bring to the attention of the Honourable Prime Minister that unfortunately he did not answer my question, he formulated his own question that he answered, because my question is clear here. What he read out in terms of the question was not the question that I formulated.

Secondly, I think we have the rule of law in this country and for the Prime Minister to declare me guilty without due legal process, I wish to confirm from him whether he is adhering to the rule of law in Namibia or not. Honourable Deputy Speaker, he answered a question that I did not pose, with a lot of insinuations, justifying the appointment of these positions on the basis of SWAPO votes and the northern majority. Hence, much as I have thanked him, I reject the answer categorically. Thank you very much.

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QUESTION 7:

Hon Nyamu asked the Right Honourable Prime Minister –

Honourable Speaker, Honourable Members, the public media has disclosed that the Honourable Minister in the Office of the President, Dr Kawana, and his Colleague, the Minister of Home Affairs and Immigration, Honourable Rosalia Nghidinwa, have jointly conferred Namibian citizenship to a certain Dr Henry Chan, a Chinese national.

1. Right Honourable Prime Minister, if the answer to the said disclosure is in the affirmative, what contribution has the said foreign national made to Namibia before or after Independence?
2. Right Honourable Prime Minister, would you assure this House that prior to such conferment there has been transparent oversight conducted before a decision was taken on the granting of Namibian citizenship to him?
3. Further, if the above requirements were not met before the granting of citizenship, would you agree that the two Ministers have desecrated their oath of office to conduct the affairs of the State with due diligence?
4. Right Honourable Prime Minister, would you therefore propose, to His Excellency President Hifikepunye Pohamba for the dismissal of the two Ministers without compensation?
5. Lastly, Right Honourable Prime Minister, including the name of Mr Martti Ahtisaari of Finland, would you provide this House and the public at large the list of names of foreign nationals who may have been granted Namibian citizenship this far?

ANSWER:

RT HON PRIME MINISTER: Thank you, Honourable Deputy Speaker. I thank Honourable Nyamu for his question and I would like to answer as follows:

The Constitution of the Republic of Namibia under Chapter 2, Article 4(6), makes provision for the conferment of Namibian citizenship upon any fit and proper person by virtue of any special skills, work experience or commitment to or service rendered to the Namibian Nation either before or at any time after the date of Independence.

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The Namibian Citizenship Act (Act 14 of 1990), Section 6(1), reads as follows: “When in the opinion of the President, any person who is not a Namibian citizen has rendered any distinguished service to Namibia, the President may grant such person honorary citizenship of Namibia.”

No Minister has the authority to confer honorary citizenship. A person to whom honorary citizenship is granted in terms of the Namibian Citizenship Act (Act. 14 of 1990) Section 6(1), shall become an honorary citizen of Namibia on such date as the President may determine. The grant of honorary citizenship shall not render the honorary citizen liable to any obligation as a citizen of Namibia, neither will it entitle him or her to be register as a voter, nor will it entitle the spouse, child or any other family member of the honorary citizen to become a Namibian citizen.

So far, Honourable Nyamu, Namibia has granted honorary citizenship to the late Karlson, a distinguished citizen of Sweden, who served as the first Governor of our Central Bank and to His Excellency Martti Ahtisaari, a distinguished citizen of Finland who served Namibia as a Special Representative of the UN Secretary General. I thank you for your attention.

QUESTION 8:

Hon Shixwameni asked the Minister of Finance –

Given the now much publicised slow rate bureaucratic red tape in the implementation of TIPEEG projects and the accompanying allegations of corruption, nepotism and favouritism about the same TIPEEG projects, I shall ask the Minister:

1. Can the Minister enlighten the Honourable Members of this august House and the public at large as to what has the implementation and success rate of TIPEEG been during the 2011/2012 Financial Year.
2. Is the Minister and Cabinet collectively satisfied with the implementation rate thus far?
3. What exactly, if any, are the stumbling blocks and problems being experienced with the implementation?
4. How many jobs in total have been created up to date, i.e. January 2012, as a result of TIPEEG projects?

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5. Can the Minister provide information, the names of the projects and state the allocations Region by Region?
6. How much in Namibia Dollars is due to be returned to the Treasury as a result of the low implementation rate?
7. What does Government plan to do to improve on the poor performance during this Financial Year?
8. In which way does the TIPEEG programme empower the youth if the requirements to access these projects are more rigorous and stringent than bidding to normal tenders and bearing in mind that the majority of our young people are either unskilled or semi-skilled?
9. Does the SWAPO Party-led Government at this moment, given the challenges faced by TIPEEG, still believe that this programme will solve the unemployment and poverty situation in our country?

ANSWER:

HON MINISTER OF FINANCE: Thank you Honourable Deputy Speaker. I thought the Honourable Member was going to withdraw the question as it was adequately answered in the response of the Minister of Finance to the Budget Debate. I answered questions with regard to the implementation rate, I gave an answer on whether the Government is satisfied and I think that answer is now well-known to everybody as everybody has expressed concerns about the rate of implementation and what the perceived reasons were for the sub-optimal outturn. We explained how many jobs were created and the Director-General has distributed a list of projects of TIPEEG and their costing. However, if the Honourable Member insists that I should repeat those answers, then I would like to seek the indulgence of the House to go and retrieve that information and present that again to Parliament next Thursday.

These questions are asking for the status of implementation as at a specific date. For example, question 4 reads, "*how many jobs in total have been created up to January 2012*" and that question was answered in March. If the Honourable Member wants that question to be answered again, I will do so, unless he wants to update the questions and put them again.

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QUESTION 9:

Hon Moongo asked the Minister of Labour and Social Welfare –

Is it true that the minimum wages of domestic workers are estimated to be N\$1,200.00 per month? Are you aware that the Government cleaners and the lowest paid employees in the Government are paid less than N\$2,000.00 per month? For instance, if an employer has two domestic workers, one being a housekeeper and the other one at the cattle farm, and he is supposed to pay these two workers each N\$1,200.00 per month while his or her salary is only N\$2,000.00, practically and economically we subject the employer to an unaffordable practice. What remedy can the Minister propose to quell the problem? The correct option is for the Government to subsidise the poor and underpaid employer.

ANSWER:

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you very much, Honourable Acting Speaker. Honourable Moongo wanted to know the following from the Minister of Labour:

“I would like to find out from the Minister of Labour as to whether it is true that the minimum wage of domestic workers is estimated to be N\$1,200.00 per month and whether the Minister is aware that the Government cleaners who are the lowest paid employees in the Government are paid less than N\$2,000.00 per month. For instance, if an employer has two domestic workers, one is a housekeeper, the other one is cattle post and he/she is supposed to pay the two workers N\$1,200.00 each per month while his or her own salary is only N\$2,000.00, practically and economically we subject the employer to an unaffordable situation. What remedy can the Minister propose to solve the problem? And the best option is for the Government to subsidise the poor and underpaid employers.”

I have a very short answer to that, Honourable Moongo. I just want to inform the Honourable Member that this Ministry has not yet set a minimum wage for domestic workers. I think that one might clarify all the many other things that you have said in your question. The Ministry has only recently established the Wages Commission and has appointed tri-partite Commissioners and administrative staff. The current status is that the Commission is preparing to go out on a mission and in fact, they have already done so to effect broader consultation with the public on the said issue. The Minister and the Ministry would only be in a position to advise this august House and the public at large on a possible minimum

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wage set once inputs from the public were solicited and all the stakeholders have been consulted.

I thank you for the interest that you have shown.

QUESTION 10:

Hon Moongo asked the Minister of Labour and Social Welfare –

Can the Minister explain whether it is true that the security who protects millions of dollars of Epupa company are not given any benefits, such as pension, S&T and overtime when executing duties in dangerous fieldwork. How much money got lost due to negligence by the abovementioned security since the formation of this company? If none, when will the Minister solve this thorny problem of operating in dangerous and unprotected Regions?

ANSWER:

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you very much, Honourable Acting Speaker. May I enlighten the Honourable Member and the august House that the security personnel of the Namibia Protection Services receive their salaries on a regular basis. Included in their monthly salary is a subsistence and travelling allowance. As far as the Ministry is concerned, this is an arrangement between the company, which is Epupa Investment Technology, and the Namibia Protection Services, whereby the allowances are included in the salary of the personnel as they are in the field for the full month. The company does not pay any overtime at this point as they try to avoid to work afterhours since they are a relatively new establishment whose financial basis is very fragile.

However, in the event that a staff member does work afterhours, the company pays back hours work by giving the staff member hours off, in which instances it could range between three to seven days, depending on when they stopped the payment in any given month.

For the same reason advanced above, the company has not introduced a pension and medical benefit yet, but the company is in the process of working towards introducing these benefits.

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The Honourable Member referred to dangerous and unprotected Regions, which raises a big concern with me as it borders on the mandate of the Ministry of Defence and the Ministry of Safety and Security. In this respect, my two Colleagues from the two Ministries are also present in the House and they could assist me in reassuring Honourable Moongo that Namibia is a relatively safe and peaceful country.

Finally, the reason why we engage security companies in this programme is to protect the moneys of the old-aged people as it is also an insurance requirement. May I also assure the Honourable Member that to date no money was lost due to any form of heist or organised crime. I thank you very much.

QUESTION 11:

Hon Maamberua asked the Minister of Works and Transport –

- (a) On 16th May of this year a local daily reported that according to a Joint Report compiled by De Loitte and the TransNamib Internal Audit Department and released on February the 17th of this year, TransNamib was unable to account for about N\$447 million. Is the Minister aware of such report and on what date did the Minister become aware of it?
- (b) A local daily reported that about N\$95 million budgeted under the Contingency Fund was transferred to a TransNamib account during the midnight of Saturday, the 31st of March 2012. In terms of question 1 above, is the Ministry of Works and Transport aware of the lack of controls of the financial system at TransNamib? How could the Ministry entrust such huge amounts into a TransNamib account? Could the Minister provide the balance of the money in that TransNamib account as on Thursday morning, the 7th of June 2012?
- (c) In terms of the State-Owned Enterprises Governance Act of 2006, Section 17(1), the Portfolio Minister, in this case the Minister of Works and Transport, must within month of being constituted and with due regard to any directives laid down by the Council under Section 4, enter into a written Governance Agreement with the Board of State-Owned Enterprises in relation to the following:
 - The State's expectations in respect of the State-Owned Enterprise's scope of business, efficiency and financial performance and achievements of objectives;

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- The principles to be followed by the State-Owned Enterprises for business planning;
- The measures which are necessary to protect the financial soundness of the State-Owned Enterprises;
- Key performance indicators in terms of which the State-Owned Enterprises' performance will be evaluated;
- The structure of the business and financial plan;
- The principles to be followed at the end of each financial year in respect of any surplus in the accounts of the State-Owned Enterprises;
- Any other matter relating to the performance of the State-Owned Enterprises' functions under any law; and
- A copy of the Governance Agreement must be open to inspection by the public at the head office of the State-Owned Enterprise during business hours.

