

LIST OF MEMBERS OF THE NATIONAL ASSEMBLY

SPEAKER

Dr T-B Gurirab (Mr)

DEPUTY SPEAKER AND CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE

Prof Loide Kasingo (Ms)

THE CABINET

MINISTERS

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

Dr G H Geingob (Mr)	<i>(Prime Minister)</i>
Mr M Hausiku	<i>(Deputy Prime Minister)</i>
Mr N Angula	<i>(Defence)</i>
Ms P Iivula-Ithana	<i>(Home Affairs and Immigration)</i>
Mr I Ngatjizeko	<i>(Safety and Security)</i>
Ms N Nandi-Ndaitwah	<i>(Foreign Affairs)</i>
Dr A Kawana (Mr)	<i>(Presidential Affairs & Attorney-General)</i>
Ms S Kuugongelwa-Amadhila	<i>(Finance)</i>
Mr J Ekandjo	<i>(Youth, National Service, Sport and Culture)</i>
Mr U Nujoma	<i>(Justice)</i>
Mr E Nghimtina	<i>(Works and Transport)</i>
Dr D Namwandi (Mr)	<i>(Education)</i>
Ms D Sioka	<i>(Labour & Social Welfare)</i>
Mr J Mutorwa	<i>(Agriculture, Water & Forestry)</i>
Mr J Kaapanda	<i>(Information & Communication Technology)</i>
Mr U Herunga	<i>(Environment and Tourism)</i>
Dr N Iyambo (Mr)	<i>(Veterans Affairs)</i>
Mr A !Naruseb	<i>(Lands & Resettlement)</i>

Dr R Kamwi (Mr)	<i>(Health and Social Services)</i>
Ms R Nghidinwa	<i>(Gender Equality and Child Welfare)</i>
Mr C Namoloh	<i>(Regional and Local Government, Housing and Rural Development)</i>
Mr B Esau	<i>(Fisheries and Marine Resources)</i>
Mr I Katali	<i>(Mines and Energy)</i>
Mr C Schlettwein	<i>(Trade and Industry)</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>(Agriculture, Water & Forestry)</i>
Mr P Iilonga	<i>(Defence)</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>(Fisheries and Marine Resources)</i>
Mr P Mushelenga	<i>(Foreign Affairs)</i>
Mr P Shifeta	<i>(Environment and Tourism)</i>
Ms J Kavetuna	<i>(Youth, National Service, Sport & Culture)</i>
Mr W Isaacks	<i>(Mines and Energy)</i>
Mr S Simataa	<i>(Information and Communication Technology)</i>
Dr E Kaiyamo (Mr)	<i>(Home Affairs and Immigration)</i>
Mr K Nguvauva	<i>(Works and Transport)</i>
Ms P Beukes	<i>(Regional and Local Government, Housing and Rural Development)</i>
Vacant	<i>(Finance)</i>
Ms S Makgone	<i>(Education)</i>

SECRETARY

Mr. J Jacobs

DEPUTY SECRETARY

Mr F S Harker

DEPUTY MINISTERS IN THE NATIONAL COUNCIL

Mr K Ngauva	<i>(Works and Transport)</i>
Mr T Diergaard	<i>(Lands and Resettlement)</i>
Ms H Nicanor	<i>(Veterans)</i>

LIST OF MEMBERS AND PARTIES WHICH THEY REPRESENT

ALL PEOPLE'S PARTY (APP)

Mr I Shixwameni	<i>(Chief Whip and Party Leader)</i>
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CONGRESS OF DEMOCRATS (COD)

Mr B Ulenga	<i>(Chief Whip and Party Leader)</i>
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DTA OF NAMIBIA

Mr K Kaura	<i>(Party Leader)</i>
Mr P Moongo	<i>(Chief Whip)</i>

NATIONAL UNITY DEMOCRATIC ORGANISATION OF NAMIBIA (NUDO)

Mr K Riruako	<i>(Party Leader)</i>
Mr A Tjihuiko	<i>(Chief Whip)</i>

RALLY FOR DEMOCRACY AND PROGRESS (RDP)

Mr S Bezuidenhout	
Mr Hidipo Hamutenya	<i>(Party Leader)</i>
Ms A Limbo	
Mr H Lucks	
Mr P Naholo	
Mr K Nehova	
Mr J Nyamu	<i>(Chief Whip)</i>
Mr A Von Wietersheim	

REPUBLICAN PARTY

Ms C //Gowases

(Chief Whip)

SWANU

Mr U Maamberua

(Chief Whip and Party Leader)

SWAPO OF NAMIBIA

Ms S Kuugongelwa – Amadhila

(Minister)

Mr B Amathila

Dr M Amweelo (Mr)

(Deputy Chief Whip)

Mr N Angula

(Minister)

Dr H Geingob (Mr)

(Prime Minister)

Dr S C Ankama (Mr)

(Deputy Minister)

Ms P Beukes

(Deputy Minister)

Mr E Dingara

Mr J Ekandjo

(Minister)

Mr B Esau

(Minister)

Dr T-B Gurirab (Mr)

(Speaker)

Ms P Haingura

(Deputy Minister)

Mr M Hausiku

(Deputy Prime Minister)

Mr U Herunga

(Minister)

Mr P Iilonga

(Deputy Minister)

Mr W Isaacks

(Deputy Minister)

Ms P Iivula-Ithana

(Minister)

Dr N Iyambo (Mr)

(Minister)

Mr J Kaapanda

(Minister)

Dr E Kaiyamo (Mr)

(Deputy Minister)

Dr R Kamwi (Mr)

(Minister)

Mr P Kapia

Prof L Kasingo (Ms)

(Deputy Speaker)

Mr I Katali

(Minister)

Ms J Kavetuna

(Deputy Minister)

Dr A Kawana (Mr)

(Minister)

Mr K Kazenambo

Ms L Lucas

(Deputy Minister)

Ms S Makgone

(Deputy Minister)

Ms A Manombe-Ncube

Mr N Mbumba	
Ms A Muharukua	<i>(Deputy Minister)</i>
Mr A Muheua	<i>(Deputy Minister)</i>
Mr P Mushelenga	<i>(Deputy Minister)</i>
Mr J Mutorwa	<i>(Minister)</i>
Ms T Mushelenga	
Mr B Mwaningange	
Mr T Nambahu	<i>(Deputy Minister)</i>
Mr C Namoloh	<i>(Minister)</i>
Dr D Namwandi (Mr)	<i>(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>
Dr B. Ndjoze-Ojo (Ms)	
Mr E Utoni	<i>(Deputy Minister)</i>
Mr P 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>(Chief Whip and 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
05 NOVEMBER 2013**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENTS

HON SPEAKER: The Business of the House as scheduled for today shall now commence.

Before I get to the usual routine I want to say from the Chair, what has been said by the leaders of our country that Comrade Frederick Matonga has been declared a National Hero by our Head of State. His body will lie in State but the programme that will be made public will guide us because his body will also pay a visit back to his residence in the North and will be back before it is taken for burial “at the Heroes Acre” Further details will be made known.

If Honourable Mbumba has anything to add to that, I welcome him, because the consultations are taking place at different levels. Honourable Mbumba.

HON MBUMBA: Thank you very much, Honourable Speaker for the announcement. The only additional information I would like to add is that we have opened a book of condolences at the SWAPO National Headquarters.

Those Comrades who have the time between today and Friday are welcome to come and sign or give a message for the benefit of the family,

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ANNOUNCEMENTS
HON DR GURIRAB

especially the children and descendants of Comrade Frederick Matongo, a Colonel, a Diplomat and a Soldier. Thank you very much.

HON SPEAKER: Thank you very much. We shall provide information as and when it becomes available. Honourable Ulenga?

HON ULENGA: I have got a question?

HON SPEAKER: Is it a question directed to me or to the Secretary-General?

HON ULENGA: Honourable Speaker, thank you very much. I do not want to speak without offering my heartfelt condolences to the relatives of the late Comrade Matongo, to the SWAPO Party of which he was also a leader and of course to the Nation, generally, seeing that he has been declared a National Hero which I think is very appropriate for the services that he has given to the Nation during a lifetime of struggle.

However, Comrade Speaker, seeing that we are talking about a National Hero, can the book of condolences not be moved to a place somewhere more central instead of being at the SWAPO Headquarters? I thank you.

HON SPEAKER: Perhaps the Secretary-General has taken note of that. Honourable Members, I do not really want to make it a discussion issue, we are talking about somebody who has passed on, I do not want him to become a subject of a Debate and views, so I am not going to entertain

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**TABLING OF REPORTS
HON DR GURIRAB / HON KAAPANDA**

further questions.

I was saying Honourable Lucia Witbooi has recently been elected as the new Commonwealth Women Parliamentarians (CWP) Chairperson for Africa Region for a three-year term. I call upon the relevant Standing Committees of the House and the Line Ministries dealing with matters related to that Parliamentary Institution's activities to be of assistance to her and to join in celebrating her promotion. Congratulations!

**TABLING: ANNUAL REPORT OF
THE OMBUDSMAN OF NAMIBIA**

HON SPEAKER: Lastly, in terms of Section 6(3) of the *Ombudsman Act*, 1990 (Act 7 of 1990), I lay upon the Table, the Annual Report of the Ombudsman of Namibia for the year 2012. I so Move and it shall be so done.

HON SPEAKER: Any Petitions? Reports of Standing or Select Committees? None? Other Reports and Papers? Minister of Information and Communication Technology.

TABLING: ANNUAL REPORTS

**HON MINISTER OF INFORMATION AND COMMUNICATION
TECHNOLOGY:** Thank you, Honourable Speaker. I lay upon the Table, the:-

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**TABLING OF REPORTS
HON KUUGONGELWA-AMADHILA**

- (i) Annual Report of NamPost for the year 2012; and
- (ii) Annual Report of Namibia Post and Telecom Holdings Ltd for the year 2011. I so Move, Honourable Speaker.

HON SPEAKER: Can the Honourable Minister please table the Reports?. Other Reports and Papers? Honourable Minister of Finance.

TABLING: REPORTS OF THE AUDITO-GENERAL

HON MINISTER OF FINANCE: Thank You, Honourable Speaker. I lay upon the Table, Reports of the Auditor-General of the:-

- (i) Land Acquisition and Development Fund for the Financial Year ended 31 March 2012;
- (ii) Education Development Fund for the Financial Years ended 31 March 2011 and 2012;
- (iii) Veterinary Council for the Financial Year ended 31 March 2012; and
- (iv) Namibia Competition Commission for the Financial Year ended 31 March 2012.

I Move so, Honourable Speaker.

HON SPEAKER: Can the Honourable Minister please table the Reports?

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**NOTICE OF QUESTIONS
HON VON WIETERSHEIM**

Any further Reports and Papers? Notice of Questions? Honourable Von Wietersheim.

QUESTION 46:

HON VON WIETERSHEIM: Thank you, Honourable Speaker. I give Notice that on Thursday, the 14th of November 2013, I shall ask the Honourable Minister of Youth, National Service, Sport and Culture the following:

1. Since the Honourable Minister replied to a similar question previously, without providing an answer to this Assembly, I still want the Minister to tell this Assembly what costs were incurred for the erection of the Statue at Ongulumbashe and to indicate where in his Budget, provision was made for this expenditure?
2. Since further Statues are planned to be created and erected, can the Honourable Minister indicate to this Assembly whether an appropriate Budget has already been drawn up and what additional costs are to be incurred therefore?
3. Since it is the mandate of his Ministry to support, promote and nurture Namibian Artists in developing their professional capacity, can the Minister tell this Assembly, how many Namibian Artists have been engaged in the creation of these sculptures, either as professionals in their own rights or in partnership or understudy with foreign contractors in order to promote their professional capacity?
4. Can the Honourable Minister agree with me that National Monuments should reflect our national culture and should, therefore, be created by our own artists, which in turn will create the sense of pride and ownership amongst all of us?

Thank you, Honourable Speaker.

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**NOTICE OF MOTIONS
HON NUJOMA**

HON SPEAKER: Can the Honourable Member please table the question.

Any further Notice of Questions? Notice of Motions? Honourable Minister of Justice.

NOTICE OF MOTIONS

HON MINISTER OF JUSTICE: Thank you, Comrade Speaker. I give Notice that leave be given to introduce a Bill to amend the *Magistrate Act*, 2003, so as to:-

- (i) Provide for certain definitions;
- (ii) Empower the Commission to recognise one association of Magistrates;
- (iii) Empower the association of Magistrates to nominate Divisional Magistrates and Regional Magistrates for appointment as members of the Commission;
- (iv) Provide for qualifications for appointment or designation as members of the Commission;
- (v) Limit the term of office of a member of the Commission to not more than two consecutive terms;
- (vi) Empower the Minister to withdraw a Member from the Commission on the recommendation of the Commission;
- (vii) Empower the Commission to transact urgent business by circulation among all members without holding of a meeting;
- (viii) Further provide for the jurisdiction and functions of a Clerk of the Magistrate's Courts appointed temporarily to act as an Assistant Magistrate for a District or Sub-district;
- (ix) Further clarify the designations of Magistrates and assignments of Magistrates to certain Courts;
- (x) Limit the appointment of the Chief Magistrate to five-year term of office renewable;

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**NOTICE OF MOTIONS
HON NUJOMA**

- (xi) Provide for a person to revert to the post of Magistrate after having failed to secure for a reappointment as a Chief Magistrate;
- (xii) Further empower the Minister to create temporary posts additional to the permanent establishment;
- (xiii) Provide for the appointment of persons as Magistrates on fixed-term contracts of employment on the permanent establishment;
- (xiv) Subject the appointment of Magistrates to a probation of not less than six months;
- (xv) Empower the Minister to recognise qualifications in Law by notice in the *Gazette* to be qualifications of satisfactory standard of professional education for the appointment of persons as Magistrates;
- (xvi) Make clear the powers and functions of certain Magistrates;
- (xvii) Provide for further acts or missions as misconducts;
- (xviii) Empower the Presiding Officer at a disciplinary investigation to issue a Warrant of Arrest against a person who fails, without lawful excuse, to attend or remain in attendance at an investigation to give evidence or to produce documents, and to impose penalties;
- (xix) Increase penalties for certain offences; and
- (xx) Provide for incidental matters.

I so Move, Honourable Speaker.

HON SPEAKER: Can Honourable Minister please table the Motion? Any further Notice of Motions? Honourable Minister of Justice.

HON MINISTER OF JUSTICE: If I am allowed Comrade Speaker, I have another Motion.

HON SPEAKER: Do you have two of them? Continue, Honourable Minister.

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**NOTICE OF MOTIONS
HON NUJOMA**

HON MINISTER OF JUSTICE: Thank you, Comrade Speaker. I further give Notice that leave be given to introduce a Bill to amend the *High Court Act*, 1990, so as to:-

- (i) Give powers to the Judge President to make rules to regulate the execution of immovable property where such property is the primary home of the judgment debtor and to make court-ordered alternative dispute resolutions mechanisms compulsory in certain causes and matters as preliminary to the hearing or trial;
- (ii) Make rules for the filing of witness statements which constitute evidence-in-chief in lieu of oral evidence;
- (iii) Make rules for the more effective control of the litigation process by Judges;
- (iv) Make rules for electronic filing of process and documents with the Court; and
- (v) Provide for incidental matters.

I so Move, Comrade Speaker.

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

The Secretary will read the First Order of the day.

**RESUMPTION OF DEBATE ON THE STATE OF
HEALTH AND SOCIAL SERVICES IN THE COUNTRY**

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**THE STATE OF HEALTH, DIGNITY AND
CARE OF SENIOR CITIZENS IN THE COUNTRY
HON WITBOOI**

SECRETARY: Resumption of Debate on the State Of Health and Social Services in the Country.

HON SPEAKER: When this Debate was adjourned on Wednesday, 30 October 2013, the question before the Assembly was a Motion by Honourable Ulena that the Motion be adopted.

Honourable Kaura, who is prominently visible by his absence, adjourned the Debate. Any further discussions? Honourable Witbooi.

HON WITBOOI: Thank you, Honourable Speaker. Honourable Members, I rise to make my contributions on the Motion of Honourable Ulena on the health and care for old people or pensioners.

The Namibian Government is a caring Government, therefore, our senior citizens are not excluded from development plans, they always (intervention)

HON ULENGA: Point of Order.

HON SPEAKER: Yes, Point of Order, the Honourable Member has not said anything yet. What is the nature of your Point of Order, Honourable Ulena?

HON ULENGA: Honourable Speaker, it is very unfortunate and I apologise to the person on the Floor for offering this Point of Order.

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**THE STATE OF HEALTH, DIGNITY AND
CARE OF SENIOR CITIZENS IN THE COUNTRY
HON WITBOOI**

Honourable Speaker, the Motion as it is presented on the Orders of the Day now says; *Resumption of the Debate on the State of Health and Social Services in the Country*. Honourable Speaker, I think this is seriously a real misrepresentation of the Motion. It should rather read as Honourable Witbooi herself was putting it now. It should be; *Resumption of Debate on the State of Health, Dignity and Care of the Nation's Senior and Very Senior Citizens*. I would like to Move compiling the Order Paper correct the situation by inserting the proper wording for the Motion. Thank you very much.

HON SPEAKER: Thank you, it shall be done and thank you for the discovery of the mistake. Honourable Witbooi.

HON WITBOOI: Honourable Ulena, thank you for the correction. The Namibian Government is a caring Government, therefore our senior citizens are not excluded from development plans, they always receive preferential treatment in most programmes and services. In your Motion, Honourable Ulena, you put emphasis on the two words, *health and care*.

Let me give the Honourable Members here and the public out there a broader picture of this health and care of our senior citizens. For example, they receive funeral benefits that have increased from N\$2,200.00 to N\$3,000.00, and recently the Pension Grant was increased from N\$550.00 to N\$600.00. The elderly also receive discounts when they travel by train, they even receive a discount on TV Licences, they receive free health services at the State's Health Institutions and the Government also caters for our senior citizens through the drought relief programmes where they are provided with food. We also know about Christmas Parties and many other activities where our Government is involved through the Local Authorities. Various Churches also donate items, cleaning material and help with the cleaning of their homes regularly during their visits.

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HON WITBOOI**

Honourable Members, Honourable Peya Mushelenga also mentioned during this year's Budget Deliberations that in some cultures the elderly are not used to Old Age Homes and prefer living with their families and I fully agree with him. It is even very difficult to remove them from the difficult living conditions to a much better and caring environment where they, for example, live with their children.

Another concern that I had is that our old people are being neglected and this is true, I will not use better words for that. Our old people are being neglected by their own children, grandchildren and their families.

HON A TJONGARERO: Some? Some do not.

HON WITBOOI: Yes some, thank you. For instance, the families do not report the circumstances of an elderly person in their care to the clinics, therefore, there is too much reliance on what the Government should do for the elderly and our very senior citizens.

The point I want to make here is that, we should encourage our children and families to take care of their parents and the elderly people. They must not leave that responsibility with the Government alone. In some communities we have health committees at the clinics that do home visits and report cases to clinics. If the clinics cannot handle these cases, they refer them to the Social Workers.

Honourable Members, let us also be patient and give the Government the time they deserve to complete its Programmes and Projects. Honourable Ulena, in conclusion, I am supporting the Motion but differ from you in the way you seem to be putting the whole responsibility of caring for senior citizens squarely on the Government alone. With that, I support the Motion.

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HON IILONGA**

HON SPEAKER: Thank you. Honourable Iilonga.

HON DEPUTY MINISTER OF DEFENCE: Thank you, Comrade Speaker. I also rise to make my contribution on the Motion by Honourable Ulenga which deals with the *State of Health, Dignity and Care of the Nation's Senior and Very Senior Citizens*.

I firstly, want to start with a phrase in Oshiwambo that I presume Honourable Ulenga knows very well that will now cement the position of Comrade Pendukeni, the Honourable Minister of Home Affairs, when she says that; when it comes to the basic care of our old citizens, it must not be left to the Government alone. The phrase says; *kaxuxwena hadela nyoko, nyoko onale eku hadele*. This phrase simply means that the youngsters must also help their parents because their parents brought them up from day one until the time they could be on their own.

On that note, the responsibility of care-taking should not be left to the Government alone. It is also true what Comrade Witbooi mentioned about what the Government does for our senior citizens in relation to receiving treatment no matter how big, whether an operation has to be performed – Government always takes care. However, we need to be reminded to treat our senior citizens with respect and dignity, collectively.

There are those who complain on behalf of the senior citizens that they cannot afford to live on a N\$600.00 per month, however, the senior citizens themselves will tell you that – *we know we started from nothing* because some were not even receiving any pension during the colonial time and only started receiving N\$100.00 after which it was equalised for everybody.

Another point I would like to mention is that Honourable Ulenga said he was manipulative with his IT skill, however, he also manipulated the way he presented his Motion in order not to politicise it. I just want to advise him not to follow the example of Honourable Kaura who used to stand in

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this House requesting that the senior citizens pension must be increased, expecting to gain support from the senior citizens but they know the reality and cannot be told something by somebody and jump. Therefore, Honourable Ulenga did well by manoeuvring his Motion to avoid politicising it because he said – senior citizens are not only affected in Namibia but everywhere in the world, including those countries which say that they are more caring.

What the senior citizens need is psychology and diplomacy. If you want to take care of them, you should first treat them with love and I want to see us do this, collectively. Those who take kids to the elderly people must also know that these people need love and that love should not only come from the Government because the Government is already doing a lot for our senior citizens.

I, thus support Honourable Iivula-Ithana not to only rely on the Government since the Government already does and continues looking after our senior citizens. We call on our nurses in hospitals to honour and treat our senior citizens with the dignity they deserve. We call on all the institutions like the banks to provide facilities for the elderly. There are few institutions with facilities reserved for the elderly people. You can follow my example here in the House, Comrade Speaker will always look at me because I like teasing my elder in order to cheer him up so that he can forget thinking about the cattle affected by this drought. That is the treatment we need to give our senior citizens.

Honourable Ulenga, on the issue of the Old Age Home, your mother would never accept to be taken from Ontanga to an Old Age Home and so also my uncle Gwalala Melchizedeck will never accept that and that is why we say let us take care of our elders, collectively. These youngsters of today, the born-frees, must be taught to honour the elders - *kaxuxwena hadela nyoko, nyoko onale eku hadele*. They must recognise the assistance they have been receiving all along.

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HON SPEAKER: Point of Order, Chief Ankama.

**HON DEPUTY MINISTER OF FISHERIES AND MARINE
RESOURCES:** Thank you, Comrade Speaker. I would like to ask my senior Colleague and Comrade a question.

Comrade *Omutse gwateka*, we have got (intervention)

HON MEMBER: How many names does he have?

**HON DEPUTY MINISTER OF FISHERIES AND MARINE
RESOURCES:** He has so many names, I tell you. There is this situation whereby young people get children and dump them on the old people, is this a healthy trend to get babies and impose them on the old people who are supposed to enjoy their old age days on their own, what are you saying about this?

Perhaps another question is with regards to respect, you will find that nowadays the born-frees, and perhaps not born-frees alone, when it comes to the treatment of the elderly, they even push them around, what do you think this would cause in the long run in our society?

HON DEPUTY MINISTER OF DEFENCE: Thank you, Comrade Speaker. Comrade Chief, the importance is that we teach our youngsters collective responsibility.

Comrade Kazenambo also mentioned one thing which directly relates to

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my situation. He said there are some children who are dumped on the elderly people and have no mothers. Some people want to say it is not true but it is true. ,My son was given a three month old baby by the mother. As we speak now, this baby is three years old but up to now we do not know her mother. I just want to emphasise the importance of collective responsibility here. Those youngsters who make kids here or somewhere and in other urban areas whether in Oshakati, Luderitz or elsewhere need to be forced to pay for maintenance. They must pay maintenance so that the elders do not just to depend on their N\$600.00 to share with these kids. It will not be a problem if they are made to pay maintenance but create a healthy situation because these kids will be brought up in the same manner that you and I were brought up under the care of our elderly. You would not find us hanging around on the streets.

Concerning the treatment of our senior citizens at hospitals, what I said was that we need the Government to provide our senior citizens with free medical treatment and we are only encouraging our nurses to create a safe and comfortable environment for the elderly. We can even have those retired nurses to look after these elderly people at hospitals.

HON SPEAKER: Minister of Women Affairs and Child Welfare.

HON MINISTER OF GENDER, EQUALITY AND CHILD WELFARE: Thank you, Comrade Speaker, Sir. I would like to ask the Honourable Member a small question on the issue where he has raised his grandchild who was dumped by an unknown mother three years ago.

How is it possible that your son does not know the mother of that child? I think it is a very serious issue when the fathers do not know the mothers of their children. It is a serious issue. Thank you, Comrade Speaker.

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HON SPEAKER: Child complication.

HON DEPUTY MINISTER OF DEFENCE: Thank you very much. This is just a way of talking, saying that the mother is not known, I did not mean that she is not really known. The person is known but she never comes to see the baby she dumped three years ago and now he is a boy of three years. That is what I meant. They know each other but she never attempted to come and visit, I think that is the reality we are facing.

HON SPEAKER: Point of Order. Honourable Ndjoze-Ojo.

HON DR NDJOZE-OJO: On a Point of Concern, I am just wondering, I really appreciate the fact that the examples we are using are from our own homes and our own experiences but I just do not feel quite comfortable discussing a child we know, in Parliament, at the level at which we are discussing the example of the child because the children must be protected and this is recorded and the public is hearing. The child has a right to be protected in terms of identity and so on.

I understand that it has been used as an example but I really feel that we should not continue to discuss the issue in public about this very vulnerable child. Thank you.

HON DEPUTY MINISTER OF DEFENCE: Thank you very much. The issue here is not a secret but only an example of what we have in our society. That is just an example and I did not even give you the name of that child. To conclude my contribution (intervention)

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HON ULENGA: Point of Order?

**HON MINISTER OF PRESIDENTIAL AFFAIRS AND
ATTORNEY-GENERAL:** You are the Mover.

HON SPEAKER: Is it for clarification purposes, because it is your Motion, you will have all the time when you reply.

HON ULENGA: Thank you very much. Honourable Speaker, it is a serious clarification because I hear my Comrade there saying he is about to conclude.

I would like to make an appeal to the participants in the discussion that, please let us not bring in personal issues, for example, the reference to my mother, I do not take kindly to it because there are so many examples that you can give. Please do not bring my mother into it at all because she will feel like I allowed her to be discussed at Parliament while to come and discuss my family here is not my intention at all. Thank you.

HON SPEAKER: I am in trouble now.

HON DEPUTY MINISTER OF DEFENCE: Thank you. Honourable Ulenga, I mentioned a person I know, therefore, I even mentioned my uncle and I just gave an example about what you said that people must build Old Age Homes. I, therefore mentioned this as a good example that you

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cannot doubt (intervention)

HON ULENGA: I did not say that.

HON DEPUTY MINISTER OF DEFENCE: Yes, you did mention it in your Motivation.

HON SPEAKER: One Member at a time please. I am even getting lost, who is speaking? Honourable Iilonga continue, you were wrapping up there.