In respect of the above mentioned, can the Minister of Works and Transport demonstrate to this House how all these abovementioned provisions of the law, specific to the contents of the Performance Agreement with TransNamib, have been complied with or otherwise and if not, why not in each specific case? Would the Minister provide a copy of the Performance Agreement between your Ministry and TransNamib?

ANSWER:

HON MINISTER OF WORKS AND TRANSPORT: Thank you, Honourable Deputy Speaker. Before I respond, I want to give the background of what happened.

During November-December 2011, the Ministry of Works and Transport received reports of six serious derailments that occurred across the country's railway line network due to dilapidated railway lines. As a result, we approached Cabinet to be provided with funds for urgent repair and rehabilitation of the affected sections.

The Ministry resolved that there was an urgent need to commence with the repair and rehabilitation process of the railway network, starting with the northern-bound railway line, specifically with the Tsumeb-Kranzberg section. This is in view of the fact that northern-bound railway line carries

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most of the traffic and is crucial to the economic activities in the northern part of the country.

In March 2012, while the emergency repair work was on-going at the Tsumeb-Kranzberg section, it was clear that the work on that railway would not be completed before the end of the Financial Year, which is the 31st of March 2012. In addition, floods washed away the railway line near Aus. The Ministry was compelled to respond in order to ensure that the above serious situations are addressed on an urgent basis and then the Ministry needed to have funds at hand in order to avoid disruptions of the work in progress. In that regard, the Ministry approached the Ministry of Finance to alert them about the work in progress at Tsumeb-Kranzberg and the washed-away situation and the need to restore the washed-away rail infrastructure at Aus.

In consultation both Ministries agreed that the Ministry of Works and Transport may use a portion from the money that Cabinet has approved for the rehabilitation of the Tsumeb-Kranzberg section to repair the damage at Aus railway line. With a view that the work was in progress at the Tsumeb-Kranzberg and the flush floods washed away the railway line near Aus, it was then jointly agreed that an amount of N\$95 million be transferred into the Government's upgrading of railway infrastructure account at TransNamib in March 2012 as cash-at-hand for all the necessary repair work of the railway. The Ministry of Works and Transport is the custodian of this account, it is not TransNamib itself. They cannot touch it.

Honourable Deputy Speaker, allow me to respond to the questions that were asked by Honourable Maamberua.

Honourable Maamberua asked if the Minister of Works and Transport is aware of the forensic audit report compiled by Deloitte and the TransNamib Internal Audit Department which was released on February the 17th, 2012 and on what date did the Minister become aware of such a report?

Yes, I am aware of the forensic audit, I was informed by TransNamib when the audit commenced during October 2011 and I have also been provided with the final forensic audit report compiled by Deloitte when it was delivered to my office in March 2012.

In *question 2* Honourable Maamberua wants to know, if the Ministry of Works and Transport was aware of lack of control of the financial system at TransNamib, how could the Ministry entrust such huge amount into TransNamib's account?

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As mentioned earlier, in March 2012 the amount of N\$95 million was transferred into the Government's upgrading of railway infrastructure account at TransNamib, which has been in existence for more than thirteen years. TransNamib has no authorisation to incur any expenditure on that account without the approval of the Ministry. In order to release money from that specific account, there should be a written authorisation and certification of payment from the Accounting Officer of the Ministry to effect any expenditure from the account. With that in mind, there would be no question whether the Ministry should trust TransNamib because the money cannot be moved without the knowledge of the Ministry. For the information of the Honourable Members, the railway line belongs to the State while the operator is TransNamib and the railway stations belong to TransNamib, which means that the Ministry of Works and Transport has to ensure that the line is repaired when damaged.

In *question 3* Honourable Maamberua requested the Minister of Works and Transport to provide the balance of money in that specific TransNamib account by Thursday, the 7th of June 2012.

It was urgent work to be done and it was during the December holidays when the accident occurred. Obviously, you cannot do too much during the holidays as everybody is on holiday and within four months one cannot complete everything. The situation is that 2008 the report on the dilapidated railway lines in Namibia was brought to Cabinet and it was estimated to be N\$9 billion. What we are now trying to do is only to repair and rehabilitate, but rehabilitation is a major problem. That part where the derailment has taken place is now repaired, but the rehabilitation is on-going. The railway line was constructed more than a hundred years ago and the steel sleepers are becoming old. We need sufficient money to rehabilitate.

In June 2012, the N\$95 million earmarked for both the rehabilitation work between Tsumeb-Kranzberg railway line and the money for the repair of the flood-damaged railway line at Aus is still in the bank account, but we used our savings in the beginning, because it was very urgent.

Let me also indicate to the House that a tender for the repair work at Aus will close on Tuesday, the 19th of June 2012. The emergency work that was done was meant to address the emergency situation, but the complete rehabilitation process is yet to be implemented. For this reason, only passenger train services will be allowed on that section.

In addition to the above questions, Honourable Maamberua indicated that in terms of SOE Act, 2006, Section 17(1), the Portfolio Minister must within a month of being constituted and with due regard to any directive laid down by the State-Owned Enterprises Governance Council under

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Section 4, enter into a written governance agreement with the board of the State-Owned Enterprises, as stipulated under Section 4 of the Act. Based on Section 4 of the Act, Honourable Maamberua asked that the Minister of Works and Transport demonstrates to this House how all the provisions of the Act in questions A to H, specific to the content of the performance agreement had been complied with or otherwise and if not, why not in each specific case.

Answer: Scope of business: Efficiency and financial performance and achievements of objectives: TransNamib was established to provide and promote, either by itself or through any subsidiary company, transport of passengers or goods by rail, road and air or any other manner which may be approved by Cabinet. I would like to inform Honourable Maamberua that TransNamib is operating and transporting passengers and goods in line with its scope of establishment on a daily basis on the national railway line and the national roads.

I would, however, like to indicate that the company is not achieving maximum efficiency due to ageing below rail and above rail infrastructure that constantly disrupt operations. I would also like to indicate that the financial performance of the company has been heavily impacted due to stiff competition by operators offering freight services on the road. The matter of ageing below and above rail is a concern for the Ministry and we are devising plans to address the situation.

Annual business and financial plan: I have to admit that the company has not been submitting their annual business and financial plan on time, but as a Ministry we have engaged the company on several occasions to highlight the importance of submitting these annual objectives on time. Last year Cabinet gave a clear directive on this same issue and emphasised the need to submit financial statements and business plans on time. As a Ministry we have informed all our State-Owned Enterprises about the seriousness of submitting these documents on time, but there remains a challenge to fully comply. Some companies blame external auditors for non-complying with this Section of law. In some cases, State-Owned Enterprises inform the Ministry that external auditor service providers fail to prepare financial statements on- and balance it in time, but we are busy devising a plan to address this issue in the best possible manner.

Financial soundness of the company: The only way that the Ministry could establish the financial soundness of the company is through the financial statements and annual reports submitted by the enterprise concerned. TransNamib has provided the Ministry with annual reports, the latest being for the Financial Year ending March 2010, which is for 2009. The submission of the 2011 and 2012 Financial Years is due in September this year as per the provision of six months of the State-Owned

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Enterprises Act.

Key performance indicators: Four key performance indicators are:

- Financial performance;
- Human resources development;
- Service and marketing; and
- Production or operations.

With the challenge that TransNamib has been faced with in the Industry that the company operates in, the company has not been able to reach the targets to the Ministry's expectation. I am, however, convinced that the company should have done better regardless of the challenges. As an on-going concern, the Ministry has engaged the company to ensure that the organisation meets the agreed key performance indicators.

Structure and business plan: The Structure and business plan adopted by TransNamib is in line with the requirement of the State-Owned Enterprises Act. The Act indicated what should be in the business and financial plan and that is the approach we have used.

Surpluses in the amount of the company: The performance agreement has been clear that in case TransNamib achieves a surplus, TransNamib has to pay dividends to the shareholder, which shall be determined by the Board of Directors and tabled for approval by the SOE Council in accordance with the provisions of Section 25(a) of the State-Owned Enterprises Act. In the past few years, TransNamib did not realise a surplus that would have made it possible to pay dividends.

Any matter relating to performance of a SOE function under any law: TransNamib is compelled to abide by all the applicable Namibian governing laws.

Copy of TransNamib Governance Agreement for public inspection: The Governance Agreement with TransNamib Holding Ltd., and the Performance Agreement with the members of the Board of Directors are available at the Ministry as well as at the TransNamib Holding Ltd offices. Anyone is welcome to visit the Ministry or TransNamib to peruse through the agreement.

I would also like to indicate that the Ministry, with the assistance of GIZ, has contracted KPMG auditing firm to facilitate the updating of the performance agreement with the seven State-Owned Enterprises that fall under the jurisdiction of the Ministry of Works and Transport. The performance agreements are expected to be finalised soon.

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Honourable Maamberua, I believe I have answered the questions to your satisfaction and submit a copy of the Governance Agreement which the Minister has signed with TransNamib. I thank you.

HON MAAMBERUA: Honourable Deputy Speaker, when the Minister of Finance referred the unanswered questions to the Minister of Works and Transport, I thought those questions were going to be answered. One question was on the rules and regulations governing the contingency provision and the Minister did not answer that, neither the Minister of Finance and the question on who actually transferred the money to that particular account, whether it was the accounting officer of the Ministry of Works and Transport or the Minister of Finance. That remains unanswered.

However, an additional question to the Minister, did I get you correctly that the transfer of the money to that particular account was on the instruction of Cabinet and how much was in that account by Thursday, the 7th of this month. We have still not received that balance.

HON DEPUTY SPEAKER: You have put the question to be answered by the Minister of Finance and it is a new matter for the Minister of Works and Transport. It is fine if he is ready to answer, but if not, you can put it to him next time so that he can prepare.

HON MINISTER OF WORKS AND TRANSPORT: Honourable Maamberua, the transfer was an issue of Cabinet. You were a Permanent Secretary in the Ministry of Finance and you know the procedures. If the money is being transferred for something which was already approved by Cabinet, what Cabinet wants to hear is that the work was done. What is required is only that the work must be done.

As I said that is a thirteen-year old account, the one taking care of the maintenance of the rail and if need be, that can be provided to you.

HON MAAMBERUA: I want to plead that my question be answered: Who transferred the money?

HON MINISTER OF WORKS AND TRANSPORT: Honourable Maamberua, you were the Permanent Secretary in the Ministry of Finance and you know exactly who is doing this – period. You should tell me how you did it when you were there. I have nothing to do with finance, I was not in the Ministry of Finance, but you are aware of the procedures being followed.

QUESTION 12:

Hon Maamberua asked the Minister of Finance –

At the time of tabling the budget of 2012/2013, the Minister provided us with leaflet titled, “*Appropriation for Contingency Provision, 2011-2012 and Expenditure thereof.*” On the line for the Ministry of Transport the Minister indicated that on the 22nd of December 2011, an amount of N\$95,109,775.00 was committed and that by the time of tabling the Budget, nothing from this amount was drawn. Strange enough, by the end of the Financial Year, that is by the 31st of March 2012, nothing of this so-called committed contingency amount was drawn for the purpose it was committed for, but the whole amount was transferred by the Ministry of Works and Transport to a TransNamib account. The question, therefore:

1. Honourable Minister, would you agree with me that the Ministry of Works and Transport had ample time to have included this amount in their normal Budget for 2012/2013, because they did not need that money in 2011/2012?
 2. Would you as a responsible and accountable Minister of Finance also agree with me that hoarding of funds by a Ministry, just to transfer it at the last very odd hours of the 31st of March, is an indication of poor planning and worse still, abuse of contingency provision?
 3. Would you kindly provide this august House with rules and guidelines that govern the contingency provision over and above the provisions in the State Finance Act, if any?
 4. Would you also agree with me that the attitude displayed by the Ministry of Works and Transport that they had to transfer the N\$95 million to a TransNamib account was to avoid money being returned to Treasury. Much as it may not be illegal, it is contravening the spirit of prudent and responsible management of public finance.
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ANSWER:

HON MINISTER OF FINANCE: In the first instance, Honourable Deputy Speaker, Honourable Members, the Member wanted certain information with regard to the allocation made from the contingency provision to the Ministry of Works to finance repair or upgrading work on a certain portion of railway infrastructure and he asked a range of questions that I am going to answer. I would like to highlight the fact that I am rather taken aback by his preference to try and denigrate the Report that was tabled by the Minister of Finance in this House on the use of the contingency provision by characterising the Report as a loose leaf, creating an impression that the Report fell short of a standard that was set that the Report ought to meet. I just wanted to clarify that while Treasure rules indeed oblige that the Minister accounts to Parliament for the use of the contingency, it does not prescribe that that Report so provided should be part of another Report or should be in a certain format to warrant that the Honourable Member should characterise it that way. I just wanted to clarify that, because otherwise people would leave with an impression that this Report was supposed to be part of something else, but the Minister of Finance chose to not present it as such and present it in another format.

Having said that, I would proceed to answer the specific questions that the Honourable Member has posed.

The *first question* was whether the Ministry of Works did not have ample time to make budgetary provision for the works that were required on that portion of the railway infrastructure in the Budget for 2012/2013 and my *answer* to that one is that the Ministry approached Cabinet to request that funding be provided from the contingency provision to carry out that work because the work was urgently required to enable TransNamib to perform its functions and that it posed a risk to the safety of those that would use the infrastructure in the condition it was. Cabinet agreed that funding should be allocated from the contingency provision to enable the Ministry to carry out that work. That amount was set aside from the balance that was available on the contingency provision in order for the Ministry to carry out the work. Obviously, doing that would involve some logistical arrangements which are the responsibility of the Ministry of Works and, therefore, it was not surprising to us when the day after that, that money was not drawn. We were expecting that this money would be drawn upon until the end of the Financial Year and the Budget preparation has time lines, it has targets, specific dates that have to be met and it cannot be expected that on the 31st of March when the Ministry of Works realises that it will not be able to draw that money, that that money is incorporated into the Budget for the next year, because by that time the Budget was already even tabled in Parliament. As you would recall, that Budget was tabled in February and at that time there were still 30 days before the end

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of the Financial Year. Therefore, it was not really possible to say in February, the time that we tabled the Budget, at least from the point of view of the Ministry of Finance, that this money cannot be used and therefore we have to suspend this money and then incorporated this allocation into the Budget for the next year. That is my answer, there was not ample time to include that amount in the Budget for the next year.

Even if the Ministry has decided to approach us at the end of February to say we should incorporate it, it was also going to create logistical problems for us, because we need to finalise the documentation, the Medium Term Expenditure Framework, the Estimates of Income and Expenditure and to have that sent to the printers at the last hour is problematic. This is not that they came with that and we said no. I want to clarify this, they did not come asking for it to be incorporated in the next year's Budget and we refused. I am only saying that we are expecting that Ministries should meet deadlines in terms of dates by which submissions are supposed to be made to enable the Ministry also to prepare the Budget in time.

“Would you as the Minister of Finance also agree that the holding of funds by the Ministry to transfer it to the next year is an indication of poor planning?”

Obviously the law requires that expenditures for a given year must be appropriated by Parliament in that year and that that expenditure must be utilised in that year. As to what has happened with regard to this money, I am not really able to say, because as I indicated in the beginning, the project was presented as an urgent project that needed to be implemented in order to make sure that there were no disruptions in the railway transportation system and, therefore, Cabinet agreed that money should be allocated on an urgent basis to ensure that that work is carried out. That money was left available to the Ministry until the end of the Financial Year and because there was no provision made in the Budget for the next year, the Ministry saw it appropriate to have this money set aside, transferred to TransNamib in order to make sure that whatever commitments may have been entered into already, could be settled since there were no provisions made in the Budget for the next Financial Year.

“Would the Minister provide this House with rules and guidelines that govern the contingency provision?”

I think these rules and guidelines were provided to this House previously, on several occasions in fact, and they are just that, firstly, the project that needs to be funded with moneys from the contingency provision has to be urgent and it should not have been foreseen at the time of preparing the Appropriation for this year. I believe that test was passed in this regard,

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that it was unforeseen.

Secondly, it has to be urgent and it should be in the national interest that this project should continue under the contingency arrangement, otherwise the national interest would be harmed. I think all of us would agree that if you have infrastructure that poses a risk to the people, it is urgent that you address that as soon as possible and, obviously it would not be in the national interest to delay that unnecessarily if that can be avoided. To that extent I think it was justified that we should allocate money from the contingency in order to have this work done. In fact, that criteria is so important that even where we may find that it may have been foreseen, we would, of course, want the Ministry to ensure that there is no provision, that something that was foreseen is not provided for, only for it to be presented for contingency funding. We can however not go to the extent of saying we will compromise the national interest and refuse to allocate money from the contingency just because this was foreseen, otherwise people can lose their lives. These trains can be involved in accidents and people can die and properties destroyed. That criteria of national interest and urgency is very important.

“Would the Minister agree that the attitude displayed by the Ministry of Works and Transport that they had to transfer this money to TransNamib was to avoid money being returned to Treasury and much as it may not be illegal, is it not contravening the spirit of prudent and responsible management of Public funds?”

I do not have evidence to that effect as of now, that the Ministry was playing some sort of game. If I thought so, I would not have agreed for this money to be given. I agreed for this money to be given for the sole purpose that I have indicated in the beginning, that we were informed that this work is required to be carried out urgently in order to ensure the safety of those who are using the infrastructure and to make sure there are no disruptions. We availed the money for this purpose on the instructions of Cabinet and that is the same reason why we allowed this money to be transferred.

If the Honourable Member has any information to the effect that there are actually some other considerations, Treasury would be happy to receive this information.

I just want to conclude in order to make sure I am not misunderstood, that I am not here trying to justify that the people should do things outside the procedures. The only thing that I am trying to say is that every procedure has an objective and that objective is to serve the interest of Namibia and the Ministry of Finance, as I said in the beginning, availed this money from the contingency in order to make sure that the interest of Namibia is

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secured and that the infrastructures were in such condition that it enables economic activities to be carried out unhindered and that there is no risk posed to the lives of people and to the assets which move along this infrastructure. That was the only reason why this money was availed and we will continue to be focused on that objective of serving the interest of Namibia in administering Fiscal Policy. However, we expect all the Colleagues to make sure that the way they carry out their ministerial work is such that it does not lead to a situation where we operate outside the established laws and procedures. Thank you.

HON MAAMBERUA: I would like to thank the Minister for the answer. Knowing that normally Ministers provide these answers in writing for the record, the loose leaf that I am talking about is this one, detailing the Contingency Fund. The commitment was made on the 22nd of December 2011 for N\$95 million to be used for contingency purposes. From the 22nd of December to the 31st of March is a long time and the Ministry should at least have made use of some of that money. Therefore, the question that I posed, whether the Ministry of Works and Transport had ample time or not, is justified. Indeed, they did have ample time if it was an emergency, as presented to Cabinet, for that money to be used on the basis of urgency, but there was no urgency in terms of the usage of the money.

The question is; the money was transferred to TransNamib, was TransNamib the contractor of that particular project or why was the money transferred to TransNamib? Do rules and guidelines governing the usage and allocation from the Contingency Fund exist and can the Minister provide this House with the rules?

The last additional question: Who actually transferred this money? Is it the Accounting Officer of the Ministry of Finance or is it the accounting officer of the Ministry of Works and Transport? Those are my additional questions.

QUESTION 13:

Hon Maamberua asked the Right Honourable Prime Minister –

In terms of the State-Owned Enterprises Governance Act of 2006, the functions of the State-Owned Enterprises Governance Council, of which the Prime Minister is the Chairperson, entail amongst others the following:

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- (a) To establish generally accepted common principles of corporate governance and good practice governing State-Owned Enterprises;
- (b) To develop common policy frameworks for the operations of State-Owned Enterprises, including policy on issues relating to human resources, assets and finance;
- (c) To determine criteria for the performance measuring and evaluation of State-Owned Enterprises and develop appropriate means for monitoring their performance;
- (d) To lay down directives in relation to the following:
 - (i) Governance agreements to be entered into by a Portfolio Minister with the board of a State-Owned Enterprise;
 - (ii) Performance agreements to be entered into between a Portfolio Minister and individual members of a Board of a State-Owned Enterprise and between such a Board and Chief Executive Officer and other senior management staff;
 - (iii) The remuneration levels of board members, Chief Executive Officers and other senior management staff of State-Owned Enterprises; and
 - (iv) Benefits for employees of State-Owned Enterprises generally.