HON DEPUTY MINISTER OF DEFENCE: Thank you very much. That is my mother and my uncle so I will withdraw them from my discussion. Honourable Ulenga, through the Honourable Speaker, I think you are satisfied now. (intervention).

HON SPEAKER: Continue, continue please.

HON DEPUTY MINISTER OF DEFENCE: In conclusion, I just want to make a suggestion, we have people who have been identified by the elderly people in the family to collect their Old Age Pension on their behalf, however, I suggest that the company which was contracted by the Ministry of Labour and Social Welfare should have a programme where elderly people are called every month to physically identify themselves and show that they are still alive.

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I am proposing a programme like what happened last month where the elderly were called to re-register in order to see if they were still alive because you will find that the elderly people are so clean and they are dressed in new shirts or dresses. Comrade Minister, this exercise is really helping and it should be encouraged. The contractors should be encouraged to do that so that people like Honourable Tjiuiko can bring their elders and clean them, otherwise they will not receive that money.

Finally, I just want to say that the responsibility of taking care of our elderly people must be a collective responsibility and not for the Government alone. I thank you.

HON SPEAKER: Thank you. Honourable Swartz.

HON SWARTZ: Thank you, Honourable Speaker. Honourable Members, I also want to make my contribution to this very important Motion.

In the Motion, Honourable Ulenka talks about caregivers. We do have different NGOs working in our Regions that have their missions and visions. They do not care for elderly people. Elderly people can stay in our houses, if our children, the community, leaders and all of us can work together and look after them, they will have a very decent life.

For example, elderly people have to travel long distances to reach hospitals. For me as a person who worked for almost sixteen years for NGOs, it is very difficult that we make different statements on this very important Motion here. I think it will also be very important if we can refer this Motion to a relevant Committee so that it can have consultative meetings with people on the ground.

Some of our children, as what was said here, do not care about the elderly

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people and our elderly people do not have the right information on the ground because they do not know that there is a *Maintenance Act* and it is very important for them to know that the Act makes provision for an elderly person who has been given the responsibility of looking after a child to open a case against the parents of the child so that they can support their own children. As an elderly person, one cannot send a child away or back to the parents because the child may end up being a street kid or being dumped. That is the reason elderly people take these children up in their houses, however, it is for the elderly to stand up and open cases against their children as what our mother, the Honourable Minister of Home Affairs said last week. She said that there are many contributing factors to the issue at hand, the children and the local community in a certain town who do not care about the elderly people are amongst those factors.

In our villages and in Karasburg, it is the community that plays that role of caring for our elderly people. For example, we contribute food items every Sunday at the Roman Catholic Church and there is also a soup kitchen where people can come and collect food each and every day. However, the old woman will take her food home and share it with the children because she knows there is nothing for them to eat. That is how our lives are in the rural areas. We cannot expect to receive everything from the Government and most of our NGOs mainly concentrate on HIV/AIDS and projects that are not even sustainable, they can also come up with project proposals of NGOs that can assist the elderly people within our Regions.

Honourable Speaker, Honourable Members, some of our elderly people are suffering in some towns and do you know why? A certain business person in the town would take the pension cards of the elderly people and run his business with the pension of these people. These are things that happen in our villages and it is why it is so important that the relevant Committee should go out and gather information to help us better see and plan the way forward. Thank you.

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HON SPEAKER: Can you repeat that last point?

HON SWARTZ: Honourable Speaker, my last point was that, in some towns you will have business people who take the pension cards of the elderly people and run their businesses with the elderly's pensions because the N\$600.00 only caters for a very few items. It is allowed to continue like that, that is why it is important for us to go out there and obtain information on the ground in order to plan the way forward. I thank you and I support the Motion.

HON SPEAKER: I almost take it as a question. I hope that the relevant Ministry or Ministries will have a reply and not to wait for question time. I do not know what that means, practically. Maybe I am living in a different, I do not quite understand what is being said. It is so alarming.

Next is Honourable Limbo.

HON LIMBO: Thank you, Honourable Speaker. I want to start by apologising because my voice is a bit hoarse today.

I would like to say that Honourable Ulenga brought this Motion at the right time because in our midst, our elderly are really facing serious problems in our villages. Maybe we must ask ourselves the question why we used to look after our parents in the olden days and nowadays it seems like we are forced to do that. There are so many factors as Honourable Iivula-Ithana has said because we are about moving from the rural areas to urban centres and children moving from one country to another. Therefore, we have so many factors which we cannot prevent (intervention)

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HON SPEAKER: I do not want to deny your rights, however, it is past tea time and we have a short programme, shall we continue? Thank you, continue.

HON LIMBO: Thank you very much. I was saying that because of movements, when we go in our rural areas we see that a lot of our parents and grandparents are becoming cattle herders. Some are becoming nannies as we are told, a lot of them are becoming health workers, almost every role is now pushed to the elderly people in the villages because our society is breaking down. I do not know what is happening to our norms and values, we are losing it very fast. That is maybe why we are now asking ourselves questions, do we now need to start bringing the western way of living by introducing the Old Age Homes or what? That is another question.

It is not that we want our parents to be in Old Age Homes but the situation is going to force us one day and it is coming because it is even better in urban centres because health centres and shops are near but it is very difficult in the villages. They get their N\$600.00 and you will find that, I do not need to mention some nationals, they will come with their trolleys of things to sell, so our people are becoming constantly indebted to these people. All you hear is – *mama, mama, korota - korota*, meaning that *you must get*, in my language. You will get a blanket today and tomorrow they bring shoes because you cannot afford to go to town to buy whatever you want. The people are old so they cannot go into towns themselves and when they manage to go alone, they are targeted by our own children. They are, therefore, living in constant fear. What are we supposed to do now? Yes, we want to keep them in the villages, but is it really safe for them? Some villages are becoming empty, you will find that the youngest person is 60 years old and above so it is becoming like a child looking after the mother and the grandmother, it is really pathetic for some of us who come from the deep rural areas. If you go to the village you do not know where to start and how to do it. We are, therefore, really faced with a very serious problem. As much as the Government is trying to look after these people, the problem is growing bigger every day. That is why I

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do agree with what my sister here proposed that we must refer this Motion to the relevant Committees so that they can go out and try to dig deeper and find out what we can do, if ever we will get answers but maybe we will minimise some of the problems. However, whether we like it or not, the current situation will force us to want to talk about Old Age Homes in this Chamber, especially for those who are going to leave some day sooner. Some of us are going to see it in our lifetime that you are forced to take your parents to the Old Age Homes, not that you want that to happen or because you hate your parents but because of circumstances you find yourself in.

With those few words, I would like to support the Motion and I support the idea of referring it to the relevant Committee. Thank you, Honourable Speaker.

HON SPEAKER: Thank you. Honourable Moongo.

HON MOONGO: Thank you, Honourable Speaker. Well, I listened to Honourable Minister Iivula-Ithana very carefully and she came with a good proposal, however, let me tackle my own proposal.

I am in support of this Motion because when one stands near a pay point of the elderly people in the villages you see grandmothers and grandfathers carried in wheelbarrows. Since there is a scarcity of vehicles in the villages, they end up paying the owners of these wheelbarrows up to about N\$100.00 for bringing them there and if there is a vehicle available, it takes almost the entire N\$600.00 as payment for transportation. The cheaper option is thus to go for the wheelbarrow and maybe end up paying a N\$150.00 to reach the pay points. All this makes one think for yourself: *“Will I also become the same? Are there no other means?”* I realised the Government cannot afford everything and I, of course I agree with that.

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HON KAZENAMBO: Can I ask Honourable Moongo a question?

HON MOONGO: Yes.

HON KAZENAMBO: Honourable Moongo, since we are discussing about the care of the elders, will you agree with me that what the DTA Youth recently did to the elders is really unfair and unacceptable?

HON SPEAKER: The DTA is no longer the Government of the day since the Independence of Namibia.

HON MOONGO: I rather not answer his question because SWAPO is even worse than the DTA (*laughter*). Coming back to what I was saying, apart from the wheelbarrows, when you turn and look to your right you will see two donkey carts bringing the elderly to the pay point (intervention)

HON SPEAKER: Honourable Minister of Labour.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Order; what the Honourable Member is talking about in terms of wheelbarrows is serious.

Maybe the Honourable Member can provide us with the cost of transporting the elderly to and from the pay point so that

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we can do our research and establish from those people, how much they are actually charging?

HON MOONGO: No, I think we should leave this to the Committee to deal with when they are going to make their consultations in the villages. Let us see how best we can approach this problem in order to treat our elderly people with dignity. You see some are coming with donkey wagons (intervention)

HON SPEAKER: Yes, Honourable Kapia.

HON KAPIA: Thank you very much, Honourable Speaker. May I ask Honourable Moongo a question?

Honourable Moongo, is the SWAPO Party worse because its Government is assisting the elderly people or what do you mean when you say SWAPO is worse?

HON MOONGO: Well, I do not want to entertain politics now but there are not two Governments currently, there is only the SWAPO Party Government and people are carried in wheelbarrows, it is worse. Do not provoke me with this question (intervention)

HON SPEAKER: Honourable Iyambo.

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HON MINISTER OF VETERANS AFFAIRS: Point of Information, Honourable Speaker. Honourable Speaker, the information alleged by the Honourable Member who is speaking is very serious taking into account that he is a Traditional Leader and we are talking of old people (intervention)

HON MOONGO: I will come to that point.

HON MINISTER OF VETERANS AFFAIRS: And Traditional Leaders normally meet and discuss issues that affect the community, how many times does the Honourable Member have meetings in their community as elders, as Traditional Leaders (intervention)

HON MOONGO: I will come to that point.

HON MINISTER OF VETERANS AFFAIRS: To raise this issue to the extent that the Traditional Leader of that community where that elderly person is from can even propose to the Government to receive the money of that lady on her behalf instead of letting the elderly person to be pushed in a wheelbarrow because I do not think if that offer is made it would be forgotten, I think it would have been better. Thank you.

HON MOONGO: Thank you very much. We made considerable progress on that of course. Some of us organised our own vehicles. Therefore, the elderly people in our village are not carried in wheelbarrows anymore.

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HON SPEAKER: There is a Point of Order.

**HON DEPUTY MINISTER OF FISHERIES AND MARINE
RESOURCES:** On a Point of Information or maybe a question; Honourable Moongo, you were born a long time ago, I just want to find out, because this wheelbarrows story is becoming too much.

HON MOONGO: It is a true story.

**HON DEPUTY MINISTER OF FISHERIES AND MARINE
RESOURCES:** Whether true or not, it is just becoming too much.

HON MOONGO: What are you talking about now?

**HON DEPUTY MINISTER OF FISHERIES AND MARINE
RESOURCES:** The question is; when did this trend start because you being a Headman in a particular village, you should have alerted the custodians of the elderly people, the Line Ministry, that there is a situation like this.

However, Honourable Moongo, when you see a person going by a wheelbarrow and you have a car, what do you do as a national leader who owns Uukumwe?

I seriously do not understand the wheelbarrow story . It might be true but the question is about the trend and why that has not been reported to

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the respective Line Ministry to deal with it. That is the question.

HON MOONGO: I did not want the problem of wheelbarrows to continue, I wanted to find a solution. I organised some Headmen around my village, you see, now they want the wheelbarrow story to continue *(laughter)*

HON SPEAKER: Honourable Minister.

HON MOONGO: How can he disturb me?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, I just want to give information in relation to this wheelbarrow as well as ask a question.

In the system of giving pension to elders, those who cannot reach pay points have representatives who go and collect money on their behalves. Why is this wheelbarrow being mentioned now and then how many wheelbarrows are there? We all come from those villages as well, how many wheelbarrows are there or are these only assumptions of maybe one wheelbarrow being seen and it becomes a national problem of wheelbarrows? Some of us have not even seen a single wheelbarrow carrying a person and we are also coming from there.

However, the system provides for those who cannot reach the pay points because of either illness or old age to have representatives to go and collect the money on their behalves. This type of arrangement is already

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in place, why so much of a wheelbarrow? I thank you, Honourable Speaker.

HON SPEAKER: Honourable Moongo.

HON MOONGO: Well, I wanted to find a solution, and as I was saying, I called upon some of the Traditional Leaders, we sat together and we found a solution. The resolution was that those Headmen who have cars could assist with the transportation of the very old and poor people to and from the pay points and since they need some fuel, we supported them with funds from the Traditional Authority Fund. Therefore, for the three villages led by Headmen nobody will ever be carried on a wheelbarrow or donkey carts as a means of transportation (intervention)

HON SPEAKER: Honourable Beukes.

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

Thank you very much, Honourable Speaker. I only want to provide information and if it is possible, also ask a question.

I have tried my best to listen but now it looks like the campaign is heating up. When it comes to wheelbarrows (intervention)

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HON MOONGO: You see, she is still continuing with wheelbarrows. We need to solve (intervention)

**HON DEPUTY MINISTER OF REGIONAL AND LOCAL
GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** Yes, absolutely.

That is the best for you, it would take the Honourable Member a few seconds to take a photo and that should have qualified to be a front page picture, if it was true. I, personally do not believe in that and I am sorry to say that, however, for information purposes, I really want to bring this forward. I think it is time for us to sit with our children and educate our children. It is the right time for us to take care of our elderly people. It is not for them to go to the pay points. That is why there are children and grandchildren, I believe.

The other thing is also that, it is no longer women in their thirties or twenties who bear children, nowadays it is kids, and kids cannot be mothers to their children. That is where we must come together and educate our children. We cannot talk about boys and girls, it is time for us, and I will always repeat that we have to talk with our children that means that the elderly are also visiting their young ones.

HON SPEAKER: You are making your own speech, that is not a question.

**HON DEPUTY MINISTER OF REGIONAL AND LOCAL
GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** That is how it seems.

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My question is; is it really true or is it the campaign heating up because I do not believe in that wheelbarrow story? How can you put an elderly person on a wheelbarrow? Thank you very much, Honourable Speaker.

HON MOONGO: I do not want to continue with the wheelbarrow story. I want a solution.

Other Headmen and I sat together and invited the families or the clans and proposed that a leader be elected from every clan to see to it that there were no baby dumping and that there is no further suffering of the elderly to the extent of being carried on wheelbarrows. They elected their leaders in every clan and some clans where there were business people offered cars to the leader within their clan in order to deal with all the problems related to transportation and some even took it as far as educating the clan on how to behave and so on.

I think this is a very good example, although you only want me to continue talking about wheelbarrows. This is what happened and they now have a car (intervention)

HON SPEAKER: Honourable Minister.

HON MINISTER OF FOREIGN AFFAIRS: May I please ask Honourable Moongo a question?

How many clans are in your village?

HON MOONGO: As I said, we invited the families or the clans together

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and we made a proposal that every clan should have a leader who has to see to it that they behave well and assist the elderly people. One of the clans bought a car for their leader. This is a step forward, they are now busy with the organisation of funds so that they can have petrol for that car and they are successful with (intervention)

HON SPEAKER: Honourable Moongo, the question was; how many clans are there? A clan and a family is not the same thing.

HON MOONGO: Yes, well there is a difference between a clan and a family. Clan is like *Aakwanyoka*, *Aakwamadhi*, *Aakwanekamba* or something like that, which is a big clan. They came together.

HON SPEAKER: Yes, now in your area, do you mean families or extended families?

HON MOONGO: And they elected their leader and the leader is solving many problems and also tries to educate all the youngsters within the clan. That should be regarded as a great step in the right direction (intervention)

HON MINISTER OF FOREIGN AFFAIRS: Honourable Speaker, just a follow up question for clarification.

The Honourable Member is making very interesting input to the Debate and he gives a very useful example which others can learn from because if you have identified a clan and each clan has bought a car, it is really

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important for us to know how many clans there are in your area so that we know the availability of transport in that community because if you have ten clans, you have ten cars, if you have twenty clans, you have twenty cars. That helps us to see how hardworking you really are and you have to be specific in that area because the Parliamentary Committee needs to go there and see how well organised those communities are, that is why we need that information.

Please be specific with the number of clans so that we will know how many cars and then the Parliamentary Committee on their missions can visit and verify this information. As Parliamentarians, we cannot come here and make stories that are not really helpful to our work. Lastly, how far are the clans from each other?

HON SPEAKER: Honourable Moongo, can you also try to wrap up?

HON MOONGO: This is not a political thing but a traditional initiative and we did not want to invite the radio, although I had that in mind, to cover the event of the handing over of the car. However, I thought if I do that it may seem like politicking that is why I just decided to leave it.

One clan successfully elected a leader to organise the youngsters within the clan, he received a car from one businessman from the same clan, and they are now only busy organising funds for petrol in order. Therefore, with these ideas (intervention)

HON SPEAKER: Can you wrap up please? Can you just conclude your contribution? There are others who also want to contribute.

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HON MOONGO: I think that is a step forward, Honourable Colleagues. I, therefore, want the Motion to be referred to the relevant Standing Committee. However, the Headmen must also have some inputs because they are dealing with elderly people on day-to-day basis. With this, I support the Motion.

HON SPEAKER: Thank you. Honourable Angula.

HON MINISTER OF DEFENCE: Honourable Speaker, Sir, I would like to thank Honourable Ben Ulenga for introducing this Motion about the social plight of the elderly and I must declare my interests in this.

At my tender age of 70, I am a junior elderly and I am getting there. Others are ahead of me, like Honourable Nyamu there. They are ahead but we are following.

Talking about the elderly, I would like to focus on an elderly person in the rural areas, especially in the villages. The elderly person in the village has a household and perhaps also a piece of land, I am talking about my village, where this person is supposed to cultivate food. This person also belongs to an extended family. The extended family consists of the offspring of this person, the grandchildren and also other relatives. Generally, an elderly in a village might be a widow, widower or even a couple but the problem is that the institutions that would normally support elderly people in the villages, in the rural areas are no more there because the type of life we are living is driven by cash. If you do not have cash, even in the villages, people will run away from you in search of cash somewhere and that is where the problem starts. When people want to go and earn cash somewhere they leave the elderly in the villages and then the land is not cultivated because the elderly have no energy to cultivate their land which normally provides them with subsistence food and that is where the problem starts.

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The elders are left alone there, their shelters start to crumble and nobody can repair them.

When young people run to towns, it does not matter whether they are boys or girls, they come and stay here. They only remember to go back for two particular reasons; if it is a girl, she will remember to go back when she conceives because she is not able to feed the baby or to get somebody to look after the baby, in a town, so she takes the baby back to the village. Meanwhile, the elderly are really finding it hard to make ends meet. They do not have proper shelters, nor do they have people to care for them. At least with the social pension, the elderly has some financial power that enables them to buy some food and perhaps also to attract a younger relative to stay with them some times. However, this young relative also becomes a burden because they start expropriating the social pension of the elderly.

Then one has the environment which is also working against the elderly. If one is poor, you are not able to buy corrugated iron sheets to make a roof for yourself and consequently depend upon nature and now nature is not providing those traditional roofing material we normally use. Therefore, if you go to the village, you will find that a household is crumbling down and the elderly do not have energy to repair such shelters, which become a problem for them.

There is another institution which is very, very important in the rural setting and that is the community, the Traditional Authorities, the Headmen who really do provide assistance in the way that they monitor what is happening in the household of an elderly person. Whether these people were seen working around or whether there is smoke coming out of the village household symbolises that they are cooking and at least they have something to eat. One does not need to go there physically and check how they are or whether they have food, one has just to look at the smoke, if there is some smoke somewhere in the village, it means that they are cooking. (intervention)

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HON MOONGO: I would like to ask the Honourable Minister a question. Is it now the Headman's duty to monitor the elderly? Is that not too much work or an administrative burden to monitor whether somebody was seen walking on a daily and monthly basis without being given any form of an allowance? Is that not part of administration and is that fair?

HON MINISTER OF DEFENCE: I know that Honourable Moongo was born near Ondangwa and many people around that area only think about cash. They just want to be paid all the time. As the Headman, you hold the ownership of the land on behalf of the Chief and they are selling that land and even demand the tribute tax. You are even taxing the *cuca* shops.

HON MOONGO: Not me!

HON MINISTER OF DEFENCE: It is you Headmen.

HON MOONGO: Headmen are listening to you.

HON MINISTER OF DEFENCE: Yes, I know that they are listening to me.

HON MOONGO: They are not happy at all.

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HON SPEAKER: Continue, Honourable Minister.

HON MINISTER OF DEFENCE: You are not even the only one who lives in the village, I also live in the village like you but our Headmen at least check. When they collect the tribute, the *omahangu*, and how much do you charge per household, is it N\$50.00?

HON MOONGO: It is N\$100.00 now.

HON MINISTER OF DEFENCE: N\$100.00 is a lot of money and you do not even take it to the Chief. Why do you collect N\$100.00 while you only take N\$50.00 to the Chief?

HON SPEAKER: Honourable Minister, please continue.

HON MINISTER OF DEFENCE: Yes, you expropriate and you even demand labour.

HON SPEAKEER: Honourable Minister, continue you have the Floor.

HON MINISTER OF DEFENCE: You even demand labour from the villagers, why do you want to be paid? You are paid already. You even

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have a status as a Headman.

HON SPEAKER: Let us not start a dialogue, speak to the House, Honourable Minister.

HON MINISTER OF DEFENCE: Can I please be protected from the Headman?

HON SPEAKER: Honourable Minister, please go ahead, you are protected. Honourable Moongo, you do not have the Floor. You had your opportunity.

HON MINISTER OF DEFENCE: Yes. I was saying that that is the life of an elderly person in the village and one of the institutions is of course the traditional community and the neighbours around who keep an eye on the elderly and that really helps.

The Church is another institution which has a social agency called diaconia, I do not know who is the a priest here. Does Honourable Moongo know that?

HON MEMBER: We know the concept.

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HON MINISTER OF DEFENCE: These are the social Church workers who go around, visiting elderly people.

HON MEMBER: Deacons.

HON MINISTER OF DEFENCE: Yes, Deacons, those are the ones. They go around in the community to see how the elders are surviving and pray for them. .

HON MOONGO: Is that on behalf of the Government?

HON MINISTER OF DEFENCE: No, are they working for the Church but they are doing a great job for the community. Honourable Speaker, can you please call the Headman to order? Therefore the Church is also doing its work to help the elderly.

However, most of the contribution comes from the Government, particularly through the social pension. If there was no social pension, I am not quite sure how our elders would survive. Well, for individual persons, N\$600.00 is what you pay a person who works in your *cuca shop* or sometimes even less.

HON SPEAKER: Honourable Moongo, please sit down, you had your opportunity.

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HON MOONGO: I just want to ask the Honourable Minister a question. Do you know that some of those people who are working in the Government apply to be employed by Uukumwe because the Government underpays them while others are leaving their employment at other companies to join Uukumwe. Therefore, do not make a mistake.

HON SPEAKER: Some of us do not know what Uukumwe is, so it might be a bilateral discussion.

HON MINISTER OF DEFENCE: Uukumwe is a chain of *cuca shops* selling beer and *tombo*. How can someone leave a Government job to go and sell *tombo*?

HON SPEAKER: That is business and business is allowed in Namibia.

HON MINISTER OF DEFENCE: The Honourable Member is being economical with the truth because nobody will leave a Government job to go and sell *tombo* in Uukumwe, that is not possible.

HON SPEAKER: Honourable Angula, speak to your point.

HON MINISTER OF DEFENCE: I was saying that the Government is

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doing a great job, firstly, through the social pension. The social pension is helping a lot and it is the one that actually keeps the rural economy alive. Even Uukumwe, you can see he is telling us a story here of being a Good Samaritan by transporting the elderly to the pay points. It is not true, it is purely business because he is charging them, he does not transport them for free.

HON MOONGO: On a Point of Order, Honourable Speaker. I have a car in the vicinity that takes the elderly people to the pay point and then back to their homes for free. However, the Government ignores that, they do not want to accept that truth.

HON SPEAKER: That is good neighbourly relationship.

HON MINISTER OF DEFENCE: Let us give him the benefit of the doubt but I know that he is a businessman. Uukumwe, despite the cheap things they sell there, is not a cheap shop, he is overcharging people there. Therefore, we should not take everything he says as the Gospel truth.

I was saying that the Government is doing a great job, firstly, with the children through the School Feeding Programme which is very important, especially for those children who are coming from households run by the very elderly people who cannot even fetch some firewood. Sometimes, they cannot cook for themselves. When children go to school where they at least receive a snack, it helps. Therefore, all these things should be seen as a package from the Government despite all the other things that have been mentioned like the funeral plan. I do not want to talk about the funeral plan benefit that you enjoy when you are dead. It is perhaps fine but I am talking more about something you enjoy while you are still alive. Government makes

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your life a bit liveable.

The only problem I see in the provision of all these things is that there is no synergy. The community there, through the Traditional Institutions, is doing something for the elderly people, the Church through the diconian services is doing something and the Government is providing the social pension but there is no synergy among these players. Perhaps, Honourable Ulenga when you go to the communities with this issue, look whether there is a way of creating synergy so that the impact will be greater in terms of assisting the elderly people. It is not all doom and gloom, this is what I am trying to say. Things are happening but we should do more because there are some of them who have build this country without earning any pension. Some of you are proud to see these highways and mines you inherited. These things were built by these elderly people, those contract workers but they did not have benefits or pension. That is why they find themselves in that kind of situation.

Then we have the breakdown of the rural economy because of overcrowding in the rural areas, the cattle, the goats and even the chicken are disappearing and these are the things which held the household in the rural setting together. The land is degraded its productivity, despite the fact that there is not enough labour in the villages, is also very low. Therefore, those traditional economies that used to support the village lives are also collapsing. Perhaps, I have been advocating myself that besides looking at the big Shitemo, Ndonga Linena Irrigation Schemes, why do we not also do something for the villagers? (Intervention)

HON SPEAKER: Honourable Nambahu.

HON DEPUTY MINISTER OF JUSTICE: Thank you, Honourable Speaker.

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Can I ask the Honourable Member a question? Comrade Minister, you are describing the conditions that are now prevailing in the rural areas. The issue of people becoming dispossessed and the overcrowdedness in these areas. If the situation continues like this, being a scholar of social change, are these not the conditions that actually propel people to launch themselves, sometimes in the future, in what we call a revolution?

When all the means of sustenance have actually been depleted and we are even talking about the carrying capacity of our farms and all these things, where the carrying capacity of that land can no longer accommodate the increasing population, do you not see an indicator of conditions that will blow up and a full revolution emanating from that?

HON SPEAKER: A sort of a protest.

HON MINISTER OF DEFENCE: What is happening in the rural areas, especially in northern Namibia which I know, and I witnessed the changes there for last 70 years minus the 23 years that I spent in exile, is that that area is becoming a big ghetto because people are building small houses everywhere and there is no economy to support those households.

I do not think that the revolution will be lead by the elderly. The revolution will be lead by the people of Havana and Kilimanjaro. Those are the ones who are going to lead the revolution when they get sick and tired of standing at street corners and not finding piecework to buy a bag of mielie meal. One day they will say; *enough is enough*. I am trying to tell you what is coming since I am retiring tomorrow. The *lumpen-proletariat* on the street corners are the danger to the future stability of the country and not the elderly at the villages there. The villages, especially in the overcrowded north there, is just going to become a ghetto and we will die in our own ghetto. (Intervention)

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HON SPEAKER: Speaking of the *lumpen-proletariat*, that is the leader of that section.

HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION: Comrade Speaker, can I please ask the Honourable Minister a question?

Comrade *Katyusha*, you are talking about *lumpen-proletariat*, what about the *lumpen-bourgeoisies* who claim to have money but they do not have money? Thank you.

HON MINISTER OF DEFENCE: There is nothing like that. That is a contradictory term. A *lumpen* is a *lumpen* and the aspiring bourgeoisie are spec traders like Honourable Moongo and they are a different class. Those ones are fighting for tenders they will not lead a revolution. The revolution will be lead by the *lumpen* who are standing at street corners looking for jobs and they cannot find any. Those are the ones you have to pay attention to if you are talking about a revolution and not the elderly in the villages.

The point that I am trying to make is that we have institutions that are doing a little here and there but there is no synergy among this institutions. What we should try is to perhaps create that synergy so that the impact on the lives of the elderly would be seen.

With these very few words, I thank Honourable Ulenga for thinking about us. Thank you.

HON SPEAKER: Thank you. Honourable Tjihiuko, I do not know where you fall.

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HON TJIHUIKO: Thank you very much, Honourable Speaker. I find this discussion very interesting because if you look at the issues that are being raised now, somebody who is listening from outside may think that there is a conflict of interest. It coincidentally sounds like the Honourable Members are trying to prepare themselves by trying to improve conditions before they get there.

Honourable Speaker, I agree with the idea of the concept that something must be done to improve the conditions of our old age pensioners, the people who brought us into this world. Yes, a lot still needs to be done. However, I think we should find a platform where we should not look at trying to attack or score points but a situation where we will be looking at what can be done to improve the living conditions of our fathers and mothers.

Education has helped us to be where we are today, development is a vehicle to take us further but all these processes also have their own downfalls. They change you from where you are to a new environment that creates misunderstandings between families and generations. As we grow up and become more educated we tend to not understand where our parents come from. Growing up as an African, I hardly heard of kids being dumped and hardly heard of any social benefit coming from anybody else except from the big extended family. We have moved out of that and the Honourable Minister just said that because of the new environment we are exposed to, people are becoming capitalists and being capitalists we tend to look at our parents, the people who brought us up as a burden on our shoulders because I want to live with my wife and my kids, two kids for that matter, but one always forget that you were assisted and supported to reach where you are by your uncles, your extended family. I think one thing that we missed out is realising that we are what we are and in the process of trying to change what we are we create problems within our own communities. That is one thing that we need to look at, seriously.

If one looks at the question of your kids or the younger people dumping their babies on their grandparents, which is what they used to do, it is not

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something new. Maybe because Namibia has a diverse community,

one has experiences of the area where you come from and may not understand the experiences from different areas. When Honourable Tjiuiko takes the Floor he starts talking about issues, the things that he knows will influence his discussion and thus, start generalising as if the entire Namibia behaves and think the same.

Honourable Ulenga, through this Motion, let us consult and learn from the diverse communities in our country and let us try to come up with solutions to the problems that are not influenced by one community and force others to think the way you think. This is where we are making mistakes. We must, therefore, learn to understand that we are living in a diverse community in different areas of the country but in one Namibia. In order for us to come up with the Policy or Programme that will benefit us all, we must try to incorporate our different ideas. That is one thing that we are missing out on because we tend to do the things that we know and expect everybody to do the same.

Honourable Speaker, from my background, if my child brings his/her baby to me as a grandparent and says, *daddy take him/her because I cannot afford to feed him/her*. It is my responsibility, in some communities and children from those communities feel comfortable dumping their kids with their parents instead of dumping their kids. That is what most of the Africans, that I know do, the ones that I have been involved with both inside and outside the country. That is how we were accepted when we ran away from our country going to Zambia or Botswana. We were accepted by families as if we were part them. That is the way Africans were living but we have moved away from that. We, therefore, need to interrogate where we made mistakes.

On the question of being concerned with the living conditions of our parents, pointing fingers to the Government saying that, *the Government must do this or the Government must do that*, yes, indeed it is our Government but why can we not pause for a moment and ask, *what can we do to help our own parents?* That is, myself, my brothers and sisters

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making sure that our parents are taken care of while awaiting for the Government contribution as the Honourable Minister of Defence rightly said that they have also contributed and would expect Government to bring its part when they reach that age. However, I think the responsibility starts with us; me, my brothers and sisters to make sure that there is always food on the table of our parents because that is what they did for us when we were young.

Honourable Speaker, before time catches up with me, the other three points that I would like to touch on are the Social Programmes. I do not want to touch on what the Government is doing now but I have ideas that are floating that could perhaps be of great assistance.

I am not well informed about the concept of the food bank that the Right Honourable Prime Minister was talking about but it sounds good. Maybe that is also something that can be interrogated, something that we can seriously look at and if we believe that this can be an answer to some of our problems, we can introduce it and try to address those crucial things rather than having a good idea on paper.

We had a problem with the BIG Pilot Project of Dr Kameeta, which was tested and it was not bad. We maybe need to sit back and ask ourselves, *can we really do something about it?*

Finally, Honourable Speaker, I also believe that one of the things that Government can look at is providing the services of social workers to our various communities, not only to old age pensioners but to all of us because we are coming from complex social conditions and are thus, in need of those services. These people would specifically understand the old age pensioners better and advise them accordingly, however, not only advising them but advising those who are supposed to assist them like their family, friends and the Government. I think this is one area where the Government should invest in, in order to have more social workers to be trained and to be send out to health centres and also make provision to visit communities where there are elderly people so that they can link up with the Traditional Authorities and provide a comprehensive service to

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the communities that we want to address.

Honourable Speaker, let me rest my case here. I support the Motion.

HON SPEAKER: Good contribution, thank you. Honourable Mushelenga.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you very much, Honourable Speaker.

I also rise to make a contribution to the Motion of Honourable Ulena that is talking about the elders. For those of you who recall the Motion I introduced here a few years ago, part of it was the social responsibility towards this elderly members of our society. It has been acknowledged from various perspectives that elders are supposed to be taken care of by the society. From the cultural perspective, especially from the cultural background where I come from, there is a phrase that says *kaxuxwena hadela nyoko, nyoko onale eku hadele*, literally meaning the young ones should try to address and provide for the needs of their parents.

Even from a biblical perspective they say that one should respect your parents and respecting your parents comes in many ways, including taking care of them. Even for a SWAPO perspective, the Tanganyika Group who are our elders, we keep on taking care of them, bringing them back to Parliament after one and other elections. ,

HON SPEAKER: Thank you.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Therefore, that

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shows that from various perspectives there is that acknowledgement of taking care of (intervention)

HON SPEAKER: Honourable Minister.

HON MINISTER OF DEFENCE: May I ask Honourable Mushelenga a question?

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Question accepted.

HON MINISTER OF DEFENCE: About the Tanganyika Group that you are taking care of, do you not think that you are travelling on their bus without paying?

HON SPEAKER: That is a good one.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Speaker, it is not the case that we the young ones are travelling in the bus of the Tanganyika Group without paying but, in fact, we are actually accommodating the Tanganyika Group despite them having overstayed their welcome. *(Laughter)*

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HON SPEAKER: I am glad, I did not hear that.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Speaker, there is some wisdom in the way our ancestors have designed the way elders should be taken care of. For example, from the culture background where I come from, the practice has been that the youngest of the sons does not leave the homestead of the parents. The idea was that as parents are aging and not able to cultivate land and so on, the youngest one (intervention)

HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION: Comrade Speaker, may I ask the Honourable Member a question?

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Accepted.

HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION: Comrade Mushelenga, you are talking about the Tanganyika Group, is the Tanganyika Group not the one keeping us in the bus, especially the those young ones who want to jump off the bus not knowing the danger of doing so? Thank you.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you. Honourable Speaker, let me go further because I see there are other, many Members who would want to participate in this very important topic.

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The wisdom was that, as elders are aging the youngest one would marry and he and his children would be taking care of the (intervention)

HON SPEAKER: Honourable Deputy Speaker.

HON DEPUTY SPEAKER: On a Point of Order; I would like to ask a question in a form of providing information.

On the notion that was a practice by our ancestors, that in a practical homestead where you come from, normally if the parents are no more, the youngest is the one that takes over, it is correct and it has been sustaining those communities to a certain level. However, I am afraid that it is being abused currently and it should change.

Suppose that the one of the elderly has other older children who are supporting him/her and they have put reasonable structures at the homestead as well as that younger child. When that particular parent is no more, you will find that in most cases, what I have heard when I was doing regional visits, this so-called young man chases all of them away and as the result the wife of the young man also becomes an enemy of the ones who were staying there before.

Do you not think that it is high time now that that practice should change so that when the parents are no more there, those homesteads be converted into say, traditional sectional titles, to allow everybody who has a structure to be there? This is fair at the end of the day because it allows the others who are not part of the family to stay at the structures that they have put up there. Do you not think that this practice must be improved?

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you

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very much, Honourable Deputy Speaker. However, allow me to speak about this particular aspect of taking care of the elders now.

I was saying that, even where parents have only daughters who do get married away, at least these daughters will send their children to go and help the parents out. That is the way the cultural practice has been, but unfortunately, Honourable Speaker, development changed the way we used to live, traditionally. For example, many of the people would stay far away from the villages; they would stay in the cities because they would want to send their children to private schools that are not available in the villages and so forth. These whole developmental issues are no longer able to sustain this cultural practice that we have been following. Therefore, it is the responsibility of all of us as a society to find ways how to continue sustaining our senior citizens in the wake of the development and progress that we have made, a society advancing in such a way that we can no longer send our children to stay with them. However, let us still find ways. An Old Age Home is not necessarily the solution as Honourable Ilonga was saying that some elderly members of our society are not prepared to live in an Old Age Home. They will tell you, *it will be lonely there, I would want to stay with my family*, and so on. What I see many people doing is to perhaps go and bring their elderly family member to come and live-in with them but we should of course, also acknowledge that not all elderly members of our society may be having younger family members alive. That is why I am saying it is really a question of having a caring society. Therefore, when I am talking about taking care of an elderly member, I should not only think of my mother and father.

The other issue is the one of leaving children with parents; especially among male members of our society, because female members of our society who leave children with their parents, if they do not support them, are really those that are not working. I cannot imagine a working woman who has left a child with her mother and father without supporting that child. However, we have those male members of our society who dump children with their parents and not take care of them although they are working. (Intervention)

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HON SPEAKER: Sorry. Honourable Nambahu, in spite of your colourful attire.

HON DEPUTY MINISTER OF JUSTICE: Can I just ask a question? Thank very much, Comrade Mushelenga. You are doing very well.

Do you not think that in a democracy it is proper to have the views of those that are affected, rather than us here imagining what they probably need? Is it not appropriate to conduct some kind of survey and hear from those people who are already in the Old Age Homes what exactly it is that they want to see done, as well as those who are in the queue, to also find out from them what their expectations are when they enter the Old Age Home? In a democratic society, people hate to be talked about without their involvement.

Lastly, is it not really a reflection upon the person that sends his/her mother over there, what does that speak of you who do not take care of the person who took care of you when you were young? You will be hastening to say this person should go there but when the society judges, what does that say of you who want to send the person who took care of you when you were unable to take care of yourself, to an Old Age Home? What is your view on these issues?

HON SPEAKER: Honourable Mushelenga.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you Honourable Nambahu, especially on your last point I have already indicated that the normal practice for some people is rather to bring your

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parents to come and live with you than sending them to an Old Age Home. On consultation, I was coming to that towards the end of my speech.

I was saying on the issue of maintenance, perhaps we need to carefully look at the *Maintenance Act*, how the Law Reform Commission can probably enlarge its scope and further strengthen the existing process so that at least grandparents should, without much difficulty, be able to claim maintenance for their grandchildren from the working parents who dumped their children with them without really taking care of them. This is what we should look at as one of the many forms of addressing these issues because you will find that a person is working but he/she will go and dump the child with the elderly people without taking care of them.

Some people also misunderstand the concept of the Social Grants, a Social Grant is supposed to be complimentary to what we as societies are doing to our elders in our families. People think that a Social Grant is a salary, it can never be a salary, it does not work that way but it is really for buying basic needs (intervention)

HON SPEAKER: Honourable Dingara.

HON DINGARA: I Just want to ask a small question, Comrade Mushelenga.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Question accepted.

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HON DINGARA: I used to hear that there is apparently a Law in Namibia that stipulates that when an old white person who lives on a farm reaches a certain age, he/she is no longer allowed to stay there anymore and must stay in an Old Age Home. This Law compels white people to live in an Old Age Home wherever it is in the country.

However, this Law is not extended to black people. Is it true that there is such a Law?

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you, Honourable Dingara.

Honourable Speaker, to continue where I stopped, I was saying Social Grants are really there to provide basic needs but family members should really come in, in order to sustain (intervention)

HON MEMBER: You are not a white man.

HON MOONGO: Thank you. I would only like to correct the Honourable Deputy Minister.

We have a Law of 1995 on the table which states that the elderly people must be paid a reasonable allowance that is adequate enough to accord them a decent living standard and that is in the Namibian Constitution. You must, therefore, not misinterpret the Law.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Speaker, that is misinterpretation of the Law.

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What I am saying is that, as family members we should come in to complement what Government is already giving to the elderly members of our society so that they will be able to afford other various needs rather than basic needs that they as human beings have in society.

Honourable Speaker, this subject is, therefore, very important. We may not like Honourable Ulenga but he brought up an important subject, perhaps we differ with some of the issues that he brought in the Motion.

HON MEMBER: Why will you not like him?

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Therefore, it is important that this Motion somewhere, somehow should be referred to a relevant Committee so that building on this Motion, they can go and hear the views of the society on how best we can address the issue of taking care of our senior citizens.

All we can say is, *God bless our senior citizens, God bless the Tanganyika Group*, we still need them. Thank you very much, Honourable Speaker.

HON SPEAKER: Thank you. Since I am sitting where I am sitting, thank you very much Comrade. (*Laughter*) Honourable Bezuidenhout.

HON BEZUIDENHOUT: Thank you, Honourable Speaker. I think as a Parliament and even as a country, we are grappling with a very serious issue and we do not know where to touch and how to touch as well as where the satisfactory solutions will come from. It is complex, it is emotional and it is outright problematic. Problematic in the sense that as

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our traditional society changes, as many speakers have said, we grapple with what to replace it with. When children do not want to support their parents who were under cultural obligations to support their parents, what do we replace this different society with?

As a Nation, we need to define those things, we need to seek answers for those things so that if our children change we must change with them in order to hold them accountable one way or the other. The generation before took adequately care of their parents and grandparents. It is probably my generation and my children's generation that has a different view and attitude towards this issue at hand. That has reduced us (interjection)

HON MEMBER: Who is us, the senior citizens?

HON BEZUIDENHOUT: Us as Namibians to a Social Grant dependant society. Yes, we constitutionally need to look after this 3 or 5% of our population and then after the replacing of what we are losing. In order to do that social engineering, we probably need to take very bold, serious and courageous steps and decisions. How do we get there?

Since the Motion was introduced, as I was listening and this Motion was going through my head, I was thinking as to what I, as an individual Member of Parliament would be able to suggest and contribute so as to assist the Nation, society, Government, Churches, the role players and every one so that we can come up with some way of providing assistance to these people who, however, it is not true, are seemingly in our way. Our parents and grandparents are now apparently in the way we want to live but they should not feel that they are in the way of any individual. The Honourable Minister of Defence correctly said they built this country through their sweat and we, one way or the other owe it to them.

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There is a lot of talk about money and Government can only do so much and yes, it is absolutely true, we cannot spend hundred percent our National Budget on one item only. As long as the cake does not grow we will find it difficult to grow some of the items in the cake. I was thus, contemplating how this could be done.

Therefore, my suggestion, even to the relevant Committee that is going to look at it and for Government to consider is that, we have this structure called the Social Security Commission, which has its own Act and its behaviour, mandate and visions are defined. As Honourable Mushelenga said, maybe that Act should also be interrogated because I find it very odd that the workers and their dependants have their own structures but then Government through the Ministry of Labour and Social Welfare has to take care of all the Social Grants and payments. Is it impossible to marry the two and say, *Social Security Commission you have this extension on your mandate to take care of the administration of these grants, even if Government pays you a hundred of these budgeted allowances, you must run it properly and appropriately and even add from your own financial resources because you have investments?*

The Social Commission was funded by N\$54.00 that came from each working employee and employer and today they have millions in investments. What I am trying to say is that you start small and it grows. Therefore, one area would be to look into the Social Security Commission's mandate so that they also take care of the administration and prosperity of that Social Sector that we are dealing with. That is my first recommendation to the Committee. The Social Security Commission already has technical systems in place to run databases and to know who is who and the senior citizens also have their own records somewhere with the Ministry of Labour and Social Welfare. Therefore, the information is there to enable us marry these things in order to have a reliable register of beneficiaries so that if there is a specific short-term benefit that must be given, for example, a Christmas once off payment, they do not need to queue, they just go to that Sector and they can enjoy their Christmas luncheons.

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The other thing is, with the youngsters in the society who are not paying their dues or are unwilling to assist our senior citizens, it does not help us to keep on telling them because their ears have gone deaf on this issue. My proposal would also be one of the two things; either we outrightly impose a granny tax and take place that money directly into the Social Security Fund, for a few years in order to build up a fund, invest and reinvest the money so that this fund really grows. However, if that is unacceptable, then tax the working individuals in this country or start somewhere building on the model of the Social Security Commission that started from zero to where they now have huge sums of money. I want to suggest that we think along those lines. If it works, it is fine and if it does not work and it is outright nonsense, let us discard it but let us at least investigate. We will keep on arguing about our senior citizens, therefore, let us put a structure in place or expand the structure that is already in place with a mandate to fully look after the needs of that specific Sector of our society and all Social Grants must be investigated to see if they can be dealt with by the Social Security Commission.

In addition to that, currently this Parliament through the Ministry of Finance and it eventually flows to the Ministry of Labour and Social Welfare, budgets X amount say, N\$1 billion per year for Social Grants, if we redefine the mandate of the Social Security Commission and say in year one we take that N\$1 billion and place it their fund to administer, in year two we drop the contribution by 20% because they should have increased their investment by then and should have found ways to extend the cake and we keep on dropping the State's allowance and make a positive handover to the institution so created. We know that the Social Security Commission was created to only cater for the workers but it can be mandated to look after all the social payments. Eventually, it will be an institution that will be independent from the National Budget. Somewhere along its life going forward, a consideration could be made to create a foundation that can also independently generate funds for itself through owning property and so on, so that the State indirectly steps back from these grants and social issues and in a way, allow the Commission that was created to take care of that.

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This is just an idea that I have, it is something that we can apply our minds to, and the relevant Committee must look into but I believe that we must start somewhere to divorce the National Budget from annually increasing the pension fund or raising flags when the pension is not increased, and handing it over, in a sustainable and responsible way, to an institution that is run professionally so that we can eventually take decent care of all our citizens in such a way that by the time we get there, the table stands firm.

With this few words, I conclude my contribution to this Motion. I will have my notes typed out, if the relevant Committee wants to go and investigate this, they can then request for them. Thank you very much, Honourable Speaker.

HON SPEAKER: Thank you. Those were very creative ideas, however, whether they are workable, only testing them would tell but I find them original and creative. Honourable Jankowski.

HON JANKOWSKI: Thank you very much Honourable Speaker for giving me this opportunity to contribute on the Motion on the State of Health, Dignity and Care of our Senior Citizens.

Allow me to thank our Government on behalf of my mother today, she always says; *I belong to the Government because the Government takes care of me. It provides me with my medicine on a monthly basis, it places something on the table for me to eat and drink and even when I die the Government will take care of me*, that is why I want to thank the Government today.

Honourable Speaker, there are a few things that I would like to mention. One is on the registration of our pensioners; when it is time for our pensioners to re-register in order to confirm if they are still alive so that they can continue receiving their pension funds, they will just be given a

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date to come to the post office, no matter in what state of health they are, no matter the distance they have to travel, no matter if they are people with disabilities and no matter if they do not even have transport. They would be lining up from five in the morning until five in the afternoon and even return the next day. I propose that during re-registration mobile units be used that could reach the elderly where they live because the elderly are so vulnerable and we need to take care of them. .

Another point I would like to mention is, when we reach the age of 60 we need to retire immediately even if one is not ready to go into retirement they will say they do not need you anymore.

HON MEMBER: When is one going to be ready?

HON JANKOWSKI: We will be ready when the body tells us – *you are tired now, go and rest*. Sometimes your mind is so active and you are so strong, and you know that you can still do a lot for the community and the Nation at large. We should, therefore, not let people retire when they are 60 because they can still look after themselves. (Intervention)

HON SPEAKER: Honourable Minister.

HON MINISTER OF DEFENCE: I am sorry to disturb this very passionate discussion, I like it.

You are saying that people should not retire at the age of 60 because they are still strong and are mentally active, would you care to ask all the

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Honourable Members who are over the age of 60 to stand up? *(Laughter)*

HON JANKOWSKI: Honourable Minister, I do not need to ask them to stand up because they are still vibrant so we do not need to consider their age. Age is only a number, you are as old as you feel.

During the month of November, our pensioners receive their payments for both November and December. Just imagine, when Christmas comes, there is no food in the house and January is still to come. Everybody wants to feel good and happy during the Christmas period, therefore, we have to look into that as well. When people are paid so early, they spend this money and are left with nothing for Christmas or January.

I like the idea of a food bank that was mentioned earlier on. If we can have a school feeding scheme, why can we not have a feeding scheme for the elders? Why can we not also have a place where they can go with a small lunch box and receive food? Something like a soup kitchen where they can at least have a meal for the day.

Honourable Speaker, I rest my case and totally support the idea that this Motion be referred to the relevant Standing Committee so that it can properly be investigated. Thank you.

HON SPEAKER: Thank you. Honourable Ndjoze-Ojo.

HON DR NDOJE-OJO: Honourable Speaker, Honourable Members, I just rise to thank Honourable Ulenga for this wonderful Motion that was very well researched and articulated in the House last week.

We were all very sober-minded, we were so much moved by the thoughts

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and the contributions actually lived up to the standard that is expected of this House and the discourse that should take place on the Floor of this House. I just believe that some Motions are very serious and very important that they should be void of politicking and there should be apolitical kind of discussions around them. This is a very important concern or maybe I get so emotional because I am the *ongerero*, last baby of my parents, and there was a time I was listening to people who made a contribution saying the *ongereros* used to stay at home and I have stayed so many years outside the country so the *ongereros* are no longer staying in the homesteads.

When I was born, my parents were already in their forties and by the time I was 18 they had already retired, in fact, when I turned 17 they were already 60 years old. I was, therefore brought up by very elderly people who cared a lot. I think the foundation is somehow shaken from its roots when the children do not know how to look after their parents. Also, because the HIV pandemic has had a serious impact on the way our communities are living and we used to have HIV/AIDS home-based care, I just wondering whether we cannot adopt that kind of caring for the HIV victims, to our elderly so that there would be an elderly home-based care where people will move from homestead to homestead to look after the elderly wherever they are identified. The Old People's Home is a concept and it is still going to be applicable to some and not so applicable to others. There would be some people in the cities that would need Old People's Homes and we will have to find a way on how to build on credible, decent Old People's Homes in towns and cities. However, that does not take away the fact that you can also look after your elderly in the villages.

I like the way the Motion was put. It has 7 points and the 6 points were for us to have a very clear Debate while the 7th was to refer it to the relevant Committee. We are not actually telling what the Motion should be doing, it is earmarked by 5 points and then it suggests what should be done and I am supporting it holistically. However, my contribution is just to say we should proffer solutions such as mentioned on the Floor of this House and they will be varied and applicable to different situations at

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different levels, it is, therefore not going to be a one-size-fits-all kind of solutions. I also like the way it was presented because he mentioned the Republic of Ireland's experience, how they look after their elderly in that country. There would therefore, be some case studies that we have to draw on as we consult. We could also look at the Scandinavian countries for some reason, they look after their elderly and they have done a lot of studies around the elderly, so that we can learn one thing or the other.

I also want to suggest that there is a need for financial education. It is not as bad as they were talking about violence against women and children and so on, I know that some elderly people used to be killed because of their pension. The fact is not that the N\$600.00 is not enough to look after one elderly person but it is not enough to look after the elderly person and the dependants that are dropped with the elderly people. As we are looking for a solution, we should also try to solve some of the social problems and social ills that are affective our society. Financial education is very important, I remember that we once went to Tsumkwe and we visited the people of Tsumkwe and there is a shop there. What the elderly used to do when they received their N\$500.00 at that time, they would go to the shop and say – *I have taken sugar and maize meal* and open their hand and say, *take whatever it is that I am owing you* because they did not have the concept of what the N\$100.00 or N\$50.00 meant. The shopkeeper would take whatever and left a N\$100.00 and say, *the amount of money you spent over the month is N\$500.00 so you can keep the N\$100.00*. There was a need for education of the elderly to understand the concept of money and I think we should we should extend it to the elderly in the villages to talk about the value of money and how to handle money. Even if they are carried in whatever form of transport to collect the money, they should be able to understand. UNESCO used to run a financial training programme for the elderly, maybe they can be contacted in consultation to be able to look after that aspect.

In conclusion, when this Motion was introduced in this House, like I said, we were very sober, we did not play to the gallery, we were very serious and I think we should keep that seriousness as we discuss things such as this. It is good to laugh sometimes, but this is a matter of life and

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death for some of the people that we are talking about. Maybe we are sitting in a very comfortable place at the moment but for some other people it is really a matter of life and death and I think seriousness should be broad and the quality of discourse should be broad because now that we are live, people are listening and do not want them to turn off their televisions just because of the kind of discourse we are having in the House. I thank you and I also want to thank the House for allowing Honourable Ulenga's Motion to be discussed because I think when he proposed it, he thought that we were not going to allow it to be discussed but we are mature enough to allow this discourse to go on. I believe that this Motion will help the elderly in the long run. Thank you for listening.

HON SPEAKER: Thank you. Honourable Mwaningange.

HON MWANINGANGE: Thank you very much, Honourable Speaker, Honourable Members.

All the days we have been discussing this Motion, I have been overwhelmed by many other factors. I find that some are pertinent and very important to note. We all marched from babyhood to younghood and middle age and then we ultimately move into old age. Some of us have already reached the stage of old age; it is only that our conditions have been kept well by the nature of what we are doing. If I recall some of my age mates who are perhaps not as fortunate like myself, are already asking why God he does not take them up. I believe in the proverb of one of the wise men, King Solomon, perhaps his proverbs are correct. King Solomon said in his proverb, "*old age is a crown*" or a flower, like when the sun rises in the morning.

HON SPEAKER: Are you quoting the book?

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HON MWANINGANGE: Yes, I am quoting the book. We are, therefore, discussing a very important issue and I think the able-bodied elders who are listening to us or told by their youngsters are very keen to follow this Debate. I would firstly like to underline what has been underlined by others that, one of the first priorities of the Government of Namibia at Independence was to take care of the elderly people through all the various forms of assistance as has been articulated here by the many Honourable Members who spoke before me.