Can the Right Honourable Prime Minister demonstrate to this House whether all the above mentioned provisions of the law have been complied with or otherwise. If not, could it be that this is the reason why TransNamib and other State-Owned Enterprises are in these precarious situations in which they find themselves?

ANSWER:

RT HON PRIME MINISTER: Thank you, Your Excellency, Mr Maamberua, President-in-the-wings, thank you for your question.

Honourable Deputy Speaker, Honourable Members of Parliament, I am taking this opportunity to respond to questions posed to the Right Honourable Prime Minister as follows:

The predecessor to the State-Owned Enterprises Governing Council Secretariat, the Central Governance Agency, paved the way for the successful promulgation of the State-Owned Enterprises Act, 2006, which

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was enacted in November 2006. The full implementation of the said Act would have been enabled by the availability of guidelines and the necessary policies. The ideal situation should have been to develop all the supporting guidelines, directives and policies before the enactment of the Act, so that once the Act is promulgated, the State-Owned Enterprises would start complying with the Act. Unfortunately this was not the case and the situation was further compounded by the fact that the current Secretariat lacks the necessary capacity as its current structure does not adequately respond to the functions as stipulated in the State-Owned Enterprises Governance Act.

To remedy the situation, Council is currently engaged in the process to fully capacitate its administrative arm, that is the Secretariat, by looking at a more appropriate structure which will align itself to the functions of the State-Owned Enterprises Governance Council, as stipulated in the current State-Owned Enterprises Act.

As far as guidelines, directives and policies are concerned, Council is at an advanced stage in coming up with appropriate regulations to aid in the successful implementation of the Act. A draft document containing these guidelines has been completed and is receiving full attention of the State-Owned Enterprises Governance Council. It is expected that the draft document will soon be shared with Board members of the State-Owned Enterprises in order to solicit their further comments before it is submitted to Cabinet for endorsement.

A list of potential Board members whom the Secretariat is going to engage has been drawn up and a workshop, which is scheduled for the 9th of July 2012, has been agreed upon.

The principles, policy frameworks and directives for State-Owned Enterprises in Namibia include the following:

- Principles on corporate governance and the legal frame;
- Directives on the governance agreement to be entered into by the Portfolio Minister and the Board or Chairperson of a State-Owned Enterprise;
- Directives on performance agreements to be entered into between the Portfolio Minister and individual Board members;
- Directives on performance agreements to be entered into between the board and its Chief Executive Officer and other senior management staff;

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- Performance measurement in the evaluation of the State-owned enterprises;
- Business and financial planning, annual reporting and budgeting;
- Principles and determination of the number of members to be appointed to the State-Owned Enterprises Board;
- Social responsibility programmes;
- Restructuring plans for the State-Owned Enterprises;
- Framework for policy and procedure development on human resources;
- Assets and finance for State-Owned Enterprises;
- Investment policy and exemption from provisions of the State-Owned Enterprises Governance Act.

The following has been achieved and is being implemented by State-Owned Enterprises:

1. A template for governance agreements has been developed and State-Owned Enterprises have been using it to suit specific setups. Some State-Owned Enterprises have already signed those governance agreements with their Portfolio Ministers.
2. A template for performance management has also been developed and has been utilised by some State-Owned Enterprises to enter into agreements with their individual Boards, Chief Executive Officers and senior manager.
3. The remuneration levels of Board members, Chief Executive Officers and other senior management has been taken care of within the context of Government Gazette No. 4538 on the directives in relation to remuneration levels of Chief Executive Officers, senior management and annual fees and sitting allowances of Board members.
4. Benefits of employees in the State-Owned Enterprises are the prerogative of the Boards and management of specific State-Owned Enterprises. Those benefits are reviewed based on the level of inflation and the agreement reached with the bargaining units.

On some occasions the Portfolio Minister has an option to consult other Line Ministers as well as the State-Owned Enterprises Governance

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Council for possible legal, financial or other implications likely to arise out of an action or decision regarding the determination of benefits of the employees.

With the aforementioned information, I hope I was in a position to properly answer your questions. I thank you for your attention.

HON MAAMBERUA: Honourable Deputy Speaker, I would like to take this opportunity to thank the Right Honourable Prime Minister and also the other Ministers who have answered my questions. The follow-up question is just to confirm my understanding, because my question was whether because of lack of implementation of those provisions in the State-Owned Enterprises Governance Act is actually what led to the precarious position in which TransNamib and others find themselves? Is that what the Prime Minister has actually confirmed?

RT HON PRIME MINISTER: That question is misdirected because TransNamib has a Portfolio Minister who can be asked that question.

HON MAAMBERUA: Honourable Deputy Speaker, I asked the question to the Prime Minister in his capacity as Chairperson of the State-Owned Enterprises Governance Council and not in terms of the supervision of a particular Portfolio minister.

RT HON PRIME MINISTER: Let me explain to Honourable Maamberua. The Governance Council is an oversight body, it can only act on an issue affecting a State-Owned Enterprises if a Portfolio Minister brings that issue to the Governance Council. It cannot initiate by itself to investigate or discuss issues pertaining to a particular State-Owned Enterprises while the Portfolio Minister has not raised that issue with the Council. If the Portfolio Minister does that, yes, the Council will exercise its prerogative and look into the matter. That was not done. Thank you.

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QUESTION 14:

Hon Moongo asked the Minister of Trade and Industry –

Has a Government reached the high degree of autocracy of making their own laws and that force was used to close down small and medium businesses in the northern Region during Sundays and the 4th of May, respectively, against the Constitution which encourages a free market system and against the Labour Act which allows businesses to open at 10:00 during Sundays and public holidays?

ANSWER:

HON MINISTER OF TRADE AND INDUSTRY: Thank you, Deputy Speaker, Honourable Members of the National Assembly. I would like to thank Honourable Moongo for asking the question dealing with shebeens in Namibia, but before I answer the question, let me remind all Honourable Members here that only last week we had a very intensive Debate on abuse of alcohol. We all spoke out against that thing called alcohol, how detrimental it is to our community. All of us, including Honourable Moongo, were very strong against alcohol abuse. It is within that context that I am going to answer Honourable Moongo's question. However, another issue that is disturbing is that Honourable Moongo had a Motion on respect and we again debated on how we must respect each other, but knowing my Colleague, I am wondering why he is so angry with the SWAPO Government. If you look at the tone of his questions, coming from the same person who is calling for respect and decency in how we talk to each other, the tone is angry. I appeal to my Colleague to tone it down a bit and not to be so angry. He told us to be decent to one another.

It is unfortunate that Honourable Moongo regarded the action by the Police as "*a high degree of autocratic manner of making their own laws.*" Let me assure the Honourable Member that the Namibian Police are not autocratic, we do not see them beating up people in the streets. I see on television how in other countries the Police are manhandling people, beating them up. We do not see that with our Police. Therefore, I would say that we do not operate that way in this country. If there are Police Officers who have used maximum force or abused their powers, there are laws governing this country as well as institutions to ensure that you have resource to those laws or Courts to get redress. If any people were beaten up by the Police that the Honourable Member is aware of, there are Courts, they can make cases and since we are a country governed by laws, they will have their day in Court or those who misbehaved will have their

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day in Court.

The Government did not become autocratic, however it allows for the Police to enforce the law. The Police did not close the shebeens in the north only, but closed down shebeens in other parts of the country, especially in Windhoek. The shebeen operators are required to have liquor licences which allow them to trade in liquor. What the Police did was to close down the shebeens that opened before 10:00, the required time to open and those who operated without the required licences.

I must reassure Honourable Moongo and Members of this House that nothing was done which is against the Constitution. However, I plan to address this august House on this important matter in detail in the near future, particularly the implementation of the Liquor Act. As you know, the implementation of the Act is done by the Ministry of Justice, we are supposed to be in charge of it, but the Magistrates are issuing the licences. We are right now busy, also in view of the Debate on alcohol abuse, to address this issue thoroughly and I will, therefore, throw it back to you so that we can see how we can collectively handle this very, very serious matter, which is also part of alcohol abuse. I thank you.

HON MOONGO: Thank you, Honourable Deputy Speaker. I thank the Minister that he acknowledges that those who are licensed are supposed to operate from 10:00, but when your people were there in the Regions, they demanded that the shebeens be closed the whole day and I think they were out of order.

QUESTION 15:

Hon Moongo asked the Minister of Works and Transport –

What prompted the SWAPO Government and what is their hidden agenda to vacate officials who occupied and rented houses by contract in Oshakati-West and Oshakati-East before and after Independence? Is this nonsensical action only applied in Oshakati or does it also apply to other towns in Namibia?

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ANSWER:

HON MINISTER OF WORKS AND TRANSPORT: Thank you, Honourable Deputy Speaker, Honourable Members. Allow me to respond to questions raised by Honourable Moongo.

In *Question 1* Honourable Moongo wanted to know what prompted the SWAPO Government and what is their hidden agenda to vacate officials who occupied and rented houses by contract in Oshakati West and Oshakati East before and after Independence?

I am going to reveal something here in Parliament: My Ministry is not aware of any official being vacated from Government renting properties in Oshakati, especially after Independence. Our policy is that we may rent out properties to private individuals if Government is not in need of such property at that stage, especially when the property is at risk of being vandalised when unutilised.

We are aware that even before Independence the DTA Party of Namibia has been occupying Government property in Oshakati. Government is now in need of that property to construct a regional office for the Ministry of Home Affairs and Immigration in Oshakati. The DTA Party, however, claims that it is their property, but is unable to provide any proof in this regard. Hence, they have now been given notice to vacate in order to commence with the project.

Question 2: Honourable Moongo further wanted to know if, what he calls, nonsensical action is only applied in Oshakati or is also applied to other towns in Namibia.

As I said before, it is the policy of the Ministry to avail unutilised Government properties for the time not needed to interested parties on contract in order to curb deterioration and possible vandalism. It does not matter whether the properties are in Oshakati or anywhere else in Namibia. However, once needed for Government purposes again, notice is given to vacate in accordance with the conditions contained in the individual contract entered into.

I trust that with this brief statement I have clarified the questions raised by the Honourable Member in this august House. I thank you.

HON MOONGO: Thank you very much for the answer. I know my Colleague is usually truthful, but maybe the Honourable Member is not aware of the facts because he only took over the Ministry recently. We

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produced the cheque with which we bought the house and we have evidence. If you do not want to negotiate, let us go to Court. We have all the proof and evidence of this. Those which I mentioned in my question are individual citizens who occupy houses in Oshakati and were ordered to vacate while they have been paying all the years. You said you are not aware of this and I will provide you with the names of those who were forced to vacate. Thank you very much.

QUESTION 16:

Hon Kaura asked the Honourable Minister of Regional and Local Government, Housing and Rural Development –

When is the Opuwo Regional Council Constituency Office going to be completed? I asked this question during the Budget Debate.

ANSWER:

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:

Thank you, Honourable Acting Speaker, Honourable Members. On the question posed by Honourable Kaura regarding the completion of the Opuwo Constituency Office, the answers are as follows:

As it is the case with the construction of the Constituency offices, the first order of business is the work of the quantity surveyor who measured the work to be carried out and the outstanding work, whereafter he compiled a bill of quantities. This is followed by the appointment of the contractor. The first contractor was appointed through the Regional Tender Board, but failed to deliver and consequently was removed off site. A new bill of quantities was forwarded to the Regional Council for advertisement to identify a contractor who would finalise the remaining work. The Regional Tender Board only notified the consultant to appoint a new contractor, being Jonas Eibeb Building Renovations and Electrical Repairs on the 19th of June 2012 to carry out the work for the amount of N\$450,000.00. The consultant has as a matter of fact instructed the contractor to commence with work. The site handover has already taken place on the 25th of June 2012 and the project is expected to be completed by the end of September 2012. I thank you.

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HON KAURA: I thank the Honourable Deputy Minister. I wish Honourable Muharukua was here because she kicked up a lot of dust when I asked that question.

QUESTION 17:

Hon Kaura asked the Right Honourable Prime Minister –

In the Namibian of Thursday, May 31 2012, the following was reported: “Lights out at Keetmanshoop Government Office Block. The Government office block at Keetmanshoop has been without electricity since last week because of the unpaid electricity bill of N\$20,000. Because of the power cut, no phones or computers are working.”

Is this not a sign of total incompetence of your Government and thus needs urgent replacement?

ANSWER:

RT HON PRIME MINISTER: Honourable Member, your question is misdirected. It should be directed either to the Minister of Works and Transport or to the Minister of Regional and Local Government, Housing and Rural Development. The Office of the Prime Minister has nothing to do with lights being cut off in Keetmanshoop and other places. Therefore, my humble advice is that the Honourable Member asks the relevant Ministries for information. Thank you.

HON KAURA: Honourable Deputy Speaker, I raised that question with the Right Honourable Prime Minister because he is the Leader of Government Business and when an embarrassing situation like this arises, I feel he is the accounting person to answer to such questions, but I will redirect it. Thank you.

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QUESTION 18:

Hon Ulenga asked the Minister of Works and Transport –

1. Which immovable property currently being used by the Namibian Government is the property of any foreign Government, for example, the Government of the Republic of South Africa?
2. Does the old State House and Suiderhof Military Base fall under this category?
3. What are the Government's plans with regard to these properties?

ANSWER:

HON MINISTER OF WORKS AND TRANSPORT: Honourable Deputy Speaker, allow me to respond to the questions raised in this august House by Honourable Ulenga.

His Excellency Nelson Mandela, former Head of State of the Republic of South Africa, visited Namibia in August 1994. During his visit, various issues which, inter alia, include State assets claimed by the latter were discussed. In a subsequent meeting of the Heads of States of Namibia and South Africa in Upington on the 6th of December 1994, the issue of the transfer of Government properties from South Africa to Namibia was discussed. As a result, 24 properties which were occupied and utilised by the South African Government were transferred to the Government of the Republic of Namibia in 1995. Currently only 18 properties, such as houses in Windhoek, were retained by the South Africans.

Question 1: Honourable Ulenga wanted to know if there are immovable properties that belong to the Government of the Republic of South Africa that are currently being used by the Namibian Government.

Answer: None. The Ministry of Works and Transport is not aware that the Government of Namibia is utilising any properties which belong to the Government of the Republic of South Africa. As I mentioned earlier, the ownership and utilisation of certain properties were already resolved between the Governments of the two countries.

Question 2: Honourable Ulenga also wanted to know whether the old State House and Suiderhof Military Base fall within this category.

Answer: No, these properties do not fall under the said category, the old

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State House has been allocated in terms of Cabinet Resolution to the Office of the Prime Minister to serve as offices, while the Suiderhof Military Base is occupied and utilised by the Namibian Defence Force.

Question 3: The Member further wanted to know what the Government's plans are with regard to these properties.

Both the old State House and the Suiderhof Base were transferred to the Government of the Republic of Namibia in June 1995.

I trust with this brief statement I have clarified the questions raised by the Honourable Member in this august House. I thank you very much.

QUESTION 19:

Hon Kaura asked the Minister of Education –

In the New Era of June 7, 2012, on Page 1 we read the following: “Sewer blocked for 22 years. Opuwo residents near Alpha Combined School on the outskirts of Opuwo are angry because of the blocked sewer system at the school that has become a shocking eyesore and health hazard. Despite being reported to the authorities at the town, the sewer remains unrepaired after 22 years.”

Honourable Minister, when do you intend to take steps to rectify this situation?

ANSWER:

HON DEPUTY MINISTER OF EDUCATION: Thank you very much. I wish to answer the question on behalf of my Minister.

The Ministry of Education is well aware of the sewer system problem at the school, which has been a challenge to the Ministry for the past years - but not for the past 22 years - because of the hostel capacity which has exceeded the required capacity, thereby putting constant pressure on the existing hostel infrastructure. There are currently 478 learners in the hostel, whereas the hotel should have accommodated 300 learners only. However, the Ministry is refuting the media release that the sewer has been blocked for the last 22 years without the Ministry taking concrete action.

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I would like to make it very clear here, Honourable Kaura, that various efforts were made to rectify the situation from the side of the Ministry and the Regional Council and the following steps were taken:

The Ministry of Works and Transport replaced all sewerage pipes with new ones at the school in 2009, which cost the Ministry of Education N\$465,464.00. In 2010 and 2011, the Ministry of Works again followed up again and cleaned the sewerage pipelines from both boys and girls hostel up to the main drain. While all these efforts are being made, it should also be mentioned that learners at the hostels have also deliberately contributed to the blockage of the sewerage system, as stones, rocks and many other items could be found in the sewerage pipes during the cleaning process. To mitigate this situation and in consideration of the health of learners and the community, the Ministry of Education, through its agency, the Regional Office and Kunene Regional Council will undertake the following to rectify the situation once more:

1. The Regional Education Office staff under Planning and Development is directed to immediately assess the situation on the ground and to come up with recommendations to the Kunene Regional Council.
2. The Directorate of Works has been approached to do the costing for the replacement of the smaller and worn-out sewerage pipes with bigger one, whereas in the interim the blocked pipes will be attended to.

The Regional Council has on its plans to expand the hostel capacity at the school to address the need of the learners during the current MTEF period. Thank you very much.

HON KAURA: Thank you, Honourable Deputy Minister, for your humility and your kindness and your answer which is very clear.

QUESTION 20:

Hon Von Wietersheim asked the Honourable Minister of Health and Social Services –

1. Do you accept that while you as a Member of the Executive of our Government have a duty and a responsibility to implement, monitor and evaluate policies and programmes effectively and efficiently, all of us in this House, as representatives of the people, have a duty and

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responsibility, apart from making laws, to oversee and review this implementation, which can only be effected by holding Member of the Executive accountable through our oversight function?

2. Would you agree that the Ministry of Health and Social Services is not just another Ministry, but is a very crucial one being responsible for matters of life and death of virtually all of our citizens?
3. Can you agree with the statement by the National Council Deputy Chairperson that; *“the recent deaths of a mother and two new-born babies were a real wake-up call that the red lights are on and that the deaths were irresponsible and could have been prevented”*, adding that *“such negligence is a crime against humanity and cannot be tolerated?”*
4. Do you know that red lights have been flashing for a long time if you take a similar incident six years ago already of a mother losing her new-born baby when she – and I can supply her name – started getting birth pains two days before a caesarean birth was scheduled and when hastened to hospital was refused immediate attention and care even though she explained that she had had two previous caesareans due to her inability to give birth naturally, she was forced to deliver naturally and her new-born died immediately after birth while she herself had to be extensively operated on to save her life?
5. I assume that you are well aware of the frightening history of child mortality and maternal mortality in Namibia in terms of the Millennium Development Goals (MDGs). Can you demonstrate to this august House how you arrived at those latest seemingly improbably statistics for maternal mortality which you quoted during your pre-emption of my Motion on the Order Paper after witnessing the maternal mortality rate increasing steadily from 225 deaths per hundred thousand live births in 1990 to 271 deaths in 2000 and then rapidly increasing to 449 deaths per hundred thousand live births in 2008? The new statistics presented here appear questionable at least and it seems inconceivable to reach the target of only 56 deaths per hundred thousand live births by 2015.
6. Can you confirm the following as a reality in our health facilities? A domestic worker who works only two or three days per week has to undergo an operation as a State patient and expressed her anxiety about having to bring N\$15 with her as a bed fee. Apart from that, she is preparing to bring her own blanket and pillow and a thermos for hot water and some tea bags and sugar.

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7. In your pre-emptive Ministerial Statement you listed, understandably, the achievements of your Ministry, but there remains all those unanswered questions like why the Windhoek Central Hospital Maternity Ward is still closed after which is now years, while new opening dates are rumoured occasionally, but do not materialise?
8. What has been the outcome of the controversy surrounding the interrupted oxygen supplies in Gobabis State Hospital during July last year and earlier in Windhoek at the ICU of the Windhoek Central Hospital in which patients were seriously affected?
9. Doubts are now being expressed about the viability of the state-of-the-art Cardiac Unit at the Windhoek Central Hospital as problems are surfacing regarding the salaries of heart specialists which are outside the scope of Public Service Commission rules. Has this issue not been addressed and resolved during the planning and budgeting phase before commencement of business?
10. Do you know that it does not go down well if a leader is continually seeking personal face-saving measures, apportioning blame onto others for wrongs that occur within his field of responsibility, revealing that he is not in charge, does not know who is doing what, where and why right under his nose, like with the Cuban vaccine debacle and the Global Fund Deal? Is it not you, Honourable Minister, who must accept ultimate responsibility for the tragic cases in your Ministry as well as all those other publicly known or unknown acts of poor service delivery in this country of ours? Does the buck not stop with you, the political head of the institution, as the Honourable Minister of Agriculture, Water and Forestry so aptly remarked the other day?