When we are talking about social change, this transformation did not only start with the Government, Namibia being a multi racial society, 95% of you will agree with me that we have been supporting our parents. The system has been there, it was just disrupted by a sudden change in between, as one sociologist said here. There were two factors at play here, that is, there are unintended changes within a good changed and intentional changes. The Government has changed so many things in favour of our elderly people with an intention. We are saying that some elderly people are neglected by their children in the community, those are of course unintended changes that came in.

Honourable Speaker, I want us to encourage ourselves as we are discussing this issue, remember the Honourable Minister of Labour and Social Welfare mention something here last year about the life expectancy of our people, meaning that the elderly people are now living longer as has been noted by certain indicators, irrespective of the problems that our society faces that I do not want to mention. It is, therefore, an established fact that the life expectancy of our elders has increased. We should thus, encourage ourselves a Government and as a society, individuals, faith-based organisation and Community-Based Organisations to forge ahead so that Namibia emerges as one of the countries on our continent that has taken good care of its senior citizens. We should not really be discouraged that we are not doing much, we are indeed doing much and we will get there. I am happy that the Government set up the structure that is in place, especially if you look at the Regional Council's setup, there are stakeholders within those institutions, and one of the functions of the

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Regional Councils at the Constituency level is to setup these institutions and the elderly people are included in those institutions, I am not talking about the Old Age Pension but you have the Village Development Committee with the community (VDC) where the issues of the elderly people, including pension and people with disabilities are discussed. The issue of children living alone – Child-headed households are also tackled in that Committee. Things need to be harmonised, we should not only concentrate on one segment of our people but look whether we are making progress as a society.

Through the Honourable Speaker, Honourable Ulenga, this Motion is very important and I agree with the other Honourable Members that it needs to be discussed at the Committee level. I was even contemplating to have a National Dialogue on Senior Citizens, including the Prime Minister Question time, which is also an important dialogue. I tried to underline so many other things so I could not put it correctly, however, I rest my case and I support this Motion. I thank you, Honourable Speaker and everyone for listening.

HON SPEAKER: Thank you, that was very constructive. Honourable Kazenambo.

HON KAZENAMBO: Thank you very much, Honourable Speaker. After listening to these constructive contributions made in support of Comrade Ben Ulenga's Motions of - *The State of Health, Dignity and Care of Senior Citizens in the Country*, I would look at it from the economic resources point of view and say that Namibia has done well in handling the distribution of its resources, be it caring for the elders, caring for the youth and caring for people with disabilities.

The Government is even now coming up with the Mass Housing Scheme, which I trust will take care of the elderly. All these Programmes and

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Schemes, be it in the rural areas or urban areas, give me a feeling that this country is on the right course and I hope, given all the economic indicators, that there will be no revolutions in this country and stability and peace will be maintained as it has always been maintained in the past 23 years. You will hear about revolutions be it in the farm acquisition – *let us amend the Constitution*, a contemplator that it is, the issue of Home-Based Care, the issue of that urban people on the streets who are not taken care of versus the rural people, may contemplate a revolution. Yes, one should think of this situation but all these can be addressed on the context of the availability of resources. This same Government has been in power, it will continue to be in power and it will use its wisdom to care for both the elders and the youth.

However, in terms of the economic resources, Namibia is a rich country, whether we like it or not, it is rich in diamonds, uranium, fisheries and so on but it is a question of what the Honourable Vice President of the RDP have said, a question of devising mechanisms to avoid revolutions, that fairly cannot be there and it is a question of saying that the resources of Namibia currently are just being enjoyed by a few individuals and, therefore, the economic cake should be broadened in terms of accessibility to resources. For example, we can dedicate fisheries, whether you put it within the context of the Social Security Institution and you deploy social workers, like Honourable Tjihuiko has been saying, to monitor and dedicate these resources and see how we expand rather than just depending on Treasury and looking at my sister there with my *red eyes* but how do you expand the availability of the resources that are currently concentrated on few individuals? They get fishing quotas and they even cheat some of their members. You dedicate these fish quotas to youth organisations, organisations that are dedicated to take care of the elderly and then you employ top social workers, put monitoring mechanisms in place and take care of these people rather than just benefiting individuals. Currently this economy is dominated by mafias, sorry, I will withdraw that, by people who are tapping from this economy but benefiting other Nations, be it from diamonds, fisheries and so on. For example, those fellows who are fishing, I am doing this deliberately because I want to continue tomorrow and address revolutions (*laughter*)

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HON SPEAKER: You are not doing badly.

HON KAZENAMBO: Dedicate these resources to companies that will benefit the majority rather than individuals.

The food bank that has been talked about, is not something that should puzzle anybody. On the BIG Pilot Project, there are poor people here, we dedicate resources to cater for them. We do not need to use anyone's resources but national resources, be it from mining minerals and fisheries that are currently benefiting a few individuals while the majority of our citizens in the rural areas that are becoming empty and even in the urban areas, are poor. Let us dedicate institutions and provide them with money to take these boys out of the street. If Namibians, for example, own a ship, how many are we? They can go and work in the fishing company that is dedicated to them. (Intervention)

HON SPEAKER: Honourable Kazenambo, you will have the Floor tomorrow, you are assured of that.

On that note the House stands adjourned until tomorrow, at 14:30.

HOUSE ADJOURNS AT 17:44 UNTIL 2014.11.06 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
06 NOVEMBER 2013**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENTS

HON SPEAKER: We commence the Business of the House as indicated on the Order Paper but before that, I want to make two announcements, one important and the other by way of information.

The first one is that starting tomorrow, the 7th of November 2013, His Excellency, Comrade Jacob Zuma, the President of the Republic of South Africa will be accorded an opportunity to address the Joint Session of Parliament. While I am at it, I want the Honourable Members to look at Rule 118, which is titled *Addressing the Assembly*, from the perspective of the National Assembly, as the Constitution indicates, the National Assembly is synonymous with Parliament but that is not the point here.

It reads, “*Only a Member of the National Assembly or the President,*” meaning the Head of State of our country, “*shall be competent to address the House, provided that the Speaker may permit visiting Heads of State, and Speakers or their designated representative(s) to address the Assembly on a specific day.*” When we return again to look at the Rules, which were set aside for reasons that I am still trying to make sense out of, I did not have an opportunity to say, but I would want this Rule also to add, and I will bring the exact language, but something like, *all other eminent persons*, again at the pleasure of the Speaker.

Had we earlier worked on the Rules as we have attempted to do at the beginning, there is no reason why somebody like President Kenneth Kaunda could not have been invited to come and address the Joint

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Assembly or the Assembly itself, but that is for later. I, therefore, expect the Honourable Members to be here tomorrow as the President, needless to say, the President of South Africa, that is, is coming at the invitation of his counterpart, our President, who himself returned only yesterday back from a very important meeting in South Africa, trying to solve Africa's many problems. We do follow the Media and we know what the Conference was all about.

I hope that we will all be here and give the characteristic warm welcome to our next door neighbour, good friend and Comrade of a long standing relationship, on the occasion of addressing the Joint Session of Parliament.

Another announcement is to the effect that a review of the Petition by the Namibia Transport and Taxi Union (NTTU) and the Parliamentary Standing Committee on Constitutional and Legal Affairs has arranged a presentation on the Windhoek Transport System Master Plan on Friday, the 8th of November 2013, at 09:00, in Conference Room G4 of the National Council. All Members who are interested are invited to attend the presentation.

Any Petitions? Reports of Standing or Select Committee? Other Reports and Papers? Notice of Questions? Honourable Moongo.

QUESTION 47:

HON MOONGO: Thank you, Honourable Speaker. I give Notice that on Thursday, the 14th of November 2013, I shall ask the Honourable Minister of Health and Social Services the following:-

It is an undeniable whether he is not here but he will find the question. It is an undeniable material fact of Law that Article 95(e), states that - any employer must ensure that the workers are paid living wages, adequate for the maintenance of a decent life and standards.

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1. Can the Honourable Minister agree or deny that, during 1966 (intervention)

HON SPEAKER: When was that again?

HON MOONGO: 1966 it is a Point of Information for the Minister. The white workers, who were working in the Malaria Control Division were paid a full salary of 12 months and only the blacks were subjected to victimisation by being paid unfair salaries of only four months per year. Those workers had families to take care of, students who needed scholarships in higher academic institutions and many other social needs.

2. When is the Honourable Minister going to stop this inhumane system of working only for four months in a year? When will the Minister initiate a better system that will allow Malaria Control Workers to work twelve months in a year?
3. What is the good reason that the Malaria Control Division is not upholding and respecting the current Labour Law and give all necessary benefits such as medical aid, social security, annual leave and compassionate leave according to the Labour Law. If it is true:
4. Will the Honourable Minister pay workers retroactive salaries for those benefits since they were employed? Can the Minister explain?

HON SPEAKER: Will the Member table the question? Honourable Bezuidenhout.

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HON BEZUIDENHOUT: Honourable Speaker, I just want to seek clarity from Honourable Moongo, which Article 95(e) does he refer to when he quoted in his question, is it Article 95(e) of the Constitution or is it of the *Labour Act*?

If it is from the Constitution, he must just read it again because it has nothing to do with Malaria or labour issues. (*Laughter*) I am just seeking clarity, Honourable Moongo.

HON SPEAKER: Honourable Moongo, I am sure you heard the question?

HON MOONGO: I did not grasp what he asked properly, can you repeat the question please?

HON SPEAKER: He will gladly do so.

HON BEZUIDENHOUT: Honourable Moongo, you indicated in question that it is in accordance with Article 95(e) and all I want to know is it 95(e) of the Constitution of the Republic of Namibia or it is something from the *Labour Act*? This is just for my own education. Thank you.

HON SPEAKER: Honourable Moongo, if you can answer that.

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HON MOONGO: No, if my memory serves me well, 95(e) states that all workers (interjections) no just read 95.

HON MEMBERS: Which one?

HON MOONGO: In the Constitution. You know, it will always be from the Constitution, the Constitution is up here in my mind. Maybe you are AWOL (*Absent Without Official Leave*) on that.

HON SPEAKER: Honourable Bezuidenhout, we will sort out the matter before we put it down on the Question Paper. Any further questions? Honourable //Gowases?

QUESTION 48:

HON //GOWASES: Thank you, Honourable Speaker. I give Notice that on Thursday, the 14th of November 2013, I shall ask the Honourable Minister of Works and Transport the following:

I have mentioned before in one of my addresses on the Namibian roads infrastructure, that travelling on some of our roads is like signing a death sentence. In this case, however, I am referring to trucks, which pose a danger to other drivers. Precious lives are lost on our national roads everyday because truck drivers are not taking enough breaks, not getting enough sleep, falling asleep on the wheel and thus cause serious accidents.

I recall in the past, before our hard-won Independence trucks were prohibited to use national roads during certain hours in the evening and were compelled to park from sunset to sunrise.

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What I want to know from the Honourable Minister is:

1. If there are any provisions in our Law protecting truck owners to operate unabated?
2. Why are no provisions being made for more truck ports on our roads to allow drivers to take breaks, to rest and sleep before tackling the long roads they have to travel? This will certainly prevent all the accidents from occurring.

A Suggestion in this rather urgent national problem would be the following:

- The possibility of a provision in the Law to make it obligatory for truck drivers to have co-drivers so that they can alternate driving, giving each other an opportunity to rest.
- I respectfully submit that the Government should make it a priority to create more truck ports in our beloved land of the brave to accommodate truck drivers and this way also curb the high rate of accidents on our roads.

Honourable Speaker, Honourable Members, I so Move.

HON SPEAKER: Will the Honourable Member table the question? Any further Notice of Questions? Any Notice of Motions? None.

The First Notice of a Motion is the one of the Honourable Minister of Lands and Resettlement. Does the Honourable Minister Move that the Bill be now introduced?

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**FIRST READING: AGRICULTURAL
(COMMERCIAL) LAND REFORM AMENDMENT BILL AND
COMMUNAL LAND REFORM AMENDMENT BILL
HON !NARUSEB**

HON MINISTER OF LANDS AND RESETTLEMENT: I so Move,
Honourable Speaker.

HON SPEAKER: Who seconds the Motion? Any Objections? Agreed
to. Will the Honourable Minister please table the Bill?

The Secretary will now read the Bill a First Time.

**INTRODUCTION AND FIRST READING:
AGRICULTURAL (COMMERCIAL) LAND REFORM
AMENDMENT BILL [B.12-2013] AND COMMUNAL LAND
REFORM AMENDMENT BILL [B.13 – 2013]**

SECRETARY: *Agricultural (Commercial) Land Reform Amendment
Bill [B.12 - 2013] and Communal Land Reform Amendment Bill [B.13 –
2013].*

HON SPEAKER: Does the Honourable Minister of Lands and
Resettlement Move that the Bill be now read a Second Time?

HON MINISTER OF LANDS AND RESETTLEMENT: I so Move,
Honourable Speaker.

HON SPEAKER: Any Objections? Agreed to. The Honourable
Minister has the Floor.

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(COMMERCIAL) LAND REFORM AMENDMENT BILL AND
COMMUNAL LAND REFORM AMENDMENT BILL
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**SECOND READING: AGRICULTURAL (COMMERCIAL) LAND
REFORM AMENDMENT BILL [B.12 - 2013] AND COMMUNAL
LAND REFORM AMENDMENT BILL [B.13 – 2013]**

HON MINISTER OF LANDS AND RESETTLEMENT: Honourable
Speaker (intervention)

HON TJIHUIKO: I am sorry to interrupt my boss. May I ask for some
directions here? The Standing Rules and Orders on Page 29 (e), states that
*“No Bills shall be tabled before the Assembly after November each year,
unless the Speaker considers the matter urgent in accordance with Rule
98.”*

Honourable Speaker, I need to be guided in this respect. Thank you.

HON SPEAKER: After November?

HON TJIHUIKO: Honourable Speaker, after November the 1st, and
today is the 6th of November, if I am not mistaken.

HON SPEAKER: That is what the Rule says and we must abide by the
Rules, unless the House concurs with me that we proceed. Secretary?

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COMMUNAL LAND REFORM AMENDMENT BILL
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SECRETARY: All the Members' Notices were given before the 1st of November, the 29th of November to be exact.

HON SPEAKER: Honourable Minister proceed.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you Honourable. I had a small exchange of views with the Front Desk, I wanted to simultaneously do the Motivations for the two Amendments.

I have the other one ready and with your kind indulgence, I want to settle the second Amendment as well so that I can round up the Motivations in one fold. I beg your indulgence in that regard.

HON SPEAKER: The House agrees.

HON MINISTER OF LANDS AND RESETTLEMENT: Honourable Speaker, Sir, Honourable Members of the National Assembly, It is an honour to have this opportunity to present to this august House two Bills, namely the *Agricultural (Commercial) Land Reform Bill* and the *Communal Land Reform Bill* that are addressing the proposed Amendments to the Agricultural (Commercial) Land Reform Act, 1995 (Act 6 of 1995) and the *Communal Land Reform Act*, 2002 (Act 5 of 2002) respectively, for Debate and adoption.

Honourable Speaker, Honourable Members, I take it in good faith that this House is aware that the Land Reform process is foremost a National Programme with political, social and economic impetus to our country. It

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is about redressing dispossession, equity and promoting productive and sustainable livelihoods targeted at poverty reduction. Although the watershed National Conference on Land Reform and the Land Question of 1991 informed and guided the current policy and legislative framework in our country, there are certain aspects of the legislative framework that required review due to several shortcomings experienced during the implementation of policies and Programmes by the Line Ministry.

The House is hopefully, equally aware that the Ministry, in 2007, initiated the process to amend and consolidate the two Land Reform Acts; that is the *Agricultural Commercial Land Reform Act*, (Act 6 of 1995) and the *Communal Land Reform Act*, (Act 5 of 2002) into one *Land Act*. Several Regional consultations on the *Draft Land Bill* took place with communities and various stakeholders gathering comments. These comments culminated in a national consultative workshop on the *Draft Land Bill* that took place in 2010 here in Windhoek. Following these consultations several comments were incorporated into the *Draft Land Bill* and handed over to Legal Drafters for review and further scrutiny.

Meanwhile, the Ministry takes cognizance of the major challenges that compounds the process of legal scrutiny and review of such an important piece of legislation as it would require time to seek clarity and resolve issues. Faced with this situation as it relates to the *Draft Land Bill*, the Ministry elected to identify some acute legal issues that are urgent and pose eminent limitations to the implementation of the Land Reform Programme and proceeded to amend those Sections that are a cause of concern as reflected in the two Bills that are being presented to the House today for further Debate.

The Ministry after a thorough streamlining of the current policies, legal framework and informed by our mandate to deliver to the Namibian Nation as a whole and the current dynamics on the land market in our country felt that these proposed Amendments should be effected as a matter of urgency, Honourable Tjiuiko, even if I have missed the target which I did not, urgency, and cannot wait for the finalisation of the *Draft*

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Land Bill on the consolidation of the two *Land Acts*, since the latter is expected to take some time before finalisation.

The purpose of amending the two Acts is to close legal loopholes that the Ministry has identified as serious obstacles in the implementation of the Land Reform Programme. In its current format, certain provisions in the proposed Amendments to the *Agricultural (Commercial) Land Reform Act*, 1995 (Act 6 of 1995) have been exploited by unscrupulous individuals, companies and Close Corporations to the detriment of the Land Acquisition drive. The purchase of commercial agricultural land for resettlement purposes has been unpredictable and slow. The pace of land acquisition has been influenced to a large extent by those who continue to explore and exploit legal loopholes to circumvent the provisions of the Act, particularly Section 17 which vest in the State the preferrent right to purchase agricultural land. Some individuals and Close Corporations, aided by Legal Advisors, have also resorted to the alienation of their land through the registration of usufructs, a practice that will curtail availability of land for purchase, and by implication hamstringing the Land Reform Programme of our Nation.

Although several innovative approaches to acquire land under the current legal framework have been introduced to encourage the release of land onto the market, the amount of land that is eventually acquired still falls short of the current demand as reflected by the number of applicants for advertised farms and this trend continues to have a negative impact on the overall performance of the Ministry. In this regard, the current Amendments to the *Agricultural [Commercial] Land Reform Act*, 1995 (Act 6 of 1995) being tabled will address the mischief by dishonest individuals and speedily respond to this predicament by curbing and criminalising certain actions that are meant to divert land from the Resettlement Programme to private buyers/companies through Close Corporations.

Meanwhile, the objectives of the amendments to the *Communal Land Reform Act*, 2002 (Act 5 of 2002) are meant to address the issues

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surrounding general communal land administration, in particular, the registration of land rights in communal areas that have been impeded by numerous factors such as illegal fencing, land disputes and the inability of the Communal Land Boards and Traditional Authorities to address such phenomenon. In order to enable the acceleration of the registration process and also to curb illegal fencing it is recommended that the proposed Amendment be effected.

In Namibia, as in many other Southern African Countries, the issue of land was probably the single most important driving force for the struggle for national liberation and self determination as a people. Namibia at Independence undertook the resolution to address the skewed nature of land ownership and land distribution and the efforts today by the Ministry as demonstrated by these Amendments talks to the commitment to resolve these national issues. Honourable Speaker, Honourable Members, in order to keep up with this menace and curb such kind of actions, the Ministry understands the importance of continuous and timely review of all our legislation in order to identify and plug legal loopholes before it is too late. As we move to amend the Laws there are others that are also busy finding new ways to derail our efforts but they will find us prepared.

With the introduction of the *Agricultural (Commercial) Land Reform Bill* and the *Communal Land Reform Bill*, the Ministry of Lands and Resettlement is addressing several shortcomings within the current legislation in line with our mandate in order to bring efficiency in our processes and harmonise policies with appropriate legislation. The two Amendments will enhance the deliverables within our Communal and Commercial Sectors. Finally, whilst the *Draft Land Bill* is still under scrutiny the Ministry cannot be expected to grapple with the land related challenges that are a manifestation of current legislation. As a House, let us be forward thinking, and that is stated respectfully, and address these apparent shortcomings that are a consequence of historical imbalances through these Amendments.

In conclusion, Honourable Speaker, Honourable Members, I appeal to this

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House to debate and consider the *Agricultural (Commercial) Land Reform* and the *Communal Land Reform Bill* favorably in light of our quest to deliver land to our people through the Land Reform process. I thank you for having listened to me.

HON SPEAKER: Thank you, Honourable Minister for the important piece of Legislation. Any further discussions? Honourable Shixwameni.

HON SHIXWAMENI: Thank you, Honourable Speaker. I beg the indulgence of the Honourable Minister, I listened to him closely as he was making his Motivation, but we are just being given the Bill now. I would like to adjourn the Debate to tomorrow afternoon.

HON SPEAKER: Any other Honourable Member who would like to take the Floor today? None. Further consideration of this Bills stands adjourned until tomorrow, 14:30. Right Honourable Prime Minister.

RT HON PRIME MINISTER: Comrade Speaker, tomorrow we have a very important visitor and after he finishes, some of us will be following him for the Departure Ceremony and now we are calling a meeting to come here and not having a quorum will send a wrong impression.

I was wondering whether it is a wise thing to do that.

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HON SPEAKER: The Speaker will think it is unwise and I think the House, sees it that way too. Therefore, further consideration of this Bill stands adjourned until Tuesday, the 12th of November 2013. So agreed.

The Second Motion is the one of Honourable Ulenga whom I do not physically see present here but the discussion can continue. However, the Honourable Member is not here to Move the Motion, unless he has asked one of his Colleagues to do that on his behalf. If not, then we proceed.

The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE ON THE STATE OF
HEALTH, DIGNITY AND CARE OF SENIOR CITIZENS**

SECRETARY: Resumption of Debate on the State of Health, Dignity and Care of Senior Citizens.

HON SPEAKER: When this Debate was adjourned yesterday, the 5th of November 2013, the question before the Assembly was a Motion by Honourable Ulenga, that the Motion be adopted.

Honourable Kazenambo was enthusiastic to take the Floor again today and he is nowhere to be seen. Any further discussion? Honourable Deputy Speaker?

HON DEPUTY SPEAKER: Thank you Honourable Speaker for giving me the Floor to contribute to this Motion.

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As the saying goes and I quote, “*omukuluntu etungwa lya siikilila*,” which literally means that the elderly is just like a basket that covers in order to protect the content from being blown away by the wind. This phrase emphasise the importance of the elderly in our society, be it at family level, community level and indeed, the political level. We need them in our midst.

I am happy to note that our elders have been recognised a long time ago within our African culture and tradition, and elsewhere. Our elders have been recognised by our current Government since it came into force. Our Government has equalised all the elderly people in terms of the financial benefit they get in this country, regardless of their sex, ethnic origin as well as race. Currently, all the elderly people are receiving the same social services, including pension, at the same level, whether they are white, coloured or black. However, as the other Members of Parliament have stated, I agree with them that this is not enough, we have to improve progressively as the time goes but I also agree that we should meet the Government halfway.

The Government has done its level best, the society must contribute, as well as multinational companies and foreign investors who are becoming rich in our country with a population size of only 2,2 million and wealthy. I also agree with those who propose that these companies and prospective investors, whenever they sign agreements with our country, conditions should be attached to them so that their social responsibility is be broadened, not just in terms of donating a few computers to schools or either N\$10,000.00 or N\$30,000.00 here and there but they must be able to build houses and clinics that will benefit the elders and the society at large. They should also be able to build infrastructure: For example, Karibib and Usakos are two towns in the Erongo Region that are inhabited by a very small population, however, this Region is also very rich and quite a number of companies have been operating in this Region for a long time. What prevents these companies from meeting the Government and the Local Authorities halfway by assisting in building schools and houses?

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Good suggestions were already brought forward by my Colleagues and various Members of Parliament like Honourable Bezuidenhout, Honourable Kazenambo, who was just about to finish with his contribution, Honourable Jankowski, Honourable Swartz and indeed the Honourable Minister of Home Affairs and Immigration, Honourable Iivula-Ithana who eloquently made her contribution on the social responsibility. I am, therefore, just going to add and appeal to the Committee to, whenever they go for hearings, look into those very good proposals in addition to the information they are going to gather from the people at grassroots level.

The definition of the term dignity should be broadened to mean that we should treat our elderly with respect, love and should afford our senior citizens dignified living conditions and places. The list of the social responsibility is endless. We should also think in terms of introducing topics that specifically cater for caring of the elderly at the primary school level so that our children grow up knowing how to care for the elderly and treat them with respect. I watched on television how the Japanese train their young brains to look after their elderly. I saw how the kids from the crèche or maybe Grade 1 are taken to the homes or residences of the elderly where they massaged and told the stories. There is no harm for Namibia to introduce the same.

Although this is not directly related, something that cause psychological torture to the elders is the phenomena of rape. I, therefore, propose that the element of rape should be adequately dealt with in the life skills subject at schools in order to create awareness among our kids, in particular, the girls so that they are aware when approached by strangers, to avoid being touched here and there. This is mainly to minimise the effect of rape in our society. The same applies to the culprit, the perpetrator of this crime; I do not think that there are proper deterrent measures in place to combat rape. There was a proposal sometime ago that when it comes to rape of a serious nature, where a person rapes a child and as the result the child dies or raping very old people, they would administer a certain chemical that deactivates the rapist. We have to think in terms of what has been done in other countries outside the African

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Continent, I learnt from workshops that I have attended that they are administering a certain chemical to perpetrators of this heinous crime that deactivates them for the rest of their lives. I am not saying we should apply this at random but once it is incorporated into our Constitution, it can help deter people from even attempting. I have heard of it and do not think we, in Namibia, are prevented from doing the same.

During my visits, particularly to the Oshikoto and Omusati Regions and to a certain extent the Erongo Region, the communities expressed their dissatisfaction with the youngsters that are holding them hostage and they are even appealing that the Constitution should be looked at in terms of the youngsters who do not want to be told anything by their parents because previously when a child does something wrong or was disrespectful your parents could beat them up but now it has been prohibited by the Constitution. People in those Regions are saying they are being held hostage. If we can relook certain provisions in the Constitution, specifically, what is the provision in the Constitution that prevents the beating of a child and other related issues?

HON KAZENAMBO: Corporal punishment.

HON DEPUTY SPEAKER: Yes, corporal punishment, I do not think the intention of the lawmakers is really to disempower parents from disciplining and giving proper guidance to their kids and even to punish them, it has just been misunderstood. Therefore, when this Motion goes to the Committee, the respective Committee should listen very carefully to people at the grassroots and even come up with what I have already proposed that we should have a Constitutional Review Commission to, at a certain interval, look at a Second Amendment in addition to the Constitution. The Constitution is there to guide the behaviour of human beings and our behaviour is dynamic. As the behaviour change so should the Constitution. I am not talking about the very important provisions of

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the Constitution but there should be a Constitutional Review Commission to look at these things.

Secondly, I would like to propose that the Committee (intervention)

HON SPEAKER: Honourable Bezuidenhout.

HON BEZUIDENHOUT: Thank you, Honourable Speaker. Honourable Deputy Speaker, I think you are referring to Article 8 - ***Respect for Human Dignity*** within the Constitution, where it talks about, “*No persons shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.*” Are you aware that that Section 3 of the Constitution is entrenched and may not be altered?