ANSWER:

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you very much indeed, Honourable Acting Speaker, for giving me the Floor.

Honourable Acting Speaker, Honourable Members, first of all, permit me to thank Honourable Von Wietersheim for the questions put to me primarily for the information of the general public.

The Honourable Member has the right to ask questions, however his oversight function should not be abused to the extent of personalising issues. He tabled a Motion related to the same question that he has put to

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me. Clearly he has a mission only known to him. However, I will respond to his questions, hoping that that will be the end of his Motion. I will combine *questions 1, 2 and 3*:

I want to say to the Honourable Member that please, do not teach your grandmother and grandfather how to suck eggs. You do not need to lecture me about the responsibility of the Ministry that I am entrusted to. I had the rare honour to have been appointed by His Excellency President Hifikepunye Pohamba to this most complex and challenging Ministry in confidence, no doubt about it, and reappointed me together with the Honourable Deputy Minister in confidence, having satisfied himself. I guess that I was the right man for the job.

I also want the Honourable Member to know that I was not wheel-chaired in this position. I hold various credentials, including a National Diploma in Public Health, a Masters in Science in Applied cytology medical entomology and a Ph.D. This is to say I am suitably qualified to run the Ministry, given sufficient resources both financially and availability of key health professionals on the ground.

You talk of implementation, monitoring and that is why I am saying you do not need to lecture me. In Public health it is indicators that speak loud. They determine whether you are on course with the programmes. In our situation priority programmes are HIV/AIDS, TB, malaria, maternal and child health and incommunicable diseases, which have been the major killers in this country according to the health information system to date.

It is equally important to note for your information that in terms of the eight Millennium Development Goals, the Health Sector is accountable to three goals, namely Goals 4, 5 and 6, that is, reduction of maternal and neo-natal deaths by three-quarters and two-thirds, respectively, and reduction of deaths related to HIV/AIDS, TB and malaria. Perhaps the question that you need to have asked me is where do we stand with these targets, are we on course, is AIDS which was killing thousands before my term of office as Minister of Health and Social Services still the same to date? The answer is no, unless one wants to argue something that does not exist. Deaths due to AIDS in this country has significantly declined.

According to the WHO, member states are expected to bring TB cure rate to 85%, with the latest target now standing at 90%. Where do we stand as a Nation and the Ministry of Health and Social Services spearheading this programme? We are now at about 85%, meaning we are meeting the targets.

Malaria: I have repeatedly informed this Chamber and the Nation at large that malaria has been killing Namibians in their thousands. At

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Independence it stood at 7,000 on an annual basis, but we have reversed that trend to an elimination phase. For example, as of last year, nine Namibians died due to malaria as compared to the six to seven thousand lives who died on an annual basis before Independence and at Independence.

Maternal and child mortality: I cannot agree more with the data which you cited, obviously from the Demographic Health Survey carried out by the Ministry. The question that you need to ask yourself, that you would have asked me perhaps, Honourable Member, is whether the highest maternal mortality rate which stood at 4.9 per hundred thousand has gone above this rate since I took over as Minister or is it declining. Where do we stand?

The information that I can give you in this regard, which you stubbornly do not want to hear, is that the official estimates from the World Bank, WHO, UNICEF, UNAIDS stands at 180 per hundred thousand. Regarding maternal and child mortality, I stated in this Chamber that I am in possession of 2012 Status Report on Maternal New-born and Child Health produced by the African Union, which will be presented to the Heads of State and Government during the upcoming Summit and not by Kamwi and team. I invite the Honourable Member to log onto the website, <http://www.africa-union.org>. For easy reference, check Page 20 of that Report. The last Paragraph on that page reads:

“Mauritius has the lowest maternal mortality rate in the SADC Region and stands at 36 deaths per hundred thousand live births as well as in Africa (excluding North Africa). None of the countries in the SADC Region is considered on track to achieving MDG. However, Mauritius is clearly making very good progress. It is followed by Namibia with a maternal death rate of 180 per hundred thousand live births and Botswana with a rate of 190.”

If my pronouncement of the above gave you some answers, I advise you to check notes with the World Bank, the UN Agency, as I mentioned above and, indeed, with the AU as an authority on this Report I simply quoted and that is what scientists do. By the way, in science you argue based on scientific results, documented by experts, not arguing out of the blue. I do not need to be lectured that *“recent maternal and child mortalities are a wake-up call, just as the deaths were irresponsible and could have been prevented.”* It is indeed a wake-up call to those of you who are ignorant of the situation on the ground and not to me and my team. I want to say we are hard at work, responding to the national call of duty.

I would like the Honourable Member to know that I was the first person to

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say it in public that what occurred in Katutura Maternity Ward on that fateful day bordered on negligence. I said it publicly. Indeed, I summoned the Acting Superintendent and the Matron responsible for Katutura Maternity Ward and demanded a detailed report. Accordingly, the matter was referred to the Health Professionals Council of Namibia that is an independent body dealing with matters of this nature. Let us not use this Chamber as a Kangaroo Court to try Kamwi, especially when my team and I are working to address health challenges in this country.

We recognise that we are dealing with lives, but at the same time the needs are overwhelming while resources are very limited. I wonder whether the Honourable Member is aware of that. I also want the Honourable Member to note that while you do not recognise my contribution, there are people in this country, including the international community who are aware that there is quality leadership in the SWAPO Party Government. You have never made any contribution to the betterment of the health system other than making a hullabaloo in this Chamber.

Honourable Acting Speaker, on *question 4*, again this question demonstrates how ignorant the Honourable Member is in terms of Public Health. We cannot discuss a matter of a mother who lost her new-born baby in public, let alone mention her name. That is unethical in terms of Public Health. Where is her file in this Chamber for us to debate on her case? As I said earlier, we are dealing with lives in the Public Health centre, we are aware that despite efforts to ensure that lives are not lost while in our care, there are those unfortunate cases that occur due to medical complications which result naturally in death. But again, we must take into account the overall reduction in maternal and neonatal mortality rate.

Question 5 deals specifically with your concern and I want to give you some information in the form of a lecture.

I will now explain how the statisticians arrived at this data and not me or the Ministry, but the statisticians from the World Bank, the WHO, UNICEF and UNAIDS as UN Agencies.

Data and maternal and child mortality can be obtained, first of all, from different sources, including health facility mortality statistics or reports, community-based mortality data or reports, demographic and health surveys, as we have done, and global estimations from the United Nations and other bodies. Hence I quoted them. Each source of information has its own advantages and disadvantages and uses different methodologies to collect and report data. I will now give you some examples:

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Maternal and child mortality: This source of information is easy to obtain as it is part of the routine health facility/hospital information collection and is not expensive. Its limitation, however, is that it does not include the deaths that occur at the community level.

Community-based mortality data: This way of collecting death statistics is not easy unless there is a good vital registration system that records every birth and death and links to professional investigation to identify causes of death and determine whether the death is through maternal death that occurred due to complications of pregnancy and child birth.

The Ministry of Health and Social Services is working to make every maternal and child death notifiable in this country. That means, every death is reported and investigated in order to identify and take appropriate measures for the deaths that occur in the community. We have, as a result, included it in our *Environmental and Public Health Bill* which will be tabled in this Chamber. The combination of the health facility-based deaths and community-based death reports will give us a relatively better and true picture of our current mortality rate and ratio.

Demographic and Health Survey: This method of collecting maternal and child deaths occurs every five years. If we take maternal mortality, demographic health survey uses the sisterhood method. What does this mean? You ask a sister of a deceased woman to recall a death that happened to her sister if it was pregnancy and child-birth related death. Demographic health survey analysis the death that happened ten years prior to the time of the demographic health survey. That means, the demographic health survey of 2006/2007 in Namibia collected deaths that happened in the past ten years preceding the survey, that is 1998 to 2007. In this case the 449 per hundred thousand live births reported had a range from 341 to 557 per hundred thousand live births. It gives a wide range of estimation of the maternal deaths due to the nature of the survey itself. We can only compare the demographic survey data that we have when we conduct the next demographic health survey, which is scheduled for 2013. We cannot compare apples with oranges, we have to compare data that have been collected using the same methodology.

WHO/UNFPA/UNICEF and the World Bank estimates: This method uses various parameters to come up with estimations of maternal and child deaths. The 2010 maternal mortality estimation for Namibia was 180 per hundred thousand live births. The range is between 93 to 270 per hundred thousand live births. I want to state here that all these are estimates based on different parameters that include the number of women who are delivering in the facility, the standard of services provided, the magnitude of HIV/AIDS and other related diseases and other parameters that the UN

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body uses to compare countries.

Honourable Acting Speaker, Honourable Members, I am explaining this not to justify the deaths in this country, but I am presenting to you the different methods available and the limitations that each methodology has and following the questions put to me by the Honourable Member. We do not want any mother to die while giving life, absolutely not. Even the 180 per hundred thousand live births cited here is too much and simply unacceptable by any standard. Since 2006/2007 when the demographic health survey was reported, the Ministry has introduced various interventions to curb the maternal and child deaths in Namibia. After 2006, several hospitals are now providing emergency operations. Doctors have been trained and continue to be trained in order to be able to do emergency operations in our district hospitals. They have been trained in anaesthesia to be able to make people sleep for operations. Nurses and midwives are trained to provide and continue to be trained, lifesaving interventions for mothers and their new-born. As we speak, nurses and midwives from all parts of the country are undergoing training in emergency obstetric and new-born care in the northern parts of the country. This is organised in collaboration with the American College of Nurse Midwives and with support from the UN and other bilateral partners. The required medicine, equipment and supplies have been deployed to the health facilities that need them most. Several hospitals and clinics have been built and all upgraded to provide better services.

On *question 6*, there are very specific minimum standards laid down for patient care in our Patient Charter. By the way, we have a Patient Charter in all our health facilities. The Charter also makes provision for complaint procedures for anyone treated in a state hospital and not satisfied with the care received. We aim at providing the best items one requires while in hospital, however some people may prefer to bring along their own items, not because they are not provided, but in their view, may not be adequate or meet their expectations. I am not aware of the N\$50 fee charged for birth. What I know is that State patients are admitted and treated at State expense in all material respects.

Question 7: The upgraded Windhoek Central Hospital Maternity Ward is now up and running. Of course, there had been unavoidable delays which were technical in nature, which could only be attended to by experts and this called for some related financial costs.

On *questions 8 and 9* combined, I have the following: Oxygen supply at Gobabis and Windhoek Central Hospital is back to normal and has been so ever since the unfortunate incident that occurred during 2010, again the underlying problem having to do with regular power supply, availability of emergency generators and procurement system that my Ministry had no

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control over.