HON DEPUTY SPEAKER: Just repeat that?

HON BEZUIDENHOUT: About Chapter 3 of the Constitution, are you aware that it cannot be altered?

HON SPEAKER: Fundamental Human Rights.

HON DEPUTY SPEAKER: Yes, I am aware of that and that is where some people will have a problem because the Constitution seems to lean more to the side of the perpetrator, there does not seem to be a balance

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when it comes to the perpetrator and the victim. It seems that the Accused persons are more important than the victims are. Take, for example, a baby who has been raped and dies while the culprit is just allowed to live, which one can you confer the honour to? I was even trying to be careful when choosing some of my words to avoid saying castration - by saying a certain chemical was administered to the ones doing that so that at the end of the day they are incapacitated or deactivated because this inflicts emotional pain on us. I am aware of that.

I was saying that (intervention)

HON SPEAKER: Honourable Minister, you have the Floor.

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: Honourable Speaker, can I ask the Honourable Member a question?

HON SPEAKER: Yes, I think you can. Go ahead.

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: Honourable Kasingo, you keep referring to a chemical that can be used to deactivate the rapist, what really do you mean? What do you mean by deactivation? (*Laughter*) Are you referring to the elimination of the rapist or are you referring to the castration of the rapist?

HON DEPUTY SPEAKER: Thank you. Again I try to be diplomatic in using my phrases because of the presence of most elderly people here and

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very important ones. I would like to say that of course there is no one who can rape rather than a man, I am thus saying the organ of those people who rape should be deactivated. That is what I am saying. Let me try now to go directly to the (intervention)

HON KAZENAMBO: How?

HON DEPUTY SPEAKER: You inject them with those chemicals.

HON SPEAKER: Honourable Kazenambo, you forfeited your first place but you will still get a chance because you are on the list. Do you want to ask a question? If you want to ask a question, you can go ahead. However, you are on the list but since you were not there at the beginning we proceeded.

HON KAZENAMBO: I will be the next, I understand but can I ask questions?

Comrade Deputy Speaker, on a Point of Information; even women can rape. A woman can rape a young boy, a lesbian can rape another lesbian, (interjections) yes, it depends, unless if you say that I am avoiding that word of penetration of the male organ but if it is a question of rape, I am not a Lawyer, the Lawyers are here but I have heard cases of a woman raping young a boy meaning that she forced him into a sexual act or molestation. I am not a Lawyer but I have heard cases of that nature.

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HON DEPUTY SPEAKER: I will come to that at the end of my intervention.

I was saying that, apart from the proposal, we also need to think in terms of coming up with a Constitution Review Commission. It is one thing for the Committee to go out there and conduct a hearing and come up with very useful recommendations but it is also another thing to what extent those recommendations are implemented. I have been saying this on several occasions and I am going to repeat this, I propose that there should be a Unit responsible for following up on these recommendations within the Right Honourable Prime Minister's Office. That Unit should be the one to go to various Ministries and determine what progress has been made in terms of the implementation of the recommendations that have been adopted by the National Assembly.

Stakeholders include the Traditional Authorities, which are the first structures to restore social order. If they are serious with their work then criminality will be decreased, including even rape. Churches should also change their way of preaching. What currently happens is that, one goes to church, listen to the preacher, pray and go. They should also put aside some time to visit the elderly, visit the victims and visit the people in prison. The list of what can be done is long but my emphasis here is that, honestly speaking the country is rich, you can add on the countless possibilities. The companies must be obliged to come up with social responsibility programmes of building schools, building clinics and providing transport facilities. I think Honourable Swartz mentioned something about providing transport to the elderly but I think that schoolchildren should also be assisted with transport during the floods. During the floods, you will find kids struggling to cross floodwater, especially in the North/Eastern parts of our country. Companies should have some social responsibility to provide such; we are only 2.2 million inhabiting a rich country so there should be no harm. It should not be understood that we are scaring investors away. Namibia is a very good country, there is no one who does not want to come to Namibia, that I can tell you.

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Lastly, concerning rape of a serious nature by a man, of babies and the elderly, resulting into the death of the victims, I am proposing something has to be done that will seriously deter would-be offenders. With that, I rest my case. Thank you.

HON SPEAKER: Thank you. Honourable Nambahu.

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Comrade Speaker. I also want to air my voice in support of this very important Motion.

Unfortunately the Mover is not here and some of the remarks that I am going to make would probably be worth taking up in his response.

One point that was made and which I want to emphasise, is actually the duty of care. I think this is a concept that we need to interrogate deeply. If a parent owes a duty of care towards his child, it is because there are reasons that that the child cannot take care of himself or herself and if you neglect your baby or your child, you dump her or something, you can be held answerable and brought to book. The elderly person is almost in the same situation. When you abandon this helpless person, the society should ask itself the question, are you not neglecting your duty of care towards this elderly person? However, for you to be able to do that, you should be enabled in terms of resources and capacity to be able to do that, and an environment should be created for you to be able to do that. That is where we are coming in with some of the remarks we were making yesterday about people becoming poorer in the environment they find themselves in, and that takes me to the question of land.

There are those that need land to subsist and there are those that need land for commercial purposes. Ask yourself, who is more in need of land and it should be emphasised that land is not only critical when and where it

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comes to commercial purposes. You will find those that are actually living in communal areas where you have rich people fencing off land to the exclusion of those that live on small portions from which they depend for their subsistence. This exacerbates poverty and ends up with people being unable to have the resources to cater for themselves, among them the elderly people. When we were talking about revolution, people must make a difference between describing what is the situation and advocating for it (intervention)

HON SPEAKER: Honourable Tjihuiko, what point are you rising on?

HON TJIHUIKO: I am rising on a Point of Information. Honourable Deputy Minister of Justice, you are doing justice. May I ask you a question, please?

HON DEPUTY MINISTER OF JUSTICE: Very much so.

HON TJIHUIKO: Thank you very much. Honourable Deputy Minister, you are saying that the elderly people who are in the communal areas, working on the land produce food for them to eat, do you not really think that an elderly person should not be allowed to work on the land, where a person retired from a farm at the age of 60, a younger person should instead be allowed to work on the land? That is the first question.

The second question is, is that in line with certain Political Parties that give farms to retired freedom fighters to work on while they have retired, does that not lead to the exploitation of the people who have sacrificed to bring us here? You are now giving land so that they must go and work

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there while you are sitting in an air-conditioned office of the Ministry of Justice, and you want them to work on the land, is that fair?

HON SPEAKER: Honourable Nambahu.

HON DEPUTY MINISTER OF JUSTICE: Since this NBC has undertaken to broadcast live, I think it is up to the Namibian people to judge the kind of questions that are being put and place them on the scale to see their worth. I will, therefore, not be giving a response to that kind of question. Comrade Tjihuiko, I think this is too low, I thought you were going to bring something of more worth.

Comrade Speaker, let me go back to my point. Books have been written all along that country X cannot export a revolution and country X cannot prevent it, books are written about that. The smart way is actually to do a lot to prevent that the conditions that can bring about a revolution do not come about. I think that is a smart way of doing it because once the conditions have been created, it is going to be very difficult for you to prevent revolution when the conditions for it are right. Comrade Angula was saying the revolution will be started by the *lumpen-proletariat*, I do not know whether you have learnt about the alliance of the peasants, the proletariats and who else? I am not lecturing, but as soon as the consciousness of the class hastens and people are no more in a position to think regionally, to think nationally we will have that kind of problem (intervention)

HON SPEAKER: You will have the opportunity to continue Honourable Deputy Minister. Honourable Deputy Speaker.

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HON DEPUTY SPEAKER: Can I ask Honourable Deputy Minister a question?

HON SPEAKER: Yes.

HON DEPUTY SPEAKER: I was listening to you, your intervention seems to put emphasis on the administration of land in the communal area and the frustration of the non-have *vis a vis* the rich people.

Do you not think that one of the ways to solve this problem is also to expand the territory of the so-called communal areas in terms of buying land or farms and allocate that to different Traditional Authorities? Do you not think that this could be employed as one of the ways of land distributions? I am not saying that people should fence off land but I am saying the frustration being experienced currently in some areas could be stemmed if Government can buy (intervention)

HON SPEAKER: Honourable Deputy Speaker, is it a question or is it your testimony?

HON DEPUTY SPEAKER: Yes, that question. I think you have heard my question. Thank you.

HON DEPUTY MINISTER OF JUSTICE: Thank you, I am not sure (intervention)

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HON SPEAKER: Yes, Honourable Tjihuiko?

HON DEPUTY MINISTER OF JUSTICE: I think he is answering your question.

HON TJIHUIKO: I would like to call the attention of the Honourable Speaker to Page 18, Section 17(b) and (c) that the House does not have a quorum to proceed.

HON SPEAKER: 17?

HON TJIHUIKO: Page 18.

HON SPEAKER: It is your right to do that but these Rules were not made for us just to call attention of the Speaker on a whim, there has to be some kind of a crisis, which I do not see on the ground, but the Rule says we must establish whether we have a quorum or not. We come from a background where you read this Law twice and not just what it says but what its intention was. However, let us try to establish whether we have a quorum or not. Ring the bell, that is what the Rule says.

Well, according to the Rules, we do not have a quorum, we lost a quorum. We, of course, have to adjourn, that is what the Rule says. I have been privileged not only having been President of the biggest of all the General Assembly meetings - the Millennium Assembly, not the Heads of State part, but the one drafting the Millennium Development Goals and I have

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been the President of IPU and all of them work according to Rules but there is a very strict and common sense understanding.

I do not know why we should be adjourning now except that the Rules say so and what the Constitution says, which assumes a totally different place and what the Rule says to facilitate the work of the Parliament are two different things. Just because the Rules say so and so, it does not mean that we should necessarily abandon our common sense. It was nothing critical, everything we discuss in the National Assembly is important but there is a ranking of important things.

I am sure, we come from the same background with the Right Honourable Prime Minister, which differentiates reading the Law as it is stated from reading what the purpose of the Law was. I sometimes sit and listened to people who are challenging the Speaker and I do very much tell what background they come from, the doctrines where they were taught Law. The Law is there to solve problems, the Constitution is there to solve problems but we first have to identify what those problems are, and doing one way or the other would either advance the cause or retract a cause.

I have to do what the Rule says, though I do not really believe in my heart that we should be adjourning now. The House stands adjourned until next tomorrow, 14:30.

HOUSE ADJOURNS AT 16:00 UNTIL 2013.11:07 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
07 NOVEMBER 2013**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT

HON DEPUTY SPEAKER: Honourable Members, I wish to announce that today, the 07th of November 2013, His Excellency, Jacob Zuma, the President of the Republic of South Africa will be accorded the honour and privilege to address the Joint Session of the Namibian Parliament.

As required by the Convention and Practice, I now suspend the Business of the House and ask leave to go and invite His Excellency, Jacob Zuma, the President of the Republic of South Africa to the Chamber.

In the meantime, please remain standing.

BUSINESS SUSPENDED

WELCOMING REMARKS

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**WELCOMING REMARKS
HON DR GURIRAB**

HON SPEAKER: Right Honourable Prime Minister, Dr Hage G Geingob, Honourable Loide Kasingo, Deputy Speaker, respective Chief Whips of the National Assembly and the National Council, Members of the Diplomatic Corps, Comrades and friends;

I invite you all to join me to warmly and with roaring happiness welcome amidst us His Excellency, Comrade Jacob Zuma, President of South Africa accompanied by the First Lady, Madam Nompumelelo Ntuli Zuma, as well as an impressive team of Cabinet Ministers and Senior Officials to this Joint Sitting of the Parliament of the Republic of Namibia.

The Standing Rules and Orders of Parliament empowers the Speaker of the National Assembly to accord the visiting Head of State or Government an opportunity to address the Joint Session of Parliament.

By shared roots of African ancestry and specifically, bearing in mind the deep-rooted and unbreakable ties of solidarity, continuing friendship and cooperation in vital fields of nation-building and ever deepening socio-economic and technical cooperation between the ANC-led allies and the SWAPO Party, South Africa and Namibia must continue marching forward together with emboldened determination to ensure that the ideals of freedom, self-determination, democracy, the Rule of Law, gender equality and youth development serve the common good of all our communities now and forever.

The African Union (AU), can count on SADC to further enhance self-reliance and promote sustainable social development.

Now, Your Excellency, Comrade Jacob Zuma, I respectfully invite you to address the House. Your Excellency.

**H.E. PRESIDENT JACO ZUMA
ADDRESS MEMBERS OF PARLIAMENT**

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**ADDRESS BY
HIS EXCELLENCY PRESIDENT ZUMA**

HIS EXCELLENCY PRESIDENT ZUMA: Honourable Speaker of the National Assembly, Dr Theo Ben Gurirab; Honourable Chairman of the National Council, Hon Asser Kapere; Right Honourable Prime Minister, Dr Hage Geingob; Honourable Ministers, Honourable Members of Parliament; Your Excellencies, Ambassadors and High Commissioners; Distinguished Guests, Ladies and Gentlemen;

I wish to thank you, Honourable Speaker, for your kind words and fraternal welcome.

May I also take this opportunity, through you Honourable Speaker, right from the onset, to thank once more, my Dear Brother, Friend and Comrade, His Excellency President Pohamba for inviting us to visit this beautiful sister country.

Honourable Speaker and Esteemed Members of Parliament, please allow me to convey my profound gratitude to you for honouring us with a special gesture to address this Extraordinary Session of the National Assembly of a great and exemplary country, Namibia.

This rare and special honour as well as the warmth with which we have been received in this House of Members of Parliament who represent the dreams of the Namibian nation, underscores the deep historical ties that connect South Africa and Namibia.

I bring you fraternal greetings from our own National Assembly.

Our Members of Parliament and our nation at large warmly remember the historic and inspiring address in December 2012 in their Assembly by this distinguished son of Africa His Excellency President Pohamba.

You were moved then Your Excellency to address Parliament in a free South Africa, a Parliament in which laws oppressing the people of Namibia had been passed during the dark days of apartheid.

It is an equally emotional moment for me as well.

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**ADDRESS BY
HIS EXCELLENCY PRESIDENT ZUMA**

I stand here this afternoon to address this august House, a House of a free and democratic Namibia, a House occupied by my brothers and sisters, many of whom we fought with, hand in hand, side by side, to defeat apartheid.

Our strong solidarity dates back to the very deep friendship and comradeship that existed between the late ANC President, Oliver Tambo and the whole SWAPO leadership, especially President Sam Nujoma.

Our two Presidents both dedicated their lives to freedom, justice and a better life for the people of their two countries and the region.

In SWAPO, we had brothers and sisters who were prepared to die with us. Ours is a unique and special solidarity.

We have many cadres who lie buried alongside their SWAPO cadres, who died in combat or through natural causes. That is a bond that can never be erased.

We shared prison cells. We shared pain and anger. We shared trenches and revolutionary tactics. We shared a common vision. We were resolute and firmly uncompromising.

We knew that our struggle was just and democratic and we were bound to overcome. And overcome, we did.

We therefore would like to express our gratitude for the solidarity and comradeship that were extended by Namibians to the African National Congress (ANC) in particular and the people of South Africa generally during the struggle for our national liberation.

The people and leadership of the ANC's fraternal Party, the South West Africa People's Organization (SWAPO) suffered greatly under apartheid, but you never sacrificed comradeship, principle and solidarity.

We thank you for your resolve, dedication, commitment and your sacrifices.

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**ADDRESS BY
HIS EXCELLENCY PRESIDENT ZUMA**

The South African democratic victory in 1994 was a victory of the Namibian people too.

I, therefore, humbly dedicate this address to our solid friendship and enduring solidarity.

Honourable Speaker and Members of Parliament, we have indeed traversed long and difficult roads together as a people.

The road has been tough and dark, but as Comrade President OR Tambo once said “*we did not tear ourselves apart because of lack of progress at times...We were always ready to accept our mistakes and to correct them*”. And correct them we did, finally together we got rid of the Apartheid Regime after many years of suffering, death and torture.

We are now free independent Nations, working to create prosperity and freedom from poverty for our peoples.

To further elevate our relations, we have just concluded the inaugural session of the Bi-national Commission between our two nations, transforming the Heads of State Economic Bilateral Forum (HOSEB) into a fully-fledged Bi-National Commission (BNC).

What we want to achieve through this BNC is not only to lay a firm foundation for the optimal utilisation of the signed agreements and Memoranda of Understanding.

The BNC will provide political and strategic leadership and guidance to the bilateral cooperation and partnership between our two countries.

Our two countries cooperate on a wide range of areas, including, but not limited to, energy, trade and industries, transport, environment, water, communications, education, science and technology, mining, agriculture, security and tourism.

Progress has been achieved in many of these areas. We commit ourselves

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**ADDRESS BY
HIS EXCELLENCY PRESIDENT ZUMA**

to further deepen our bilateral cooperation for the mutual benefit of our respective countries and peoples.

Honourable Members of Parliament, we live in a rapidly changing world where our economic well-being is going to be dependent on close coordination and cooperation.

Concerning the economic ties between the two countries, a number of South African companies are involved in the Namibian economy in a variety of sectors.

These include construction, mining, housing, retail, food and beverages, hotels and leisure, banking, medical services, etc.

It is our sincere belief that these companies will continue to make a contribution to building a strong Namibian economy with the end result of job-creation, skills transfer and growth.

Honourable Speaker, Namibia is an important player in the Southern African region. There is a need for our two countries to continue to forge a common position on regional, continental and international issues for the mutual benefit of our two countries and the Continent at large.

Ladies and gentlemen; in the regional context, let me take this opportunity to congratulate Namibia for assuming the Chair of the SADC Organ Troika on Politics Defence and Security.

Consequently, as a region we thank and commend Namibia for the manner in which she has led the SADC Election Observer Mission to the Republic of Madagascar. Step by step, we continue to consolidate democracy in our Region. We are very proud of Namibia's example in this regard.

The 25 October 2013 Presidential Elections in the Republic of Madagascar marked an important milestone in the political life of that country.

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**ADDRESS BY
HIS EXCELLENCY PRESIDENT ZUMA**

Holding regular elections remains an indispensable marker of progress and the entrenchment of democracy in any country in the world.

Ladies and gentlemen; guided by the SADC Principles and Guidelines Governing Democratic Elections, South Africa and Namibia fully subscribe to the Guidelines defining the successful conduct of a free, fair and peaceful election.

We look forward to the year 2014 in Namibia, like South Africa; will hold general elections and we know that those elections will be free and fair because our two nations have become torchbearers of democracy and the rule of law.

Honourable Speaker and Members of Parliament, in our collective desire to further enhance close economic cooperation between our two countries, we need to prioritise cross border infrastructure to facilitate easy flow of goods and services.

It is therefore our belief that the establishment of a Free Trade Area in the Region will greatly enhance our ability to trade with one another and ensure the strengthening of the region as a whole.

South Africa is currently prioritizing infrastructure development more than ever before, from schools and hospitals to roads, dams, bridges, rail expansions and ports.

We continue to promote infrastructure development in the continent and also in our region. We are encouraged by infrastructure development in Namibia as well.

The completion of various infrastructure development projects such as the Walvis Bay port as well as the railway in the Caprivi region.

Linking these projects with our Durban port could produce new, dependable export corridors in countries that dearly need the revenue and the commercial opportunities such trade routes.

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**ADDRESS BY
HIS EXCELLENCY PRESIDENT ZUMA**

We are happy to hear that the Walvis Bay Corridor Group has recently announced that construction would soon begin on a road that will shorten the travel distance through the Caprivi region from 1,200 kilometres to 800 kilometres.

I am informed that the Walvis Bay Corridor Group also plans to spend 300 million US dollars to expand the port starting in 2014.

This would go a long way in enhancing trade between countries in the Region.

We commend Namibia on this initiative as we believe that infrastructure development is the backbone of industrialization and development.

Excellencies, Honourable Speaker, let me also emphasize the importance of our two countries cooperating on regional issues.

Over the past three days, South Africa hosted the *SADC-International Conference on the Great Lakes Summit* and one of the *African Capacity for Immediate Response to Crises*.

We know Namibia's commitment to peace and stability in the Region. Namibia is making progress in your capacity as the Chair of the SADC Organ on Politics, Defence and Security. In this regard, we wish to assure you of our continued support.

Honourable Speaker, we also wish to work with Namibia closely on issues such as the reform of multilateral institutions such as the United Nations Security Council, the G20 and multilateral International Financial Institutions.

A transformed UN system will be more efficient and more accountable to all its member states.

It is our firm belief that the UN Security Council should be enlarged to better reflect and portray contemporary global political realities, and

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**ADDRESS BY
HIS EXCELLENCY PRESIDENT ZUMA**

especially the reality of an Africa steadfastly claiming its position in the community of nations.

Honourable Speaker, let me reiterate my personal and sincere gratitude to you and the people of the Republic of Namibia for giving me the opportunity to address this majestic House.

This is a House on whose shoulders lie the aspirations and hopes of the Namibian citizens and which has the constitutional responsibility to pass Laws that will continue to improve their circumstances.

In this regard, we wish to assure you of South Africa's continued commitment to work with you as you deal with the scourge of poverty, underdevelopment and unemployment.

These are the bold challenges that we are battling with in our own country. We, therefore, need to master the same resolve and courage we ably mastered in the fight against colonialism and apartheid. We dare not fail!

Let me extend best wishes to you and all the people of Namibia as you steadfastly march towards economic and social development.

Honourable Speaker, before I conclude, when I arrived here I received very serious reports about the challenge that is facing Namibia, the drought. My delegation felt this was one of the most depressing news they received in the country that Namibia is suffering from a devastating drought. We have just emerged from the drought and some parts of our country are still gripped by the drought.

As neighbours with this very unique history and with our belief that we will always be together as neighbours, we have decided to make some humble donation towards this challenge that you are faced with. A package of support, totalling R100 million is indeed our humble support to the people and Government of Namibia, that as neighbours, we are with you in the challenge that you are faced with. Thank you very much.

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**VOTE OF THANKS
HON DR GURIRAB**

VOTE OF THANKS

HON SPEAKER: I wish to thank you, on behalf of the Joint Session of the Parliament of the Republic of Namibia and with the full concurrence of all my Colleagues present here and the Namibian people, your people, who have been listening to your very comprehensive, focussed and bilaterally charged address to us.

Your Excellency touched on our common history, as I did, and that history speaks for itself that we are together and that we will always be marching together . You ended on a note of reassuring us as the President of the Republic of South Africa that you share our pain and frustration as people, caused by this severe drought. And you have decided as South Africa, as our people on the other side of the river we share, to make this very impressive contribution.

The hearts of our people are warm and we feel very grateful not only for reassuring about the continuing solidarity and cooperation but the readiness of South Africa to extend this hand of friendship and support to our people. Thank you very much, Your Excellency.

BUSINESS RESUMED

HON SPEAKER: Before I ask the Sergeant at Arms to join me, to lead His Excellency out of the Chamber, I want to jump a step to ask the Right Honourable Prime Minister to adjourn the House until next week, Tuesday that would allow us to do things in an orderly fashion.

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ADJOURNMENT
RT HON DR GEINGOB

RT HON PRIME MINISTER: Thank you, Comrade Speaker. Let me just echo your words in thanking the President for his last announcement.

I would like to go and prepare to receive that, therefore I would like to Move that this House now stands adjourned until next week Tuesday. I beg to Move that.

HON SPEAKER: Thank you. Any objections? So decided. The House stands adjourned until next week, Tuesday. The Sergeant at Arms will help me escort the President out of the Chambers.

HOUSE ADJOURNS AT 16:00 UNTIL 2013.11.12 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
12 NOVEMBER 2013**

The Assembly met pursuant to the adjournment.

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

AANOUNCEMENT

HON SPEAKER: Honourable Members, I welcome you all. Can we please sit straight in our seats? Some of you are teachers and you must do what you tell the children to do in classrooms.

Before I get to the Business of the day as indicated on the Order Papers, I acknowledge in the Speaker's Gallery, which is up here to my left, the members of the Secretariat from the Malawian Parliament Staff Union who are on attachment to our National Assembly.

You are welcome. Feel at home. You are very generous when we are there and we will try to do the same while you are here but do the first things first – the work.

Any Petition? Reports or Standing or Select Committees? Other Reports and Papers? Notice of Questions? Honourable Von Wietersheim.

NOTICE OF QUESTIONS

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**NOTICE OF QUESTIONS
HON VON WIETERSHEIM**

QUESTION 49:

HON VON WIETERSHEIM: Thank you, Honourable Speaker. I give Notice that on Thursday, the 21st of November 2013, I shall ask the Right Honourable Prime Minister the following:

1. In the officially drought stricken settlements of Satamab South, Satamab North, Cameron, Erica, Spitzkoppe and Kettelbank - all in the Daures Constituency, drought relief recipients are receiving only one bag of 12.5 kg maize meal per distribution from the distribution point at Usakos; the question is, whether it is correct that only one single bag of maize meal is supplied to the recipients in this Constituency, and why no additional nutrition is provided as in other Constituencies, like tins of fish, tins of beans, etcetera?
2. Can the Right Honourable Prime Minister please explain where and how the following aid was distributed:
 - the ration food aid supplied by the aircraft?
 - the Malaysian donation of fish and cooking oil?
 - the meat and *matangara* processed by Meatco originating from the large scale hunting operation, as well as other local food donations?
3. Are all the recipients treated in an equal manner or are there criteria applied to vary the amount and type of food supplied to different recipients, and what are those criteria? Thank you, Honourable Speaker.

HON SPEAKER: Honourable Members, one Member at a time. Will the Honourable please table the question? Any further Notice of Questions? Notice of Motions? None.

I am looking at the Cabinet side, since I do not see any indication to take

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the Floor, I want as Speaker of the House to call attention to the most devastating typhoon which is wreaking immense havoc not limited to the Philippines, it is worse there, but it equally affects in so many different ways the rest of South East Asia.

There is something about South East Asia when it comes to these forces of nature that do so much damage. The tallies continue, they are in their many thousands of people who have died already. There is goodwill pouring in from everywhere in the world to be of assistance but it is overwhelming and the other day we were so happy as Namibians applauding President Zuma for giving us N\$100 million for the relief of our people suffering under severe drought.

The least we can do to the people of the Philippines and to those everywhere in South East Asia is to share with them our prayers, express goodwill and solidarity with them and to pray to God to spare all of them, children, women and other needy people. I thought that I should put that on record on behalf of the House.

The First Notice of Motion is one by the Honourable Minister of Justice. Does the Honourable Minister Move that the Bill be now introduced?

HON MINISTER OF JUSTICE: Yes, Comrade Speaker. I so Move.

HON SPEAKER: Any objections? Who seconds? Honourable Bezuidenhout.

HON BEZUIDENHOUT: Thank you, Honourable Speaker. It is a similar question as the one posed by Honourable Tjihiuko last week, I just need clarity on Rule 35(d) about the submission of Bills after November 1. Thank you very much, Honourable Speaker.

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**FIRST READING: MAGISTRATES
AMENDMENT BILL [B.9 – 2013]
HON NUJOMA**

HON SPEAKER: Can the Secretary of Parliament, as he did last time, please explain? In case Honourable Tjihuiko has an intervention, I was informed that this introduction had been made earlier, before the 1st of November. Secretary of Parliament, can you please explain? Shall we please listen?

SECRETARY: The Attorney-General did mention that these Bills were of extreme urgency.

HON SPEAKER: That being the case, we shall proceed. I assume the Attorney-General said so and that the Cabinet has been informed and confirms that urgency. We will proceed.

Will the Honourable Minister please table the Bill?

The Secretary will now read the Bill a First Time.

**FIRST READING: MAGISTRATE
AMENDMENT BILL [B.9 – 2013]**

SECRETARY: *Magistrate Amendment Bill [B.9 – 2013].*

HON SPEAKER: Does the Honourable Minister Move that the Bill be now read a Second Time?

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**SECOND READING: MAGISTRATES
AMENDMENT BILL [B.9 – 2013]
HON NUJOMA**

HON MINISTER OF JUSTICE: I so Move, Honourable Speaker.

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

HON MINISTER OF JUSTICE: Thank you very much, Comrade Speaker.

I rise to motivate the *Magistrate Amendment Bill* to this august House. It has come to the fore that the *Magistrate Act*, 2003 that governs the District and the Regional Court Magistrates has some shortcomings rendering the said Act, not sufficient to sustain an improve, fair and expeditious delivery of justice to the general public. With this background in mind and in order to properly manage the Magistracy in a professional and efficient manner to enhance the administration of justice in Namibia, the following Amendments need to be introduced to the current Act.

I have attached an explanatory memorandum that will give more detail to this document to encourage the Debate and better understanding of the said *Amendment Bill*.

Honourable Speaker, Honourable Members of Parliament, the Amendment to the *Magistrates Act*, 2003 gives the Minister the power to create temporary posts additional to the permanent establishment, to recognise qualifications in Law to be qualifications of satisfactory standard of professional education for the appointment of persons and Magistrates and to withdraw a member from the Commission on the recommendation of the Commission.

The Amendment further empowers the Commission to recognise one association of Magistrates and for the Commission to transact urgent business by circulation among all members without the holding of a

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**SECOND READING: MAGISTRATES
AMENDMENT BILL [B.9 – 2013]
HON NUJOMA**

meeting, this is generally called meeting out of session.

The association of Magistrates will be able to nominate Divisional Magistrates and Regional Magistrates for appointment as members of the Commission, through this Amendment.

Honourable Speaker, Honourable Members of Parliament, this Amendment further provides for qualification for appointment or designation as members of the Commission and to limit the term of office of a member of the Commission to not more than two consecutive terms.

The jurisdictions and functions of Clerks of Magistrate's Court appointed temporary to act as Assistant Magistrate for a District or Sub-district and to further clarify the designations of Magistrates and assignments of Magistrates to certain Courts.

The Amendment further limits the appointment of Chief Magistrate to five years term of office that is renewable and to provide for a person to revert to the post of Magistrate after having failed to secure for a reappointment as a Chief Magistrate.

This Amendment also provides for the appointment of persons as Magistrates on fixed-terms contracts of employment on the permanent establishment, to subject the appointment of Magistrates to a probation of not less than six months and to clarify the powers and function of certain Magistrates.

The Amendment further seeks to define certain Acts or mission as misconduct, to empower the Presiding Officer at a disciplinary investigation to issue a Warrant of Arrest against a person who fails, without lawful excuse, to attend or remain in attendance at an investigation to give evidence or to produce documents, and to impose penalties.

Honourable Speaker, Honourable Members of Parliament, finally as I indicated earlier, all the Amendments I have referred to above are indeed

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**SECOND READING: MAGISTRATES
AMENDMENT BILL [B.9 – 2013]
HON TJIHUIKO / HON DR KAWANA**

detailed in the attached explanatory memorandum and I, therefore, urge Members to support this Amendment. Thank you, Comrade Speaker.

HON SPEAKER: Thank you. Any further discussions? Honourable Tjiuiko.

HON TJIHUIKO: Thank you very much, Honourable Speaker. In the absence of any contributions and since we have been given the document now to go through it, I would like to adjourn the Debate until next week Thursday.

HON SPEAKER: I hear you, but Dr Kawana wants to contribute.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Thank you, Honourable Speaker.

I rise to support the *Magistrate Amendment Bill*. The administration of justice in our country is one of the bedrocks of our democracy. It is common cause that our administration of justice, especially at the Lower Courts need further upgrading so that we can serve our people better.

In this regard, Honourable Speaker, I would like to commend the Honourable Minister of Justice and his team for coming up with this Amendment.

I would like to call upon the general public to make use of the Magistrate's Commission established in terms of the *Principle Act* which is being amended that whenever they feel that they are not getting proper

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**SECOND READING: MAGISTRATES
AMENDMENT BILL [B.9 – 2013]
HON DR KAWANA**

justice at the Magistrate's Court level.

Comrade Minister, you may recall that when I was Minister of Justice, there are two areas of legislation, which I drafted but to date they are not before this august House.

The first one is the small claims Court. I do not know how far that Bill is because I feel that in addition to the Magistrate's Courts, Small Claims Courts as well as the Community Courts are the basic Courts, which will go a long way to administer justice at the primary level of our justice system.

The other one, which is even more comprehensive you may recall, and it took us more than two years to work on that legislation, is the new *Criminal Procedure Bill*. In terms of that Bill, it addresses a number of shortcomings in our judicial system. Firstly is the speedy trial as you may recall which I believe, the time has come to address that area of our administration of justice. The other one, which is equally important, is the bail issue which is an outcry. It has been an outcry for many years now. I also feel that the time has come to tighten the aspect of bail and the Law, which I worked on comprehensively addresses the issue.

Finally, the third aspect is the rights of victims, and it is a pity Honourable Moongo is not here, I want to say the basic premise of our Customary Law is to address the welfare of victims unlike what is perceived in Modern Law whereby in many cases, many occasions the victim is left penniless. Whatever fine is imposed, the money goes to the State and leaves the victim penniless, whereas in terms of our Customary Law, the first and foremost priority of that system is to address the welfare of victims by way of compensation. In terms of that Bill I am referring to, which was finalised, all those aspects are covered.

My Dear Brother, I would like to know as to when those aspects will be tabled before this august House so that we can at least address some of the concerns of our public when it comes to the administration of justice.

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AMENDMENT BILL [B.9 – 2013]
HON TWEYA**

However, once again, let me call upon the members of the general public to make use of the Law, particularly the Magistrate's Commission whenever they feel that the administration of justice at the Magistrate's Court level leaves much to be desired.

I am sure we need to jack up the system so that we enhance our democracy and as you know, in terms of good governance, administration of justice is one of the very important aspects which are considered, which are least worthy to determine whether or not a country has a system of good governance. Once more, Honourable Speaker, I support the *Magistrates Amendment Bill* and I thank you.

HON SPEAKER: I thank the Minister for his constructive contribution. Honourable Tjihuiko is on standby. Honourable Deputy Minister of Trade and Industry.

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: I thank you very much, Honourable Speaker.

Let me first support this very important Bill and I have two or three issues with the justice system and that is the accessibility of ordinary Namibians to the justice system in the country. My experience has been that it is like a cash cow for the Legal Practitioners in various ways. Firstly, the legal fees that are being charged to make a single call - one is charged an arm and a leg. Just to read a document you are charged exorbitantly. That in my view cannot be regarded as justice. Therefore, the accessibility is a serious concern that I want the Minister to not just look at but to address because it is a genuine concern from the Legal Practitioners.

Then comes the delay through postponements. It takes ages to finish a single case and every time you must pay that lawyer. I cannot understand where justice is. Sometimes they will tell you, I am in the Court itself,

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**SECOND READING: MAGISTRATES
AMENDMENT BILL [B.9 – 2013]
HON DINGARA**

whether it is the Magistrate or Judge, and this is part of the justice, they will tell you - *this is not a Court of justice, this is a Court of Law*. However, we are talking about justice so you are supposed to get justice in that so-called Court of Law. Let me quantify this; if we talk about justice, then it should be justice but you cannot be treated unjustly and be told *this is Court of Law*. It has nothing to do with justice. How do we balance the two?

I really want to plead that we look at this in a very serious light from the Legal Practitioners perspective. The people in the judiciary can be so-called independent, I do not know independent from what and this is why justice is not being felt by ordinary people. Is it true that there is nothing that we can do about it to help these majority that are suffering in silence? It is too expensive, it is kept and dragged for too long to make more money and this is creating a burden for the State to keep these people in prison, to feed, give them blankets and whatever. I think we need to relook our justice system so that it is indeed, justice to everybody. I rest my case, Comrade Speaker.

HON SPEAKER: Honourable Dingara.

HON DINGARA: Thank you very much, Honourable Speaker. I want to concentrate on Page 9 of the document that we have received. On Page 9, Sub-section 10(a) where it says - *if the Chief Magistrate fails to secure a reappointment contemplated in Sub-section(9), he or she becomes a Magistrate of any designation, immediately below the designation of the Chief Magistrate*.

I want to focus on the words *any designation*; that one alone, and when you put it with *any designation immediately below*, are two different things. *Any designation* means any designation in the Magistrate line, it can be an ordinary Magistrate but *immediately below*, is again saying,

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HON DINGARA**

the position just below the Chief Magistrate.

I was, therefore, thinking that, to avoid saying things which can mean two different things, when we want to mean only one, it is better to remove the word *any* and replace it with *a*, that is, *a designation immediately* and not *any designation, a designation immediately below*.

Further to that (intervention)

HON SPEAKER: I will give you the Floor, Honourable Minister. Honourable Dingara, you have the Floor.

HON DINGARA: The other thing is, my understanding is that there is only one Chief Magistrate in the country. Since that is only one position, in case this person has been a Magistrate for ten years and has been receiving a remuneration of a Chief Magistrate, which is below the rest of the other Magistrates, I feel because there is only one position for a Chief Magistrate, in case this person fails to secure an appointment for another term and do not wish to resign he/she retains the same remuneration he/she was receiving as a Chief Magistrate because that position can only be retained by one person.

We can make an exception for this particular person that, in case this person did not secure the position of Chief Magistrate and is reduced to a Senior Magistrate or whatever position is immediately below the Chief Magistrate, that this person retains the remuneration of a Chief Magistrate when a new Chief Magistrate takes over.

Those are the two comments I thought the Honourable Minister could consider. I may not be available the time that Honourable Tjihuiko wants to postpone this Motion so I thought it best to make my contribution now. Thank you very much, Comrade Speaker.

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**SECOND READING: MAGISTRATES
AMENDMENT BILL [B.9 – 2013]
HON P MUSHELENGA**

HON SPEAKER: Thank you. Honourable Mushelenga.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you very much, Honourable Speaker. I wish to make my very brief contribution to the *Magistrate Amendment Bill* that has been tabled by the Minister of Justice.

Honourable Speaker, I was having a point that Honourable Dingara had just raised but perhaps mine was on a different line of thinking than that of Honourable Dingara because I thought, firstly one becomes a Magistrate and then you are promoted to a Chief Magistrate either by applying or it would be done by the Commission identifying you as hardworking and so on.

It is true that when some people are appointed to senior positions they become complacent and they no longer perform. I would want to think that this is one of the issues that brings this provision. However, I would want to ask, are there not some other remedies because if you are not performing, for instance, then you are supposed to sort of be accountable or be answerable to the Commission because this is a profession. When you are in other professions like the medical profession and so on, and you perform contrary to the norms and ethics, you are even called to a disciplinary hearing. My question was to ask the Minister if he may not look at avenues like those ones, rather than having to recall the person from the position as the only recourse.

That was more or less the issue that I have and I also support the provision in the Act that the Commission can take a decision by circulating the documents. This is what is called the round robin solutions in the corporate world, whereby because some of the board members are outside the country and some might be at faraway places, you simply circulate where people to sign for efficiency because you cannot always wait for people to come and then there is no quorum. This is one of the good moves in order to increase efficiency in the justice system and I would

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HON TJIHUIKO**

want to commend the Minister, Deputy Minister and the staff for this Amendment. Thank you.

HON SPEAKER: Thank you. Before I come to Honourable Tjihuiko, while I was listening to the Deputy Minister of Trade and Industry, the question he posed about justice reminded me of one of the great teachers that among others Honourable Geingob and myself and others were privy to in the United States after we had left great teachers, in my case, firstly, Elifas #Goaseb, my Brother in Usakos and where Honourable Geingob and Honourable Kaura joined me at Augustineum, Martin Shipanga was once called *Mr Kuchilo*. The Deputy Minister was questioning the state of the justice system here and this teacher in Philadelphia was talking about *justice not just is injustice*.

Honourable Tjihuiko, to when did you want to adjourn the Debate?

HON TJIHUIKO: Thank you very much, Honourable Speaker. In the absence of any contributions, I would like to adjourn the Debate until next week Thursday, if it is possible.

HON SPEAKER: Until?

HON TJIHUIKO: Thursday, next week.

HON SPEAKER: I cannot hear you, are you saying Tuesday or Thursday?

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**SECOND READING: MAGISTRATES
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HON IILONGA**

HON MEMBER: Thursday is too far!

HON TJIHUIKO: Can we adjourn it until next week Wednesday then?

HON MEMBERS: No, tomorrow.

HON SPEAKER: Is there anybody who wants to continue tomorrow? If not, then the further consideration of this Motion stands adjourned until Wednesday, next week.

HON MEMBERS: No, tomorrow?

HON SPEAKER: I am asking if anybody wants to take the Floor. Honourable Iilonga.

HON DEPUTY MINISTER OF DEFENCE: Thank you, Comrade Speaker. I just want to adjourn the Debate to Thursday, the day after tomorrow.

HON SPEAKER: Any objection? Agreed to.

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**FIRST READING: HIGH COURT
AMENDMENT BILL [B.11 – 2013]
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The Second Notice of a Motion is the one of the Honourable Minister of Justice. Does the Honourable Minister Move that the Bill be now introduced?

HON MINISTER OF JUSTICE: Yes, Comrade Speaker. I so Move.

HON SPEAKER: Who seconds? Any objections? Agreed to. Will the Honourable Minister table the Bill?

The Secretary will now read the Bill the First Time.

HIGH COURT AMENDMENT BILL [B.11 – 2013]

SECRETARY: *High Court Amendment Bill* [B.11 – 2013].

HON SPEAKER: Does the Honourable Minister Move that the Bill be now read a Second Time?

HON MINISTER OF JUSTICE: Yes, Comrade Speaker, I so Move.

HON SPEAKER: Any objections? Agreed to. The Honourable Minister has the Floor.

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HON MINISTER OF JUSTICE: Thank you, Honourable Speaker, Honourable Members of Parliament.

I rise to motivate the *High Court Amendment Bill*, which I introduced in Parliament on the 5th of November 2013.

Section 39 of the *High Court Act* of 1990, (Act 16 of 1990), empowers the Judge President, with the approval of the President to make rules for regulating the conduct of proceedings in the High Court. It has become clear to the Judge President that the items contained in the list of subject matters in terms of Section 39 of the enabling Act are not sufficient to sustain and improve fair and expeditious delivery of justice to the greater majority of our people.

The Amendment in Sub-section 1(b) of the Bill, attached hereto and marked Annex, is justified on the following grounds. At present the Registrar of the High Court gives Judgment by default in certain cases. At the last count the Registrar gave such Judgement in 1,300 cases in 2011 to 2012. That is an average of 109 per month. It has been found that the granting of default Judgment by the Registrar may be unconstitutional. In order to avoid any constitutional challenge that may be in the offing, it has been decided that Judges will now grant default Judgement in such cases.

This changeover will indubitably bring about an exponential increase in the already unbearable workload of Judges. One way of easing this additional workload in a compensatory manner is to provide a procedure whereby the High Court has given Judgement in a case and the rate of execution has been issued by the Registrar for the execution of Judgment. Judges of the High Court do not assume the role of debt collectors for the judgement creditor as is the situation presently.

The financial inquiry of judgment debtors to determine their financial ability to satisfy their debt, can be done by a Magistrate's Courts. The greatest advantage in this regard is that a Judgement debtor who resides or carries on business in a far-flung Region does not have to take on the added financial burden of having to travel from his or her District to face

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financial inquiry by a Judge. He or she will appear before a Magistrate in the District where he or she resides or carries on business.

The Amendment in Sub-section 1(c)(d) and (e) of the Bill is justified on several grounds. Firstly, the proposed Amendment deals with the recurrent public outcry that it may not be fair to execute the entire monthly remuneration of a judgment debtor with a prior financial inquiry into the debtors financial ability to satisfy the debt or to declare the primary home of a judgment debtor executable without more, while at the same time ensuring that a system of giving credit to deserving persons by financial institutions which play a pivotal role in the socio-economic development of the country, is not rendered unserviceable. The Bill, therefore, seeks to empower the Judge President to make rules to regulate execution against immovable property of a judgment debtor where the property is the primary home of a judgment debtor. It also seeks to regulate the execution of judgment sounding in money against remuneration of a judgment debtor.

Secondly, the Amendment seeks to bring about compulsory Alternative Dispute Resolution, which is referred to as the ADR, mechanism in certain courses and matters so that not all disputants in all disputes will go through the expensive procedure of trials or applications. You have heard, Comrade Attorney-General referring to the Small Claims Court - this is the mechanism we would like to introduce to speed up the trials in what we call speedy trials in certain situations. It has been proven in jurisdictions that have adopted the ADR mechanism that the resolution of disputes by ADR mechanism is not time consuming and that results are attained expeditiously, and above all, it is a cheaper way of resolving disputes.

Thirdly, the Amendment aims at Judicial Case Management whereby the process of litigation is just driven and not litigant driven or Legal Practitioner driven. Again, this is what Comrade Tweya was talking about that it seems that the legal process is Legal Practitioner driven. Therefore, the Judges want to get more involved. At E-filing of process and other documents in litigation in what we call the new E-justice, E-governance

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and all these things, the object of E-justice is to eliminate as far as possible the filing of process and documents in hard copy. E-justice is now vogue in some countries, including Mauritius and Zambia and in the SADC Sub-region. Judicial Case Management and E-justice aim at attaining expeditious and fair disposal of cases, which would in turn result in the reduction of cost of litigation. Thus, they aim at making litigation in the Court cost effective for the benefit of litigants and the fiscus.

The safety catch in the exercise of the rule-making powers of Judge President is that any rules that the Judge President makes in terms of the enabling Act, must be approved by the President.

In conclusion, I think I will end up here, this is the Motivation. I want the process to be Judge driven and not Legal Practitioners driven and the Judge President makes the rules and the President approve the rules. That is why we brought it here to Parliament, only for your approval. Thank you very much, Comrade Speaker.

HON SPEAKER: Thank you. Any further discussion? Dr Kawana.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Speaker, I once again rise to support the *High Court Amendment Bill* and take this opportunity to once more commend my Colleague, the Honourable Minister, his Deputy and the entire staff.

I would also like to add and highly commend my Colleague, Honourable Justice Damaseb, the Judge President. In my capacity as the Attorney-General, I was highly involved in this matter and advised that, because of the urgency, it has to be considered during this Session of Parliament.

Comrade Speaker, for a long time now our people have suffered what I

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may call unfair practice whereby, if they owe money to a creditor, the house is auctioned and the citizen is put in the street. I do not think this is justice or constitutional. Hence, the new arrangement whereby in cases of this nature, a Presiding Officer, in this regard a High Court Judge in Chambers or Magistrate can inquire into the inability of the debtor to pay his or her debt and to come with an acceptable arrangement whereby the immovable property is secured, is protected not only for the sake of the judgment debtor, but for his or her family. You will find that a household consist of more than one person or a group of people who have a right to that home but once one of them gets a debt, everybody ends up in the street. That is the objective of this Amendment, which I wholeheartedly support and indeed, to commend the Honourable Judge President for his support which he has rendered and we have worked together to come to this arrangement.

Once again, Honourable Speaker, I wholeheartedly support the *High Court Amendment Bill*. I so Move.

HON SPEAKER: Deputy Minister, Trade and Industry Honourable Tweya.

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Comrade Speaker, thank you very much, once again, and I must thank the Honourable Minister for tabling this Amendment.

One can see that we are getting closer to justice now. This is getting us closer to justice. At least the issue of natural justice where you allow the other party to present his or her case, is being addressed here. Where the Judge President would also make rules in terms of tariffs of the Court fees is addressed here. That is justice. The tariff of cost and all the expenses, the tariff of fees charged by Legal Practitioners, that I spoke earlier about, is addressed here. On Page 5 (e), I can also see that there will be

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regulations to control the litigation process so that it is fair, just and cost effective. Now we are getting closer to justice. And (e)(v) also speaks about the speedy trial so that it does not need to take five years for the case to be heard and you have already paid, or for those in the communal areas, they already finished the whole kraal because they do not have any other income except selling their livestock to pay for the legal fees. The issue of time is also addressed here.

However, I do not see one other element and that is the abuse of the Legal Practitioners in those courtrooms. For them to make more money, they would ask one question the whole day, just to drag the case on so that they have more hours to claim. That, in my view, is still an abuse of the right of those people that are being questioned. Their rights are not being addressed and that abuse must be addressed in one way or the other and unfortunately, the Presiding Officer (intervention)

HON SPEAKER: I will give you time to continue after tea break. I pray that you, all my seniors, come back. The House rises for tea.

HOUSE ADJOURNS AT 15:40

HOUSE RESUMES AT 16:16

HON SPEAKER: Honourable Deputy Minister of Trade and Industry, you have the Floor.

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HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Thank you very much, Comrade Speaker.

I was saying that even if it is a simple case, they drag the case to increase the number of hours and this is really denying the people justice that in my view should be their right. I was also saying that people are being abused through those unnecessarily questioning. One would be asked the same question almost the whole day and the Presiding Officers do not seem to be in control, they just allow these people to run their Courts and as a result some of these people get confused and lose track of what they said in the beginning, leaving their testimonies questionable and they end up being found not reliable witnesses, as a result, they are denied of the justice that they have hoped for.

I am, however, pleased that this *High Court Amendment Bill* is getting us closer to get justice to the people but I also want to conclude by saying that sometimes the people who must attend court cases, do not frequently have the means to travel to Courts. They must spend days at the Courts, being grilled unnecessarily, they are hungry because they do not have money to buy food and all these are factors that I think, and believe as legislators, we need to give a hearing to the suffering masses.

We are aware of poverty in our country, we are aware of high unemployment in the county but we are not listening to the call of the majority of our people through the denial of justice through these various means but this Amendment at least, is a very welcome move and I believe, if we can cascade this further down to the rural areas, we may be in the right track to address the plight of our people.

Once again, I want to commend the Honourable Minister for tabling this particular Amendment. Thank you, Comrade Speaker.

HON SPEAKER: Thank you, Honourable Dingara.

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HON DINGARA: Thank you very much, Comrade Speaker. I think the Honourable Minister of Justice is making us happy with the tabling of this Bill, including the one that we have just finished. It is good news to us as Namibian people because these Bills are pinpointing issues that have been challenges and problems for a long period now.

On the *High Court Amendment Bill*, I am particularly happy with Section 1(c), when it comes to the price of the immovable property. This has been a challenge throughout the country, especially in Windhoek where many people have lost their primary homes completely for close to nothing because when the house is to be auctioned, what people normally do is go to the City of Windhoek and find the value of the property. If you look at the statements of your municipal bill in Windhoek, that value is too low such that any person can just afford to buy the house.

Immediately after someone buys the house, when the value of this property is evaluated the next day, not after a year, the price was found to be high. I have one example here of a house that was sold for N\$35,000.00 because the owner owed N\$30,000.00 to the municipality. The house was sold for N\$35,000 in Katutura and when it was bought by the highest bidder at that N\$35,000.00, the new owner went to evaluate the property and it was found to be at the value of N\$230,000.00, while this person did not do anything yet in terms of renovations. He, therefore decided just to sell it and make money immediately and effortlessly.

If what is meant here in (c) is to deal with that type of pricing, I think that could be of assistance to this Nation. Just last week the property of another person I know was almost sold. This person found me in the library studying and said - *Comrade my house will be sold* and I told him to take it up with the Governor. He said, *I do not know how to speak to the Governor*. I said that I will speak to the Council on his behalf and the Council eventually saved this person's house. The house was listed for N\$45,000.00. If you go around Windhoek, you will not find houses going for such an amount, however, auctioneers allow for houses to go for those prices.

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That is why I feel so happy, especially when Comrade Utoni mentioned this specific Amendment. You just touched my heart with that praiseworthy solution for this Nation. This is very good news. I do not know how best I can congratulate Comrade Utoni and the Ministry of Justice.

Comrade Speaker, there are many other important things I would have wanted to comment to in this Amendment, however, I completely and truly support the *High Court Amendment Bill*. Thank you very much, Comrade Speaker.

HON SPEAKER: Thank you. Honourable Minister of Mines and Energy.

HON MINISTER OF MINES AND ENERGY: Thank you very much, Honourable Speaker. I rise to support the Amendment for various reasons, some of which have been already mentioned by the previous speakers.

Honourable Speaker, our current administration of justice is sometimes cumbersome where you find a person frequenting the Courts without any conclusion of the matter and I think this Amendment is now seeking to improve on that.

The other aspect, which probably might not have been considered, is the issue of evidence, Comrade Minister. If livestock is for example poached and then the meat is there, the Police will come and say - *you keep this meat to show as evidence to the Court*. For some of us who have very small fridges, it is so difficult to store a carcass of a Kudu, Oryx or an ox and the good lawyers come along and ask you to present evidence and you are not able to present the evidence of the carcass because, definitely you are not able to keep it for that long - 2 or 3 years, just sitting there

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waiting for a Court date. You eventually end up losing the case. Maybe there is room for improvement if that aspect can be revisited.

HON SPEAKER: Honourable Minister of Defence.

HON MINISTER OF DEFENCE: I am very sorry to disrupt the Honourable Member. I just have a small question to ask you.

HON MINISTER OF MINES AND ENERGY: Yes, go ahead Comrade.

HON MINISTER OF DEFENCE: About the evidence of a Kudu carcass, even if you keep it for two years, what prevents the other person to dispute that it is not the same Kudu? (*Laughter*)

HON MINISTER OF MINES AND ENERGY: I think the Honourable Minister of Defence is correct. If it is left to me to keep it, how will I convince the Court that this is really the same one? The Accused person can deny and say - *no, I do not know anything about that one* and ultimately you end up losing the case. Therefore, I think you are supporting me on that.

The real issue that this *Amendment Bill* is seeking to address, which is really touching my heart is the auctioning of houses just because the person owes the Municipality or Local Authority electricity or water or

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probably they owe somebody who is working in the Local Authority some money. The creditor just resorts to say - *fine because you are not able to pay this, we are going to auction your house*. There should actually be no connection between electricity or water and auctioning of the house. What should have happened is, if either water or electricity is in arrears, you simply disconnect whichever is in arrears and allow the person to live in the house then to allow the water and electricity to continue running accumulating even more arrears. If the person has arrears on the house itself, then that is maybe a different case, however, this Bill is now seeking that even if there is a good reason for a house to be auctioned because the person is not able to pay, an investigation needs to be conducted so as to establish the reasons why that person is unable to pay (intervention)

HON SPEAKER: Honourable Minister of Regional and Local Housing.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I would like to ask a question but also to give information to my nephew here.