The Windhoek Central Hospital Cardiac Unit, on the other hand, is going on well. Of course, it is difficult to attract specialists to Namibia's Public Health centre if they can earn triple of the salary we can offer in some of our neighbouring countries and up to five times this salary if they were to work in the Private Sector. Ours is a Public Institution, we may not compare to the Private Sector.

Again for the information of the Honourable Member, it is not my Ministry that sets salary levels, but the Public Service Commission. In this regard, we have engaged the Public Service Commission and obtained a special dispensation for these specialists.

The message to the Honourable Member is that we have to keep the services running and learn to do more with less. There is no crisis insofar as we are concerned and to the contrary, we must sometimes learn to give credit where credit is due.

For *questions 10 and 11*, Honourable Acting Speaker, Honourable Members, I have never apportioned blame onto others for the wrongs that occur within the Ministry of Health and Social Services. I responded to the issues related to Cuban vaccines and the Global Fund in this Chamber and elsewhere. Thus, I do not believe in tautology. As a result, I stand by the statement I made in this Chamber and elsewhere. In this regard, I rest my case on the Cuban vaccine issue.

As far as the Global Fund issue is concerned, I defended our submission to the Global Fund. I am pleased to say that as a result of that intervention in Geneva, which started here, we were successful through the on-going rolling continuation channel without assistance from the Honourable Member. By the way, I wish to put it on record that there were very few countries who succeeded with the rolling continuation channel. Namibia is one of them.

I would like to say that no amount of cheap politicking can make you a more popular or a better politician.

In closing, Honourable Acting Speaker, allow me to quote from a credible and objective opinion on how the Namibian Public Health Sector is doing. I presume that many of the Honourable Members were present in this Chamber during the address of the World Health Organisation's Director General, Dr Margaret Chan, to this august House during April 2012. In her speech, Dr Chan praised His Excellency Dr Hifikepunye Pohamba, President of the Republic, for his initiative, cited as provision of housing and farmland, safe drinking water, rural electrification and the expansion

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of health and education facilities in tackling the root causes of illness and I want to quote:

“Such initiatives put the country on the right track to reduce poverty. Above all, they promise to improve health outcome by tackling the main root causes of illnesses that flourish alongside poverty. As someone who has worked in the Public Health for more than 35 years, I have deep admiration for the achievements and long-range ambitions of this country’s leaders, its Minister of Health and Social Services and the authors of Vision 2030. This is a transformation vision. It aims to transform the economy, transform opportunities for employment, transform systems for health and education and build the requisite capacities and infrastructure for sustaining programmes. In doing so it promises to transform the quality of life for all citizens. Public Health is trained in compassion and driven by passion. This country’s health policies show an abundance of both. For passion you need look no further than the words and deeds of Minister Kamwi. In a pact published in the Wall Street Journal, he wrote passionately about malaria, the lives it claims and the development it stunts in Africa. He argued heartedly for freedom to fight malaria the right way.”

In addition to this, Honourable Acting Speaker, at a fully packed World Health Assembly in Geneva, Switzerland, in May this year, Dr Chan said: *“I visited Namibia in April. That country’s Minister of Health, an expert in vector control, is leading a group of eight neighbouring countries in a joint effort to eliminate malaria within the next few years. The World Health Organisation has produced a complete set of technical manuals for testing, treating and tracking to guide them on their way. These countries are ambitious, they are determined, their eyes are wide open to the challenge, but the chances of success are good.”*

I am the first and last to acknowledge with humility the enormous challenges the Public Health is faced with in this country, but I would like to assure this august House that there are men and women out there, dedicated and committed to ensure that we continue to improve the health delivery system. We need your support both materially and financially in order to improve the quality of the lives of our people through the health system. Constant criticism can be demoralising. We will, therefore, welcome genuine and constructive criticism. After all, we are one team and as a team together everyone achieves more. Thank you for your kind attention.

HON ACTING SPEAKER: Thank you. Honourable Members, that was a question, that was the response. I am sitting here, I am supposed to

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act as a bridge to facilitate communication. I wanted to allow the Honourable Minister to conclude the statement before I raise one particular point that troubles me sitting here. I am not sure whether I heard him right with the reference he made to the grandfather having to suck the egg or something like that. I did not want to interrupt you, Honourable Member, at that point, but I thought it did not really sound appropriate. It is the language that we would like to do without and I misheard you, obviously I would like to let go, but if that is the statement you made, I felt it is not well-placed and I would like you to withdraw that.

HON MINISTER OF HEALTH AND SOCIAL SERVICES:

Honourable Acting Speaker, I withdraw.

HON VON WIETERSHEIM: I would like to thank the Honourable Minister for his reply. He should have been aware I mentioned the long list of achievements and I was also present when the lady spoke here, I was interested in specific other questions and the answers he also supplied and I thank him for that. My provocation, of course, was his pre-emptive Ministerial Statement after I had tabled the Motion, which was on the Order Paper. That is how this question arose.

QUESTION 21:

Hon Moongo asked the Honourable Minister of Lands and Resettlement –

It is a known fact that Namibia has fought for their freedom and for their land. Therefore, Namibia is indeed the Land of the Brave.

1. What prompted and hindered the SWAPO Party Government not to give or allocate free plots to poor Namibians who have maintained and lived there long before Independence in all municipal areas in the country?
2. When will the Government give free communal land to the poor people that lived there long before Independence and not leasehold land or ownership, the same way the Government is awarding N\$200,000 to some of those who participated in the liberation struggle both inside and outside the country?

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3. Will the system of the rich getting richer and the poor getting poorer continue to dominate in an Independent Namibia?
4. Can you explain as to why the rich people in this country are the only ones that own land in Namibia?
5. Are you not upholding the Constitution which states that all people, whether poor or rich, are equal before the law?
6. Do you acknowledge that in doing so, the SWAPO Party Government is causing serious divisions and discrimination on social grounds, which is a constitutional obligation of any Governing Party?

ANSWER:

HON MINISTER OF LANDS AND RESETTLEMENT: Honourable Acting Speaker, Honourable Members, I rise this afternoon to respond to questions raised in this House by Honourable Moongo. Although I appreciate the contribution being made in the House by the Honourable Member through the Notice of Questions, I hasten to point out that some of the questions fall outside the realm of the mandate of the Ministry of Lands and Resettlement and I would want you to take due note thereof, Honourable Moongo.

Your first question was: “What prompted and hindered the SWAPO Party Government – and mind you, it is you asking the question, it is not the Minister saying that it is a SWAPO Party Government – what prompted and hindered the SWAPO Party Government not to give or allocate free plots to poor Namibians who maintained and lived there long before Independence in all the municipalities in the country?”

My response: This question is not directed to the right Minister as the Ministry of Lands and Resettlement does not administer land in municipal areas. I, therefore, advise Honourable Moongo to direct this question to the Minister responsible for land in urban areas.

On *question 2*, allow me to point out that communal land is land that belongs to the State. This land is communally owned by the communities that reside in those communities and is entrusted to the whole community. It is not privately owned by any individual. Individuals cannot own communal land but may have customary land rights or right of leasehold with regard to certain areas of land. Communal land in this country is administered under an Act of Parliament which is called the Communal Land Reform Act 5 of 2002. The Act makes it clear that all communal

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land areas vest in the State. The State must keep the land in trust for the benefit of the traditional communities living in those areas. As State land, the State must put systems in place to make sure that communal land is administered and managed in the interest of the people living in those areas. The Act does this by including the Chiefs or Traditional Authorities in the administration process and by creating communal land boards. This means that if any community member or any Namibian citizen requires a place in the communal area, such citizen can approach the Traditional Authority of the area of choice and I am confident that if a place is available, the concerned Traditional Authority and the Land Boards will be able to assist and allocate land to that individual.

Honourable Acting Speaker, Honourable Members, I would like to point out that currently there are two types of land rights that can be allocated in communal areas, namely the customary land rights and right of leasehold. All these land rights existed before the coming into operation of the Communal Land Reform Act 5 of 2002. This current piece of legislation requires that those people who occupied such rights, be it customary or leasehold, before the inception of the Act should apply for the completion and registration of their land rights.

What it means is that the Government is compelled to register and affirm the land rights of all Namibian citizens in communal areas. The Ministry of Lands and Resettlement is doing this through a systematic land registration process in close liaison with the Traditional Authorities and Communal Land Boards. The process involves the issuing of customary land right certificates to individual households and leasehold certificates for those with business ventures in communal areas.

Allow me further, Honourable Acting Speaker, to inform you that these customary land rights, according to the current law, last for the natural life of a person and are thus inherited by surviving family members. These rights are secure and it is apparent from the current land registration exercise that the Government is securing the communal land rights of all Namibians, including those that occupied the land prior to Independence. All they need to do is to apply and have their rights with respect to communal land registered.

Question 3: "Will the system of the rich getting richer and the poor getting poorer continue to dominate in and Independent Namibia?" A very loaded question. "Can you explain as to why the rich people in this country are the only ones that own land in Namibia? Are you not upholding the Constitution which is stating that all people, whether poor or rich, are equal before the law?"

My response: The Government of the Republic of Namibia responded to

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the land issues by adopting a National Land Reform Programme and Land Policy immediately after Independence. Within the National Land Policy a unitary land system was proposed that is currently being implemented. Under this unitary system all citizens have equal rights, opportunities and security across a range of tenure and management systems. Namibia's National Land Policy is based upon the principle enunciated in the Constitution and on the national commitment to redress the social and economic injustices inherited from the colonial past.

Freehold land can only be acquired through purchase from the land owner on the open market. The farms acquired by Government for resettlement purposes cannot be registered in the names of beneficiaries, but is rather leased.

The Ministry of Lands and Resettlement, as the custodian of land, is mandated to acquire land and distribute it fairly among the citizens of this country, as guided by the Namibian Constitution and the Agricultural (Commercial) Land Reform Act 6 of 1995. All those that have benefited under the National Resettlement Programme have done so following the provisions of this Act and the majority of the beneficiaries are vulnerable members of our community. That fact cannot be reasoned away.

My response to Question 4: I want to inform the House that although Honourable Moongo is allowed to express his views as per our democratic culture, I would want him to note that it would be naïve to conclude that the lack of economic emancipation and colonially influenced and driven social strife being experienced by our people can be easily undone. The truth is that those sectors of our population who socially, economically and politically benefited from colonial policies continue to date to reap the enormous rewards of the legacies that we hail from as a Nation. That is a given. Any amount of camouflaged statements from this august House, probably aimed at scoring politically, would be kicking the ball drastically miss. You will not be able to talk as a Brave Warrior if you would embark on that road.