Are you aware that at the essence or the beginning when Law came into being, it was not meant for poor people, it was only for the well to do and you also remember that in the Bible that the High Priests were the tax collectors, they were the judges, etcetera. Therefore, the Law was meant to protect the rich and to punish the poor and if you look at the Law at large, we are complaining of prices, a poor person is not able to pay the legal costs the lawyers are asking today in Namibia. It generally means that the Law is not to protect the poor person. The Law is not justice (intervention)

HON SPEAKER: I thought you were just asking a question.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** No, I am also providing information.

Law is not justice. One can, therefore do something that is justified but which is legally not correct and you have to be punished. I think we need to understand that when you say somebody's house is to be auctioned it is because they have no money, they are poor and the Law is to collect the money for those who want their money back. I just wanted to give information in that regard.

HON MINISTER OF MINES AND ENERGY: Thank you very much for that information. That is why the Honourable Minister is trying to come to the aid of the poor with the same Law that was made for the rich.

After the investigation, I think there can be other mechanisms, rather than just auctioning, that discussions can be initiated to settle the matter outside the Court and that is what this Bill is seeking to address so that at least a person can be accorded a chance to consult with his or her family members and make arrangements for this debts to be paid rather than to lose the house (intervention)

HON SPEAKER: Honourable Tjihuiko, what point are you rising on?

HON TJIHUIKO: A Point of Information. Honourable Speaker, I just want to ask the Honourable Minister a small question.

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HON SPEAKER: Yes.

HON TJIHUIKO: Thank you very much, Honourable Speaker. I like the way you are presenting your case but my question is, since we are now discussing this Bill in the Chamber and all of us sitting here are not people who are worse-off in the community, do you not think that it could have been better, under normal circumstances, to give the poor an opportunity to bring their inputs into a Bill like this one rather than us trying to know the need of the worse-off?

Do you not think that it could have been better if we referred the Bill to the Committee so that the Committee can consult the people at the grassroots so that they can bring their inputs into the Bill?

HON SPEAKER: Honourable Minister.

HON MINISTER OF MINES AND ENERGY: Thank you very much, Honourable Tjiuiko. Being better off I think gives you an advantage to understand other people's desires and problems. Therefore, when as we are elected Members of Parliament, we are not making Laws for ourselves but for the people who elected us, including those you call poor people (intervention)

HON SPEAKER: Honourable !Naruseb.

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HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Honourable Speaker.

Honourable Minister of Mines and Energy, for the information of Honourable Tjihuiko and probably by implication, for the information of the broader Namibian population out there, this phenomena that houses or immovable properties of the citizens of this country are taken up and sold through default judgements, has been with us for quite a while and it is because of that that through the Line Ministry of Regional and Local Government, Housing and Rural Development a submission was made to Cabinet and this submission was referred to the Cabinet Committee on Land and Social Issues, which took quite a while to deliberate on the subject matter.

One of the recommendations was that the very same Amendments that were brought by the Honourable Minister of Justice, both of them, that is, the *Magistrates Act* as well as the *High Court Act*, be enacted so that we can find a way to mitigate the plight of the people of this country, the very people that Honourable Tjihuiko is referring to.

It is not a matter of him trying to teach us that as representatives of the people of this country we are not in touch with the plight of our people. Thank you.

HON SPEAKER: Thank you. Honourable Minister, continue.

HON MINISTER OF MINES AND ENERGY: Yes. Honourable Speaker, I was just trying to draw to the conclusion by saying that indeed as a representatives of the people, we have to appreciate anything that comes in the Chamber to address their plight because that is why we are here for (intervention)

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HON SPEAKER: Honourable Tjihuiko again.

HON TJIHUIKO: Honourable Speaker, I am sorry to come in again. I just want ask a small question to the Minister. He is doing well. May I ask you a question please ?

HON MINISTER OF MINES AND ENERGY: Yes.

HON TJIHUIKO: Honourable Minister, I appreciate the contribution by the Honourable Minister of Lands and Resettlement, however, I believe that the person who feels how hot the kitchen is, is the one who is in the kitchen. We all know that it can be hot in the kitchen but since we are not in the kitchen, we may not be able to feel heat at the same level.

My question is, yes, we have indeed been elected by the people to represent their interests. Is it wrong in an event like this, if we consult the people who are feeling the pinch? Would it be a bad thing for us to refer a Bill like this one to the Committee so that we can consider their views through their involvement?

Do you not think that that could have been the best way? You go to Okahandja Park and 7 De Laan areas where we have not been to, to consult them so that we can have their inputs. Do you not think that that could have been the best way for us to go about it, rather than taking it upon ourselves and say we know everything what they want? We decide for them and they just accept.

HON SPEAKER: Honourable Minister.

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HON MINISTER OF MINES AND ENERGY: Thank you, Honourable Speaker.

Honourable Tjihuiko, there are different ways of consultations and there must be a reason for consultation. If the people have been suffering for a long time and you consulted them and then after consultations, you come up (intervention)

HON SPEAKER: I am at a loss with how we are proceeding. Honourable Attorney-General.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Speaker, can I maybe just provide information so that he can conclude answering by way of information.

As I said, in addition to what my good Friend, Honourable !Naruseb said, there are so many cases, both at the Magistrates' Court and High Court level and because of their constitutional nature, they also cite the Attorney-General and this is a solution that we came up with and we know, because when those people do their prayers before Court, they suggest these alternatives. We, therefore, know what those people want. You have heard more than 1,000 cases were brought to Court, we know, so do not come here and tell political propaganda and pretend to be the Pope, when you are not.

HON SPEAKER: Let us make progress.

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HON MINISTER OF MINES AND ENERGY: In a nutshell, Comrade Speaker, these are the views (intervention)

HON SPEAKER: Let us make progress please. Yes, Honourable Minister, you have the Floor.

HON MINISTER OF MINES AND ENERGY: In a nutshell, Comrade Speaker, the people have been consulted through different ways and you can only consult if you do not know what the people want. In this case, we know what the people want. We know the plight of the people and therefore, this is answering to the plight of our people (intervention)

HON SPEAKER: I really want the Honourable Minister to continue with his contribution. He is not the Line Minister. Honourable Deputy Minister, you have the Floor.

HON DEPUTY MINISTER OF DEFENCE: Before the Honourable Minister of Mines and Energy conclude, we do not need to say there is a difference in the way of consulting.

Comrade !Naruseb informed this House that there were some consultations countrywide. Many Municipalities gave their inputs to the Committee of Land and Social Issues. It is not that he just wanted to go and receive S & T, it was already done. Even if you want the record, all the Municipalities and the Village Councils were consulted, the people were consulted and they gave their input on this Act of 1944, which is even older than you.

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Comrade Minister, through the Honourable Speaker, the Nation has already been consulted.

HON MINISTER OF MINES AND ENERGY: Honourable Speaker, with all those supplements, these people that Honourable Tjiuiko is referring to as poor are our brothers and sisters, we live with them on a daily basis and that is why we come up with these Laws. We know their plight and we found some of these Laws here and we are saying - *enough is enough*. Honourable Minister, I support the *Amendment Bill*. Thank you very much.

HON SPEAKER: Thank you. Honourable Deputy Minister you had the Floor before but you forfeited it. Please sit down and wait until your turn comes. You are the next one. That is why it is blinking in front of you.

HON DEPUTY SPEAKER: Thank you for the Floor, Honourable Speaker.

Allow me to also join others who have welcomed this very important Amendment, particularly when you look at Clause 1(i)(e) which states as follows, if I can be allowed to quote on Page 5(e), “*to regulate the control of the litigation process by Judges so as to speed up litigation in a fair and cost effective manner and may prescribe them power of a Judge*”.

This is one of the very powerful Amendments because we all know as it was already stated by the previous speaker that immovable properties and the execution thereof fall within civil litigation, which is very costly. We also know that at times a lot of our people pay lawyers even when their cases are postponed many times.

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I hope that this particular Amendment will not end here but maybe also go as far as empowering the Judge beyond this civil litigation and include criminal cases, where the Judge President must have the power to determine the number of times a case should be postponed because postponement of the cases is one of those things where the lawyers benefit from the money of our people. The Honourable Minister will hopefully also come up with a similar Amendment that caters for the criminal cases so that Court cases can only be postponed a limited number of times in order to also benefit our people (intervention)

HON SPEAKER: Honourable Tjihuiko.

HON TJIHUIKO: Honourable Speaker, may I ask the Honourable Deputy Speaker a small question?

Honourable Deputy Speaker, I know that I am talking to a lawyer as a layman but I just want to know, on the point that you have made where you said that the Judge should be given the power to decide how many times a case should be postponed but some cases are postponed because the Police has not yet completed their investigations.

Do you not think that if you create that situation, lawyers can create a situation where the cases would be delayed or postponed up to that limited number of times and then the Judge would be left with no choice but just to throw out the case? Would that be in the best interest of the people that we want to protect?

HON SPEAKER: Honourable Deputy Speaker.

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HON DEPUTY SPEAKER: We are dealing here with the power of the Judge President and Judge President is the best person who knows the Law. It depends on the merit of the case. When I say he should be given the power to postpone cases, it does not mean that he should do this randomly but he must take the factor you are talking about into consideration, however, you and me you are aware of the fact that the more cases are postponed the more the cost our people incur in terms of legal fees to their lawyers.

It is a very welcome move and I have stated that I would like this power also to be extended to criminal cases and civil cases, for example, divorces. Divorce is one of the civil litigations which takes a lot of time and it can be very costly (intervention)

HON SPEAKER: You have the Floor.

HON KAZENAMBO: On a Point of Information Comrade Speaker. Honourable Deputy Speaker, Nudo and other Opposition Parties must run their affairs orderly so that the Police must concentrate on national duties rather than being called to go and maintain Law and Order.

HON DEPUTY SPEAKER: I think the Honourable Speaker has responded to your intervention.

In conclusion, Honourable Speaker, I just want to comment on Page 2, Sub-clause (1), where it says - *the Judge President with the approval of the President*, I understand the word President to mean the President of the Republic of Namibia, maybe there are other people who will not understand it that way (interjections). Can I be allowed to conclude what I want to say?

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HON SPEAKER: By all means, yes.

HON DEPUTY SPEAKER: I just want to say that maybe there is a need for the word President to be defined further to mean the President of the Republic of Namibia. You and I understand this well but there may be other people who might understand this differently.

With these few words, I support the Amendment. Thank you.

HON SPEAKER: Thank you. Honourable Riruako.

HON RIRUAKO: Honourable Speaker, I have been saying this all the time, I do not want to hear your page. You have been molesting our time here with your own page and I do not want to criticise you on that.

HON SPEAKER: Please stick to your contribution.

HON RIRUAKO: Comrade Speaker, I thank the Honourable Minister for this Amendment but it is late. It ought to have come much earlier than this time but I nevertheless thank you for that.

It came late and we suffered a lot. The lawyers played with our lives in front of our Government, since 1990 for almost 23 years and you did not come up with this challenge. These people were destroying the Nation. A house worth N\$250,000 would be auctioned for N\$30,000 in front of us. They did not even respect our presence but they will start respecting us

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now. This is true. I do not want to go to those polemics of purchasing houses.

Secondly, the lawyer will come up with summons and the person who gives him this summons is the Magistrate in Court, his friend, they go in cahoots and provide all the information to each other, illegally. They go behind the Law and everything becomes legal afterwards. My Honourable Minister of Justice or the Attorney-General knows about this but they did not reprimand them and tell them that they were wrong. I am sorry, I have to say this.

I am not here to beat about the bush, hit the bloody nail on the head because we are wasting our time for nothing. We have to thank you today out of nowhere. This is a fact. It happened and our people were crying and crying while nobody turned around and looked at their weeping faces but today they are relieved and we have to thank you today. If the Law was not something that is changeable, we are not going to say thank you. This is marvellous at least, at last! We are, therefore supposed to endorse this Bill without any arguments and express how we feel about it. There is thus no argument. The fact is that our people suffer a lot from what happened before.

Many a times I kept saying that repeal all the old Laws but you remained attached to them until today, however, today is the day of the burial of those Laws. Start now. That is the way it is supposed to be. We are not going to argue if something is good, but we are against something that comes through the hitch-hike way. Please do not do that to us because we are going to say stop and I think we should learn from that. We have to learn from our own mistakes and sometimes we have to say - *yes we are wrong* but I cannot blame anyone but all of us here. I pleaded a lot, look at this last document. I was pleading for it and you know that. However, now is the day of the burial of all those Laws and you have to scrutinise them from now on.

Honourable Kawana, Attorney-General, this is your duty to work now, sit in your office every day and employ a system of checks and balances for

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all these old Law sand bring them here for us to scrutinise, repeal some of them and to endorse what we think is right for us. Thank you.

HON SPEAKER: Thank you, that was short and to the point.
Honourable Ulenga.

HON ULENGA: Thank you very much, Honourable Speaker. I would also like to add my voice to those who were pleased that this Amendment is finally here to deal with a very sad and critical situation that has been plaguing our society for a long time.

It is perhaps not the perfect kind of situation yet, but I must say, I was initially just going to thank the Honourable Minister but from the information given by one of the previous speakers here, it looks like Cabinet and Government have taken some time looking at this issue.

Perhaps one could actually pay tribute to the late Comrade John Pandeni because I remember there was a time when we were faced with a crisis where house upon house was being put on auction in Katutura and other places and it looked like there was just no solution. That is where I really found that what Honourable Dingara was saying that he came to Parliament looking for power only to find that it was nowhere to be found, was really true because I remember the late Comrade Pandeni being against this procedure that emanates from the Courts and resulted in the selling of houses but as a Minister and not having any power at all to deal with the situation. I think at one occasion he introduced to Cabinet the proposal for a moratorium.

In a particular case, that of the late Welemina Hansen, this moratorium could not work because this lady was shocked so much and was plagued so much by her house being sold until she finally died of a heart attack. It

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is a sombre kind of situation that we are dealing with and I would like to say at least on this one, we have moved a step forward in the right direction.

In the same breath I must say I am surprised by some of the voices that are expressing dismay on this kind of situation that has been around for quite some time. The reason why I am surprised is that for a long time, especially from the Government quarters, and when I say long time I mean really long time (interjection)

HON MEMBER: And you were also there!

HON ULENGA: Even when I was there, yes. You had your chance to speak so please allow me to speak.

HON SPEAKER: Honourable Ulenga has the Floor, please.

HON ULENGA: There has been just no sound to be heard on this situation. You know the current Councillor in Katutura Central, he is the one who started to come out openly on the side of the people whose houses are being sold. Before that, many of those moneyed ones were just too happy and I must say, many of those who were in power could actually do something at least just to show solidarity to the people.

I remember the previous Councillor who was replaced by this one, he was actually helping to have the houses sold because he was always having deals.

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HON RIRUAKO: Yes, he was making deals for himself!

HON SPEAKER: One speaker at a time. Your neighbour is saying what you wish to say (*laughter*). You have the Floor, Honourable Ulenga.

HON ULENGA: My neighbour is just being very helpful. Thank you very much (intervention)

HON SPEAKER: Honourable Minister Angula.

HON MINISTER OF DEFENCE: On Point of Order, can I ask Honourable Ulenga a small question?

HON SPEAKER: Yes.

HON MINISTER OF DEFENCE: Brother Ulenga, I was reading a story in the newspaper recently that a Messenger of Court sold a house to himself. Does this Law provide to prevent this kind of abuse?

HON SPEAKER: Honourable Ulenga.

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HON ULENGA: Honourable Speaker, the Honourable Minister of Defence just hit the *bloody nail* on its head like my Neighbour did on a previous occasion, I do not know why the nail is bloody (*laughter*). I think that is exactly the aim of this Motion to amend the Law like they say in English - *it is never too late* and despite the fact that so many have suffered under this, at least now we can say perhaps we will be seeing better times.

The particular profession that we are talking about has been the primal offender as far as this one is concerned and perhaps it still exists.

HON RIRUAKO: Behind the scenes!

HON ULENGA: The mafia driving this. I will not get into further details because perhaps those who have this duty outside this House will deal with that (intervention)

HON RIRUAKO: Point of Order.

HON SPEAKER: Please, you had your opportunity. You had your chance.

HON RIRUAKO: Everybody had a chance and is given the permission to do that.

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HON SPEAKER: Yes, in the name of justice.

HON RIRUAKO: I am not going to spoil the broth but I am going to express myself to my Colleague how I felt at that time.

I was involved in the things I am talking about. Somewhere, somehow, somebody was thinking about me watching the ring but the ring fell to somebody else and these things happen. I was somehow safe at the time, I cannot mention everything but my fear was driving Fords here, is it not? Do not look at me straight, I know you are shocked.

I am not saying somebody is a mafia, I said sometime, somehow I was involved in this and somebody rescued me whom I cannot really mention here but the fact is, there was a mafia moving around, however, at least we are never too late. Today is the burial.

HON SPEAKER: Honourable Ulenga.

HON ULENGA: Honourable Speaker, generally speaking, I just want to make a remark with regard to the words of the Honourable Minister of Regional and Local Government, Housing and Rural Development. What you said could not be any closer to the truth. The question of course is, we come into this House, we execute an oath and in this little booklet the oath is written down already. You do not come here with your own oath and then read it out. The oath is prescribed.

The Law does not necessarily have to be made for the rich, it depends on the way we write it. Here we promise not just to obey it but to defend it also. Of course, we passed it and it is good that we take an oath to defend it because it is after all us who are passing it but if we are not careful, we

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are going to end up just defending the interest of the rich while in his words we call ourselves the representatives of the people. How can you represent the people when you come here and you take decisions against the people? There is no truth in the statement that the more well-off or the better off you are, the better you are in a position to defend the poor. There is nothing like that.

You have to be poor at least to be able to put yourself in their shoes and to understand their situation. To the rich property does not exist, they do not only deny it with regard to themselves, they deny it with regard to anybody else. Therefore, Honourable Minister of Regional and Local Government, we must be careful and all of us, not to end up just defending the interest of the other. I thank you.

HON SPEAKER: Thank you. Honourable Kazenambo.

HON KAZENAMBO: Thank you very much, Comrade Speaker.

It was honestly, not my intention to speak on this important Bill but before I make any comment, I want to wholeheartedly register my sincere support to both these two Bills. I was not intending to speak on both of them because all the previous speakers have eloquently spoken. Sometimes we do not need to speak for the sake of speaking. My Brother/Cousin I support the Bill.

The only thing that prompted me to speak on this Bill is Comrade Ulenga's last part of his statement, which does not need to go on the Floor of this House unchallenged, that from the other side of the isle, there has never been anybody, if I heard him correctly, who have been supporting this with the exception, first he said of Comrade John Pandeni and later the current Councillor of Katutura Central.

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These are my two Comrades. I served under Comrade Johan Pandeni by the time when that moratorium was taken, I was his Deputy Minister. May his soul rest in peace and I took my hat off for the Councillor of Katutura Central for what she did but while I am saying so, history must be written as it is. Information must be given without any expediency. We are politicians. Political expediency is our food naturally but we must have ethics.

To set the record correct, I am saying that there was no need for me to speak because the previous speakers have said it. Comrade Benjamin Ulenga, this Bill is the outcome of the concerns, I am not an eloquent speaker and I do not want to dilute what the previous speaker have said but I will put it this way: You know, sometimes when you have been sleeping and see a good job that others have completed when you wake up that you have not been party to, you wish it could be repeated so that you can be part of it. No, please we must stop these things of reinventing the wheel.

Comrade Ben Ulenga, luckily I have been around as much as you have been around and I can attest to what Honourable Chief Riruako is saying that he has been rescued and I like the way he put it, he says for the past 23 years, not 2013. This problem of repossession of houses comes a long way and some of us have been around. We have been messengers and we know of some leaders who individually dipped their hands into their pockets to rescue the situation of repossession of houses from individuals. Some money came from fellow leaders and other from individuals. Some people who are sitting here used to address this situation by intervening. *Indjo hina kukuesa (Come, I will not leave you)* (intervention)

HON SPEAKER: Honourable Ulenga.

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HON ULENGA: On a Point of Order; with regret, may I ask my Comrade a question?

HON KAZENAMBO: Yes, Comrade.

HON ULENGA: With a preface, knowing exactly that by mentioning the late John Pandeni, may his soul rest in peace, I have not forgotten that the current speaker right now was his Deputy. I could not stand up and mention all the names but knowing that that time when we came to the Ministry in a delegation, you were also there in the Ministry and the late Pandeni was there. We had to come and discuss the issue of rescuing, not just with our money, it is true that all over the House, we have been taking out money out of our pockets to try to do this but that is not Law.

Why in your view was the house of Wilhelmina Hansen not saved and why did she has to die? I am not saying that it is only people on the other side who have been unhelpful. I am saying that of course they have been the Government.

All of us have been trying but they have been in the Government. There is no reinvention of a wheel there. I thank you.

HON SPEAKER: Honourable Kazenambo, continue.

HON KAZENAMBO: May their souls rest in peace. Sincerely speaking, I would avoid reducing my input to Comrade Pandeni and *Meme* Wilhelmina. I will address the issue of the intervention of Government. May their souls rest in peace and with all due respect there is no

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competition against them. The point that I want to drive home is here and I would not confine it to Comrade Ben Ulenga, I am addressing Government's intervention. The time of the moratorium so to speak was under the instruction of President Hifikepunye Pohamba the custodian.

I will not divulge everything here how Ministers intervene on issues because to try and play divide and rule tactics of selecting from the Ruling Party that so and so is good, so and so is bad, is not true. It was under the instruction of the current President and even the previous Founding President, if you want. If you want to stoop low, I can go there. The Founding President used to rescue even individual people, including leaders on their houses that were being repossessed; leaders that were humiliated. Government is not starting now and as for the houses, I have been around please (intervention)

HON RIRUAKO: Mr Speaker, I did it in my speech, you did not teach me how to say it, I am a grown-up. I cannot spill my beans all the time. Those who know, knows. Please, you rather sit down and be quiet (*laughter*).

HON SPEAKER: If we generally all agree, we do not need to belabour that any further. Let the souls that we said should rest in peace continue to rest in peace and let us try to look at all the contributions that are still ahead of us.

HON KAZENAMBO: Comrade Speaker, at this juncture the Honourable Chief has spoken and I think I should rather sit down and keep quiet (*laughter*) but the point is that the Government has been seized with this matter throughout up to this date and there are Laws and Procedures. Please, I will sit as per the Chief's instruction. I rest my case.

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HON SPEAKER: Thank you. Honourable Ndjoze-Ojo.

HON DR NDJOZE-OJO: Thank you very much, Honourable Speaker and Honourable Members.

I just want to rise to support this very important Bill and we actually have four Bills on land and on legal aspects before us. I just want to say, I believe that when a Minister brings a Bill to the House, a lot of work has gone into it already. Very often, it is a very polished and refined document from the Minister and the team. That is why I do not think that we should spend more time talking about these Bills because what they come here for is to be supported but that does not mean that we cannot put some finishing touches to such documents.

I just want to rise on Page 5 specifically, that is really the crux of the matter of the *High Court Bill*. It tells us that it wants to empower the Judge President to be able to regulate the Law properly and very often when you are repealing a Law, you look at what the pitfalls of the previous one were and I assume that that has been done. I want to talk about the costs and the process of costing the legal procedure, for example, when you go to a lawyer, you pay a certain amount just to open a file. That is a fixed amount and it is somehow not linked to whether that lawyer is successful with the case that you brought to them or not.

I want to talk about this issue so that the Ministry could look into how they can infuse some of those ideas in that Section on Page 5(e) under either (i) or (ii) so that it will for example read; if you open a file, there is an acceptable amount a lawyer can charge and then there is a case after the file has been opened and a case can go on with the speed that you are talking about that it could be limited because the speed is talking about the length of time the case may take. However, there is also a closing of the file of the case. Has it been a successful defence or has it not been because often the lawyers just sit there, they do not really care whether the person they are defending is to be defended legally to win the case or

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not? Therefore, whether you win or lose, they still get their money and I am just wondering whether there is a way you could link it to - if it is a successful defence, from the defendant's point of view there is a certain cost and if the lawyer has lost the case, they do not necessarily charge the same amount as if they had won it.

Then the point I wanted to add is on the Messenger of the Court that the Minister of Defence just raised that the Messenger of the Court sold a house to himself. There is a case like that and it has been happening for quite some time and I am just wondering not only to himself but sometimes they find third parties through which they buy these properties. It also happens with the land issue. You buy a farm and you say, I actually want to buy a second farm but I will contact my friend Honourable Swartz to stand in as if she is the one buying it because I will not be allowed.

I was wondering whether there is a way of putting a caveat in the Law to stop people from either buying properties for themselves like the Messenger of the Court buying a house for himself unashamedly, or using other people to get what they ought not to get.

In conclusion, I just want to concur with the House and the contributions that the Honourable Members have made that this Bill was brought to this Honourable House on a point of urgency and we need to support the Honourable Minister's request that the Bill be passed. I thank you and I support the *Amendment Bill*.

HON SPEAKER: Thank you. Honourable Kaura.

HON KAURA: Thank you, Honourable Speaker. Given the fact that I am looking at this Bill while here in Parliament because it was tabled today, running through it, I want to have a question to the Honourable

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Minister. There is an enthusiasm as if this Bill is going to be a panacea to prevent homes of the poor from being sold when that person is indebted and maybe that a Messenger of the Court will not be able to buy that property. However, here on Page 5 under (c) when I read that, and I want the Honourable Minister to tell me whether based on what is said here, the Messenger of the Court will not be able to buy that piece of property because it states the following; *“to regulate execution against an immovable property of a judgment debtor where the property is the primary home of such judgment debtor and may prescribe therein that the sale of such property is by reserved price that is prescribed by the Judge President in the rules. The property is sold to the highest bidder upon conditions prescribed in the rules and further that the bid of such highest bidder may not be less than the prescribed reserved price contemplated in Sub-paragraph (i).”*

That property will still be sold to the highest bidder and if the highest bidder is the Messenger of the Court, he will still buy that property. This Bill is not a panacea against the sale of property. I hope the Minister will tell me how it is saving the poor people from losing their properties. They will still lose it.

The only thing is that maybe there would be a reserved price for this property but the property will still be sold to anyone who will be the highest bidder. This is how I am reading it and hopefully the Minister will shed light on it, whether the way I am reading is incorrect because it is how it stands here. We will still lose property. Therefore, poor people, if you are in indebted you, you are still bound to lose your property.

HON SPEAKER: That is the question Honourable Kaura is putting there but we will get to that. Honourable Mushelenga.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you very

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much, Honourable Speaker.

I rise to make my brief contribution to the Bill introduced by the Honourable Minister. I think it is important that we look to the purpose of the Bill that is specifically in reference to what Honourable Kaura has just said now. That is, to make regulations with regard to the execution of the immovable property where such property is a primary home of the judgment debtor.