I am borrowing from your phrase, "*the SWAPO Party Government*" does not condone any divisions amongst its citizens, nor does it support discrimination of any kind, especially as it pertains to land ownership and redistribution.

The question by Honourable Moongo should be raised and discussed within the wider context of the Debate on socio-economic and political marginalisation of Namibians as a whole which led to the adoption of the Land Reform Policy at Independence and the painful reality is that, as this policy directive was informed by national reconciliation, not everybody as citizens of this country have come on board and that is so clear with the

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prices of land, with those who previously benefited from access to land and they know how they have gained access to land then and still continue to benefit from the lopsided, skewed access to land in the present-day Namibia. That is a reality.

The Land Reform Policy is meant to respond to the unspeakable injustice, address land repossession and enact empowerment policies in response to livelihood challenges being experienced by our people, as pointed out by the Honourable Member. It is exactly this link to feelings of injustice that makes the current land reform process a crucial development issue in our country.

In an effort to deal with the social strife, the Government is addressing a range of issues arising from our historical experiences through policies meant to dismantle the apartheid legacy. The Land Reform Policy and supporting legislation are earmarked at challenging the resistance to our people's empowerment by vested interests. I do not need to spell it out, you know it. Sometimes because of the demand of economic challenges, we end up acting in cohorts with those who are economically powerful, probably for short sighted considerations, at the expense of the long-term prospects of developing our country as a whole.

Inequality in access to land exacerbates poverty and exclusion in urban and rural areas. We see it. If you do not have access to land, how do you develop a small garden behind your house to feed your family? How do you put up a shack, how do you put up a roof? You need land and we know the access to land in our country is skewed. I really do not want us to politick on this score, we must be united as Members of this House and find ways how we can constructively untangle the strongholds that some sectors of our community have on land and access to land.

The current Government policy on land remains a priority as inequalities in access and ownership are still prominent in our country. On this note, I would like to reassure the Nation that the Ministry is cognisant of the diverse and different economic needs of our people and especially the poor in the various economic enhancing programmes. I want to thank you for the opportunity to respond to the questions that you have raised Honourable Moongo and I can only beseech the Almighty to bless you with wisdom so that we can hold hands for the socio-economic upliftment of the masses of our people. I thank you.

HON MOONGO: I would like to thank the Minister for his well elaborated answer, though he only spoke on the damage done by colonialism, but now this Government is also doing the same damage

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because the poor people still do not have land. Municipalities own the land but it is so expensive that the poor people cannot afford it. Therefore, we fought for nothing, for mere freedom without land and we are not independent yet.

HON ACTING SPEAKER: Honourable Moongo, I thought the Minister actually invited you to explore the possibility of improving some of the shortcomings that we are experiencing as far as land reform is concerned. Therefore, I think there is an open invitation by the Minister.

QUESTION 22:

Hon Naholo asked the Honourable Minister of Safety and Security –

Based on the media reports, both in the *Namibian Sun* and *New Era* of Friday, 22 June 2012, the Minister of Safety and Security, Honourable Mbumba, met with the leader of the Namibian Shebeen Association where he reportedly has told the unlicensed shebeen owners to continue operating in the interim while a lasting solution is being found, but at the same time the Khomas Regional Police Commander has explicitly vowed to arrest without fail these poor shebeen operators.

1. Can the Honourable Minister confirm or deny the alleged meeting between himself and the President of the Namibian Shebeen Association?
 2. Can the Honourable Minister explain to this Honourable House his stance on the shebeen saga, considering his utterances, he reportedly said: *“Yes, the law is in place, but enforcing of this law must also take into consideration the people’s circumstances and possible consequences.”*
 3. Who should the public follow now? The Minister or the Police or both?
 4. How many shebeen operators have been arrested so far, including their gender and where are they kept in detention? Have they appeared before a competent Court of Law and if so, how many are out on bail?
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ANSWER:

HON MINISTER OF SAFETY AND SECURITY: Thank you very much, Honourable Acting Speaker. When I saw the Question Paper, I thought I was the first to be asked to answer and that is why I answered Honourable Shixwameni the way I did, not knowing that I will be the last.

Honourable Acting Speaker, the question is: *“Can the Honourable Minister confirm or deny the alleged meeting between himself and the President of the Namibia Shebeens Association?”*

Firstly, I confirm that I had a meeting, not with the President of the Namibia Shebeens Association, but with leaders of the Shebeen Association of Namibia, either owners or operators from Samora Machel, Moses Garoëb, Tobias Hainyeko Constituency and not, as I said before, with the President. That is another person altogether.

As a Member of Parliament and as a Cabinet Minister I have a duty and responsibility to meet citizens who so request to see me. I met them in the boardroom of the Ministry of Safety and Security and in my company I had Major General Vilho Nghifindaka, Deputy Inspector General for Operations of the Namibian Police Force, I was not alone. The meeting was attended by about eleven or twelve members of the Association. They did present their problem in meeting the requirement to get licences. Firstly, the issue of land availability, the issue of the fitness test and all the other problems in terms of the relationship between them and the Municipality, City Police and Namibia Police Force.

We did listen to them and after that they were able to go back to their members and say, since we are talking to the Government, let us not try to create problems for the Government and they did not go ahead with what they were planning to do. I do not need to go into what they were planning to do because they did not do it.

Then the *next question* is: *“Can the Honourable Minister explain to this Honourable House”*, I am supposed to have quoted that yes, the law is in place but enforcement of the law must also take into consideration the people’s circumstances and possible consequences.

Honourable Acting Speaker, as I said already, we as elected leaders have a responsibility to listen to our people and tell them where they are wrong and where they are right and, therefore, allow me to start off with answering the *second question* with a phrase from the fundamental law of the Land of the Brave, Chapter 1, Article 1, which reads as follows: *“The Republic of Namibia is hereby established as a sovereign, secular, democratic and unitary State founded upon the principle of democracy,*

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the rule of law and justice for all.” As the Minister responsible for law and order in this country and as a Member of Parliament there is no way I could condone lawlessness and anarchy. Above all, the obedience to the law benefits all citizens in this country.

I must say that all my most senior Police Officers have confirmed this on several occasions, including last night on NBC on “*One-on-One*.” Those who saw that, saw a very determined Police Officer answering questions on the basis of the law passed by this Parliament, the Legislative Branch of Government. Once they pass laws those laws must be obeyed by the citizens until they are changed. I did get some calls last night after that interview, one of them very encouraging from a very dedicated former Minister of Health and former Deputy Prime Minister, the Honourable Dr Libertine Amathila.

We as Members of this House who have the honour and the benefit of being elected by the people, as much as we have the responsibility to listen to our people every time and at every corner, it is our responsibility to ensure peace, order and stability and how do you guarantee that? By ensuring that all of us live by the same rules and by the same laws. Any deviation from that is the creation of anarchy and anarchy is something the poor people in any country cannot afford, because they will always be the ones to suffer the most.

There is a saying in Oshiwambo which says, “*Ne ngere tamumwena owara omamanya ogongoka tagemupe uusama mbara*”, if you as people who pass laws do not want to defend the laws, then there will be some sons and daughters of Namibia who are ready to put their lives on the line to defend the laws of the Republic of Namibia and it was made very clear yesterday by the Commissioner, Festus Shilongo, Regional Commander of the Khomas Region.

Khomas Region has the largest mixed population from all languages and not only Namibians, but even language that are spoken in Asia, Europe and Latin America and it cannot be the most lawless Region in the country. That will be problematic in terms of finance, in terms of tourism and development.

Having said that, we also have a responsibility to ensure that our municipality is friendly to the poor people, that our law enforcement agencies follow proper procedures and as the political head of the Police in this country, I have no other option but to make sure that laws are obeyed and I support my Commanders.

The next question: “Who should the public now follow? The Minister or the Police?” An Honourable Member who makes laws is asking who

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should be followed. Follow the law, my friend. If you do not follow the law and you follow an individual, you will not be tried in Court on the basis of what somebody has said, but on the basis of the law you have passed. It is a written law, it is gazetted, it was passed by Parliament, the representatives of the people of this land.

The following question: “How many shebeen operators have been arrested?” By the time of the question by Honourable Peter Naholo there were three shebeen operators who were arrested, two women and one man. They appeared at Katutura Magistrate’s Court and two of them paid bail of N\$1,000 each and the last one paid N\$300 and allowed to go home.

The total of those who were arrested so far is one hundred. Honourable Acting Speaker, we are doing everything possible. The Prime Minister, the Governor of Khomas Region, the Municipality, the Police and the Ministry responsible for Regions we are all coordinating to make sure the laws are obeyed and any extra issue that needs to be resolved is resolved. The issue of land availability, we are talking about money being transferred to the Municipality, therefore let the Municipality utilise that money to make land available. On the issue of compliance certificates issued by the Ministry of Trade and Industry, there is a word which I do not like, being “*moratorium*”, because a moratorium only creates opportunities for people to break the law and that we cannot afford. These are issues we as a Government must continue to address while maintaining law and order.

Maybe I should now touch on what was mentioned by Honourable Shixwameni. He said the people are now saying “*down Shilongo, down Ndeitunga,*” but I question that if there is anyone who was going to say “*viva Mbumba*”. If we are all down, we are all down, but we will stand our ground.

We have a number of laws and we cannot have some laws being respected and others either ignored or violated. We have the Liquor Act and it must be applied as any other Act. We have the Casino and Gambling House Act, we have the Subsistence Abuse and Rehabilitation Act. Let all of us learn how to live within the four corners of the law.

Lastly I would like to use this opportunity to call upon our Namibian nationals to please acquaint themselves with the relevant Acts, such as those I have just quoted. I also urge them to seek audience with their local authorities to propose how they could best manage the communities as well as working in good relationship with their respective councillors.

Having done that, I rest my case.

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HON NAHOLO: Honourable Acting Speaker, I would like to thank the Honourable Minister for his response. The primary objective of my question was only for the Minister to clear the air as to where the government stands on the issue of shebeens. Now the Minister has made it very clear where the ministry stands and I think as of today everybody is clear. I see some of the shebeen owners are sitting around and the message is clear, there is no longer a hide-and-seek game, the police is going to continue to arrest you, no matter whether you are poor or hungry. The message is clear today and I thank you very much, Honourable Minister, the air is now cleared.