Basically, it is not to say there will not be judgements against debtors but to have rules with regard to these judgements. Currently, you have a house where you owe very little money to the bank, for example, and the bank decides to sell this house at a very high price and pocket the rest of the money whereas you only owe little money. These are the mechanisms that the Judge President should look at, because when we have proper regulations, for example, to say - when I owe you N\$2,000 and you sell my house you only get N\$2,000. When it is properly regulated it will also discourage those that run to property as targets for executions from doing so. They are doing it now because they see it as money making schemes that - when I target this property, I am going to have this much but when you have the Judge President regulating this, for example, and say you are only going to get what you are entitled to, it will discourage people to target other people's properties because in any case there would be no benefit than looking into some other alternative means.

In Law, when you are having cases of this nature, you even look at whether it is worth it. If this person only owes me N\$10,000.00 and the money I will put in this case would be N\$20,000.00, is it worth taking this matter to Court but as of now they do not care because they know even if he owes me N\$10, 000.00 I will get a judgment against his property and I will make money out of this anyhow.

This is a very good move because when you look, for instance at the Criminal Law, when you talk about issues of defence, you are not supposed to respond to someone excessively more than you are provoked but when you come to see the Law now, especially in terms of property,

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what is currently happening is really draining the poor.

That is why this Amendment has just come at the right time. The other provision, it is said the purpose is – “*to make court-ordered alternative dispute resolution mechanisms compulsory in certain causes and matters as preliminary to hearing or trial.*” This provision is aimed to reduce the backlog of the cases in Court because of the long trials but when you have alternative dispute resolution mechanism ordered by the Court, that before you go for trial, you should at least try this. It will also alleviate the burden of backlogs we have in the court systems because not everyone would be required to go through a long trial process.

With these few words, Honourable Speaker, I would like to register my support to the Amendments. Thank you.

HON SPEAKER: Thank you. I see no more requests for the Floor. Any further discussions? None. Does the Honourable Minister wish to reply?

HON MINISTER OF JUSTICE: Thank you very much, Comrade Speaker.

I would like to register my sincere appreciation to all the Honourable Members who have taken part in this discussion and who have given their full support to this noble endeavour.

There has been an outcry from our people and as you know, the judicial powers are rested with our Courts. That is, the Supreme Court, the High Court and the Lower Court. Now the Judge President who is vested with this judicial power is asking the Members of this Honourable House to effect these Amendments in order to address the plight of our people.

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There have been loopholes in the Law, as we know, and the Judge President is trying to address these loopholes where private Legal Practitioners, the financial Institutions, the Sheriff, the Messengers, all of them were cashing on because of these little loopholes. Now the Judge President wants to close these loopholes. The attempts were genuine because we know we are in a society, if I have lent you money, you must pay me back that money so that I can lend to others. That is what the bank requires; they only look at what they have given you.

However, there were many loopholes in the process and the Judge President wants to close these loopholes and make sure that the primary home of a judgment debtor cannot be sold in such an unscrupulous manner. The Judge President wants to take charge of an inquiry. He wants to instruct his fellow Judges that - *please if there is this situation conduct an inquiry that looks at the position of the debtor. Is he in a position to pay and how much does he owe?* If there are alternatives, like he may be in a position to sell three or four cows, why not allow the person to sell those cows.

There was collusion between the Sheriff, the Messengers and private Legal Practitioners, everybody wants to cash in on the poor debtor. In most cases we know of the situation in Katutura where many people got rich because they could afford to pay N\$30,000.00 at auctions and immediately the next day sell the house for N\$400,000.00.

(Interjection) no, this is a global response because it is not possible to respond to each individual contribution.

HON SPEAKER: Continue Honourable Minister. Do not be delayed, continue.

HON MINISTER OF JUSTICE: I am condensing all the questions. The Judge is also suggesting to introduce alternative dispute mechanisms

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so that there is probably no need to go to Court. He will institute a special inquiry that calls the parties together. Maybe they will find an amicable way to solve the problem.

Without wasting too much time, we know the outcry of the people, the Judge is asking us to do this, let us just do that. I thank you for your support.

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

The Secretary will now read the Bill the Second Time.

HIGH COURT AMENDMENT BILL [B.9 – 2013]

SECRETARY: *High Court Amendment Bill* [B.9 – 2014].

HON SPEAKER: The Third Notice of a Motion is the one of Honourable Ulenga. Does the Honourable Member Move the Motion?

HON ULENGA: Yes, Honourable Speaker.

HON SPEAKER: Who seconds? Put the Motion first.

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(COMMERCIAL) LAND REFORM AMENDMENT BILL AND
COMMUNAL LAND REFORM AMENDMENT BILL**

HON ULENGA: Honourable Speaker, can I do it tomorrow please? I would like to do the Motivation tomorrow.

HON SPEAKER: The further consideration of this Motion stands adjourned until tomorrow.

The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE ON SECOND
READING: AGRICULTURAL (COMMERCIAL)
LAND REFORM AMENDMENT BILL [B.12 - 2013] AND
COMMUNAL LAND REFORM AMENDMENT BILL [B.13 – 2013]**

SECRETARY: Resumption of Debate on Second Reading: *Agricultural (Commercial) Land Reform Amendment Bill [B.12 – 2013]* and *Communal Land Reform Amendment Bill [B.13 – 2013]*.

HON SPEAKER: When this Debate was adjourned on Wednesday, the 6th of November 2013, the question before the Assembly was a Motion by the Honourable Minister of Lands and Resettlement that the Bill be read a Second Time. Honourable Shixwameni whose absence is so prominent, adjourned the Debate and I give him the Floor in his absence. We move on.

The Secretary will read the Second Order, unless he has someone who wants to do it for him. Honourable Iilonga do you want to do it for him?

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COMMUNAL LAND REFORM AMENDMENT BILL
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HON DEPUTY MINISTER OF DEFENCE: Honourable Speaker, when I look at the lateness of the time, I would like to postpone the Debate to tomorrow. I am doing it for myself, not for Honourable Shixwameni.

HON SPEAKER: Is that, suppose he is not here tomorrow what will you do?

HON DEPUTY MINISTER OF DEFENCE: Yes.

HON SPEAKER: Yes, meaning what?

HON DEPUTY MINISTER OF DEFENCE: I am postponing (intervention)

HON SPEAKER: Hoping that he will be here tomorrow?

HON DEPUTY MINISTER OF DEFENCE: No, on my own behalf not on behalf of anybody. I am the one who wants to speak on this Bill tomorrow, Comrade Speaker.

HON SPEAKER: Anybody else who wants to take the Floor today? If not, then further consideration stands adjourned until tomorrow.

With that, the Secretary will read the Second Order of the Day.

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**THE STATE OF HEALTH, DIGNITY AND
CARE OF SENIOR CITIZENS IN THE COUNTRY
HON NAMBAHU**

**RESUMPTION OF DEBATE ON THE STATE OF
HEALTH AND SOCIAL SERVICES IN THE COUNTRY**

SECRETARY: Resumption of Debate on the State Of Health and Social Services in the Country.

HON SPEAKER: When this Debate was adjourned on Wednesday, the 6th of November 2013, the question before the Assembly was a Motion by Honourable Ulena that the Motion be adopted.

The Honourable Deputy Minister of Justice is the one who had the Floor and I give him the Floor. Deputy Minister of Justice.

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

The time when we adjourned, I was trying to say that, on the situation of the senior citizens, all of them have to be looked after regardless whether they are in Old Age Homes or not. If care is being given to those that are in the Old Age Home, if I decide to keep my mother or grandmother with me, the same amenities or benefits that are given to those that are in the Old Age Homes should be extended to those that are in the private care.

I have seen in some countries that there is an assembly point in the neighbourhood where the elderly people meet early in the morning for exercises, massage, or even where events are organised for them to tell the history, to pass on the virtues and ethos to new generations. That actually contributes to the Government lowering hospitalisation and health care of the elderly.

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CARE OF SENIOR CITIZENS IN THE COUNTRY
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Should I now be punished if I decide to keep this person and that type of care only goes to those that are in Old Age Home?

I am not hearing what the Honourable Member is saying.

HON SPEAKER: Just continue.

HON DEPUTY MINISTER OF JUSTICE: What I am trying to say is that conditions should be created for that kind of care to be provided when you have reached that age, whether you are in an Old Age Home or not and not just in the urban areas but in the rural areas as well.

The duty of care that we were talking about has to be accorded to them as we owe it to them, just as they accorded that to us when we were younger and unable to take care of ourselves. The society should actually continue to be in that position to exercise and extend the duty of care to them.

These are the remarks that I wanted to make when we were rounding up, that this Bill be investigated, send out there so that the needs of the elderly are assessed and not just by assumptions but through a dialogue with them to enable us to come up with a formula on how to help them. It is, therefore, prudent to recommend that this Motion be referred to the relevant Committee. I thank you very much, Mr Speaker.

HON SPEAKER: Thank you. Any other Honourable Member who wishes to make a contribution? Honourable //Gowases wants to make a contribution before I close.

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**THE STATE OF HEALTH, DIGNITY AND
CARE OF SENIOR CITIZENS IN THE COUNTRY
HON //GOWASES**

HON //GOWASES: Only five minutes please, thank you Honourable Speaker.

HON SPEAKER: It is almost *chaela* time. To do justice to yourself, why do you not say one or two things and then you adjourn it until tomorrow?

HON //GOWASES: Thank you, Honourable Speaker.

HON MEMBER: The time is up!

HON //GOWASES: The time is up. (*Laughter*) I would, therefore, like to adjourn the Debate to tomorrow for my contribution. I thank you.

HON SPEAKER: You will have the first opportunity. On that note, the House stands adjourn until tomorrow, at 14:30 hours.

HOUSE ADJOURNS AT 17:42 UNTIL 2013.11.13 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
13 NOVEMBER 2013**

The Assembly met pursuant to the adjournment.

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

MESSAGE OF CONGRATULATION (RDP)

HON SPEAKER: Before we commenced with the Business of the House, yesterday I was preoccupied with the typhoon that is devastating lives and infrastructure in the Philippines and the rest of South/East Asia.

I had also meant to express congratulations to RDP, the Official Opposition for a successful conference. I go by what the papers say, it was a successful conference. We congratulate the winners and those who did not make it this time, to do it again in next rounds. Congratulations.

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

TABLING: REPORTS OF THE AUDITOR-GENERAL

HON MINISTER OF FINANCE: Thank you, Honourable Speaker. I lay upon the Table Reports of the Auditor-General on the accounts of the:-

- (i) Green Scheme Programme in the Ministry of Agricultural, Water

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and Forestry for the Financial Years 2009, 2010 and 2011;

- (ii) Namibia Press Agency for the Financial Year ended 31 March 2012; and
- (iii) National Heritage Council for the Financial Year ended 31 March 2011. I Move so, Honourable Speaker.

HON SPEAKER: Honourable Minister, please table the Reports. Any further Reports and Papers? Notice of Questions? None. Notice of Motions?

The Notice of a Motion is the one of Honourable Ulenga. Does the Honourable Member Move the Motion?

HON ULENGA: I do Move the Motion.

HON SPEAKER: Who Seconds? Any objections? Agreed to. The Honourable Member has the Floor. Honourable Ulenga.

**MOTION ON DEPLORABLE
SOCIO-ECONOMIC STATE OF VARIOUS
CATEGORIES OF THE LANDLESS NAMIBIANS CITIZENS**

HON ULENGA: Thank you, Honourable Speaker. Honourable Speaker, let me also echo the felicitations extended by the Speaker to the elected

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leadership of the RDP and also echo further the commensurations extended to those who did not make it this time and the encouragement that next time it would be maybe better.

Honourable Speaker, the Motion that I am about to motivate has been for quite some time on the Table, I had to reintroduce it after it was left out in new Session. However, it is a Motion dealing with a very familiar topic. An issue that is always upfront in our minds because it deals with the deplorable socio-economic conditions of our people, quite a large section of them, especially those former exiles, the landless for whom we need to find feasible solutions so that they can start living again.

Honourable Speaker, I would, therefore also like to preface my Motivation to this Motion further, and by so doing epitomise its very essence by paying tribute to the late Kaleb Hanganee Tjipahura, a fearless Namibian Freedom Fighter, Political Prisoner, and exile, who died in the year 1988, as a result of a mysterious illness just a few years after his release from prison from Robben Island.

Kaleb Tjipahura, or “Day-by-Day”, as he was affectionately known by his Comrades, straddled the various categories of the groupings and communities I have mentioned just now above in my Motion. In other words, he was just everything of all these.

Born in 1942 in Mahaalapye, Eastern Botswana, by parents from the Namibian war of resistance exile stock who fled the country to escape genocide after their land had been expropriated by the German Imperial Authorities, Tjipahura never really knew his country, except from the accounts of war told by his parents, of expropriation, of genocide and suffering, and also from accounts of hope of one day hopefully returning to the land of their ancestors and taking up residence in the valleys, hills and plains where their forefathers’ cattle once grazed, and where, once upon a time, their crops grew abundantly.

Comrade Speaker, when Comrade Hanganee Tjipahura set foot on this country, the land of his forebears for the very first time, it was as a trained

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and armed guerrilla fighter, ready to fight, in a land he had never known and if needs be, to die in the process of freeing his land from the yoke of oppression, expropriation and exploitation. The year, as many of us know, was 1966 in the month of December, and the place was very close to present day N'dobe, just north-east of Tsumkwe and those who had been there would remember the small little park that goes east of Tsumkwe for about 50 or 60 kilometers, it comes to the border. That is where the group of Kaleb Tjipahura that was lead by the Kakwambi – Haidiwa combination and Tjipahura entered this country and amongst them this young man who was going home where his father has never gone before.

During this very first mission of its kind for Comrade “Day-by-Day”, and during the initial skirmishes between his section and the armed forces of the enemy, he was slightly wounded and captured by the enemy, just as he was about sorting out his bearings, during his very first days in the legendary land of his dreams.

Thereafter, Tjipahura was transferred to Pretoria, Compol Building as my neighbour will remember, as he was also there, and together with his other Comrades, the Nuunyangos, Kadhikwas, Shiponenis and others, he was charged with contravening the *Terrorism Act* (Act 6 of 1967). After a painful period of detention, torture and other humiliating treatment, those charges resulted in a conviction, and a sentence of life imprisonment, where life was supposed to mean natural LIFE! This natural life in prison was going to be spent in the maximum security prison on Robben Island.

Comrade Speaker; “Day-by-Day” knew no other life than that of political mobiliser, exile, first at the tender age of 17, exiled in Zambia, Tanzania, Egypt and Algeria, fighter, and finally prisoner. He left his parents when he was 17 years old and went to work with Maxton Joseph in Francistown, in the north of Botswana. He later left for Tanganyika and then for Egypt and Algeria. Thereafter, it was again Congo now, Zambia, Botswana and Tsumkwe, *Okamutaru*, some of us know about *Okamutaru*. That where the first battles happened in December 1966. For a very short period he was detained in Grootfontein, then he was transferred to Pretoria and on

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the 9th February 1968, he arrived with others on Robben Island in chains.

Comrade Speaker, what type of spirit takes a bright young man from his parents, relatives and friends; to go fight voluntarily for a land he has never set eyes on, nor never set his feet on? What dedication, what resolve, what sense of belonging that ties a young man to fireplaces he has heard about only in stories told around the evening fires, and in mysterious prayers of clan elders?

Honourable Speaker, Sir, let us fast forward by thirty years to 1993; and by the same faith, very same undying dedication, and same spirit of belonging, Kaleb's community, but another generation or two after his own, were again at the very same spot near Tsumkwe; this time not armed, not carrying out any invasion, but humbly knocking, "*Odi, lu kene mo!*" meaning "*Excuse us, may we please enter?*"

Another day or two, and they were in Gam, or "*//Gam*" as some say, but they have not arrived as yet, for this was just supposed to be but a temporary reception camp from where, hopefully and faithfully, faithfully! they would be resettled on the various lands of their forefathers and foremothers where they would work, produce and prosper, and reproduce; and together with others, build a Nation, stronger, bigger, but just as brave, as the forebears by whose faith and courage they always knew they could return, would return and have returned. That was 1993.

Honourable Speaker, today, 20 years later, they are still in what is euphemistically called, the *//Gam* temporary resettlement facility, but in real terms it is just another refugee camp like those we have known in Zambia, Angola, Tanzania and Botswana.

Comrade Speaker, the one issue frequently confronted without being resolved is that of ENTITLEMEN. Are there certain individuals, groups of people or indeed communities who are more entitled to be allocated land, than others? Are there any that we can say, deserve more immediate attention and assistance than any other? When one considers this question, the issue of the struggle kids comes to mind and I am on record

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saying that today's so-called struggle kids do not deserve any more attention than other young people. However, of course in 1990 the young boys and girls who arrived from Angola, Zambia and Germany needed special attention then, unfortunately, perhaps not all of them received that special attention that they deserved.

However, I want to deal here with those adults whose entire lives were dedicated to the struggle, some so much so, that they could not even pursue education; those who were sentenced to life in prison or life in exile, who came out only in the middle or late middle age. Yes, I am talking about those that we remember during the days of commemoration, and during the days of their final farewell the Nankudhu's, those whose life and suffering is symbolised by the reference to Kaleb "Day-by-Day" Manganese Tjipahura, as I refer to him.

Comrade Speaker, I believe, that they, the people that I am referring to, are entitled, because of their social situation, because of their up-rootedness at their advanced age, they are entitled to benefit, before others do so, from the redistribution of land by our State and our Government because if we cannot resettle even those, than our struggle sounds as if it were in vain, but God forbid it being so.

Comrade Speaker, Comrade Kaleb died 2 years before Independence and he or his people are never heard of again, others from his group on the Robben Island side committed suicide, overwhelmed by desperation. I should rather not mention their names in humble respect of those who have passed on. However, I will refer to the young man Andjengo ya Kapolo, this one I shall mention because he did not commit suicide but his body was discovered only several days after he died in his hut.

Comrade Speaker, this young man, was very young but a giant of a person from Outapi. When he came on Robben Island he has never seen Rugby, he has never seen that oval ball before but after two or three weeks I saw him running on the field with several young and small opponents hanging onto his back, he was so strong that he could run and could never be stopped by anybody. Unfortunately, he acquired some condition in Prison

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and when he came home, living alone without any relatives, he died without anybody being aware of that. That is one giant of a man from Outapi who humored us so much.

Comrade Speaker, the responsibility to find land and resettle those landless, up-rooted poor, such as the refugees in //Gam whose fathers and grandfathers were also refugees rest squarely on the shoulders of the State and of the Government, our Government and it is a screaming shame that for twenty years land has not been identified and allocated, and farming and marketing infrastructure built for them to be able to stop living in limbo and to begin settling in their fatherland.

Looking at the fact that so many others have been resettled on prime farming land, I can only ask, is there no prioritization with regard to resettlement and the acquisition of land? Why give land first to people who can afford to live without land, and not to those who cannot? And why give land to people, who clearly lack the skills of large scale farming, and then abandon them to their fate without coaching and assisting them with regard to resources, and by so-doing allow the degeneration and destruction of productive land, and loss to the State, country and us as the people?

Comrade Speaker, it is us from this august House who need to drive the last nail in the coffin of willing-seller-willing-buyer and start a proper process of acquiring land for the purposes of resettling our people, I do not want to talk about our people in general because not everybody gets resettled. However, first and foremost really, those people who so glaringly have been for a long time in need to be allocated land to resettle.

There was a time in this House when we decided that there would be a priority of acquisition of land, we even checked the figures according to which money would be allocated in the Budget to this particular issue. That was more than ten years ago. I do not know, I have not been checking lately but I suppose that Programme should still be there and if we found a need to increase the amounts needed those days already it is only logical that by now we should even have allocated more resources to

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this particular issue and matter of the acquisition of land. However, I think more needs to be done than just talking about money, we need to revisit our ideology, after all, we are people who stood up as a Nation and fought for specifically the issue of stopping the injustice involved in the expropriation of land. Being an agricultural community, that is the one resource from which most of our people find and acquire a living. If time goes on and on and we do not set other activities aside so that we can pay proper attention to this particular issue, we would, perhaps sooner than later render ourselves completely redundant and perhaps the Namibian people would find other means of solving this particular issue and of course those other pressing issues that our people are confronted with.

Now people would say, looking around in the Region (intervention)

HON SPEAKER: I am not quite sure whether you are reading or just engaging the House.

HON ULENGA: I am engaging the House. The machine is failing me so I have decided to just remember what I have written, but it does not matter whether I am reading or speaking.

HON SPEAKER: No, no but I am talking about time, time management, that is the critical thing and that is my responsibility, whether you are reading or whether you are just articulating verbally there must be a sense that there are also others who want to contribute.

HON ULENGA: Sure. With all due respect, Comrade Speaker, I have

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left reading and I am still engaging the House on the same issue. I am just (intervention)

HON SPEAKER: The Motion that you are introducing, introduce it so that the House has the opportunity to discuss it.

HON ULENGA: Comrade Speaker, in conclusion, the issue that we are faced with is not just an issue of money and the allocation of resources alone, it is an issue of relooking our track record and revisiting our ideas that drove us in the struggle for freedom and in the struggle against expropriation, against theft of the very resource on which our people rested. What happened to that drive if we do not go back and reacquire it? Like I said, we are maybe on the road to redundancy.

Comrade Speaker, I therefore, ask the House with due respect to Debate the need to prioritise those who are in most need for the resources that I am talking about, especially land and for allowing, especially those who are still in refugee camps or quasi refugee camps to start building their lives in a free and independent Namibia. I so Move, Honourable Speaker.

HON SPEAKER: Thank you. Honourable Riruako.

HON RIRUAKO: Thank you, Honourable Speaker. Thank you my roommate, I cannot say you are wrong, we felt the pain together and slept on our useless habit of manhood for seven consecutive days. We did not go out to urinate or anything, we lived in that very same room – for seven days.

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I can recall those who suffered that kind of agony I can allude to and that is a fact. After everything that has happened, those who came back to Lusaka with their rags after fighting, for those whom I gave the clothing that I have stolen from some else (interjections) oh yes, I have to say this! As a freedom fighter I had to give to other freedom fighters, there was no choice, if you could not buy, you had to get it from somewhere and give them.

Now all of us are here as fighters enjoying the fruits of the country. I did not tell them they belong to SWAPO, I told they suffered for our fate. This was a fact for one to understand. I did not care if they were hungry, I must eat, even that one here knows it. It was a fact. I could keep meals without eating and when the three of them come, they had to eat. I would rather go and buy bread and eat. It is this one here, I am not beating about the bush. Please sit down first, I do not want to (intervention)

HON SPEAKER: Honourable Minister of Defence.

HON MINISTER OF DEFENCE: May I ask the Honourable Paramount Chief Riruako whether the tea he was giving us in Lusaka was stolen?

HON RIRUAKO: The tea? I was not giving tea, I was giving meals. I gave these kinds of clothes to freedom fighters who came with their rags, look at them nobody gave them anything to wear. I did it this way but what kept me was the habit of fighting back the enemy. That was something better than anything to me. However, some of my Colleagues were lying around, playing around and look at these funny people. I have to give thanks to God the everlasting one.

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Today we are here, sitting in a room that is nice and cool enjoying the fruits of the country with pleasure but we did not suffer the same way. Sometimes it is hard for someone to understand, what the purpose of a struggle is and how much pain one endures than for you to sit down in this House and enjoy the fruits of those who have suffered and some of them even died? You are forgetting one thing, Tjipahura is not Hanganee, Hanganee is Opperman Kavezeri, children that were taken care of by the Honourable Speaker and he never forgot until he gave the name to his son.

HON MEMBER: Where did you get that from?

HON RIRUAKO: Look, we know one another but as we stand, we stand as equals. We are all equal here because we are here all of us, however, if we happen to die, we will not die as equals. Go that way, I mentioned purposely for one to keep his limits for what he stands for at times.

There is a way to retell it to the people who came after how bitter it was. I am not sad about //Gam, one day I and my Honourable Minister sitting there and the Deputy Prime Minister took a plane from here to Tsumkwe and //Gam. We looked around and we said, we promised to give these people a place to stay and we did not keep our promise. We were supposed to do it. It was a welcome idea and I asked, *are you ready to do that?* So I could not argue but I told the people that the Government intends to help them, however, we did not take off with these decisions and come out with an output that reflects a true fact of life. I and the Honourable Minister of Lands and Resettlement sat down with the people of //Gam and now they keep calling me, *Chief you came here with the two Ministers, what is their response, what did they say to you or are they quiet now?* I tell them that I do not know, even this morning I told them that I was going to attend a meeting at Parliament today, perhaps one of them will be there and I will ask them whether they are ready to tell me something so that I can send word to the people you promised. That was

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what was said in front of all those people of //Gam.

Now we are here and the Honourable Gentleman just mentioned something about //Gam. //Gam is not my concern alone. As I said before, my concern is about the people of this country being given the same treatment. Those who have suffered must get what they deserve. Somebody asked me, are you a veteran? And the person asking me that question is someone who was here and I found him in bed as usual. I asked him - *did you not want to be trained where I trained my people?* And he responded – *yes Chief*. I said to myself that I am supposed to shut. He must not answer me but answer himself. That was the query.

(Interjections) I do not even want to be ordered by you, you were not even born. The fact remains that after I finished the training of these people, I went to the President of SWAPO in Lusaka to hand over the armed forces and soldiers to a man who was in the position by then. I did this, there were no queries, nobody can argue with me on those merits but I found them in jail in Tanzania. I had to free them from jail in Dar es Salaam. I was lost, are we prepared to fight back or are we prepared to play around? What is the answer to that? That is not my query. God will come back one day and rescue our country, he will be my witness. That I will leave to God. I told the people that the time was not up because we were still alive. Let us think a bit louder than we used to think.

I thank you for what you said here and I thank you for letting the people of this country know where they come from. How are going to take care of this Nation? What kind of offer are we going to give them for us to forgive but not to forget what happened? There is a saying that, in the name of God, the Everlasting one, we have to remarry again with Him. That actually happened and I look at the Honourable Speaker with the hammer in his hands and I thank you at the way you look at your dreams, at least you are enjoying what I am saying. (*Laughter*) For those who are disappointed, it is up to them. Thank you, Honourable Speaker.

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HON SPEAKER: Thank you. Honourable Kazenambo.

HON KAZENAMBO: Thank you very much, Comrade Speaker. If it was possible, I was going to give my intervention in Otjiherero, but it is not possible.

HON SPEAKER: It is not possible, we will get there but not yet.

HON KAZENAMBO: I hope we will get there one day before I leave this august House.

Firstly, I would like to most sincerely thank Comrade Ben Ulenga from the deepest of my heart without any pretence for eloquently tracing the tracks of history. Whether I agree or disagree with what you are saying is another thing.

Comrade Speaker, one day when the history of this Nation is written on golden letters, the truth will prevail that once upon a time these valleys and mountains, this desert country was occupied by peaceful communities of diverse cultures that co-existed and that this great Nation of diverse cultures, sons and daughters from all the corners of this country once upon a time woke up and waged the liberation struggle for their freedom on equal terms, not on minus terms.

The Motion is addressing the plight of land distribution to the citizens of this country, especially the vulnerable social groups that are falling in the category like the community in //Gam. I said that I would have liked to speak in my native language for the reason that Comrade Ulenga has dwelt much on the history of Kaleb Tjipahura from Mahalapye, a very, very emotional history. The spot where Kaleb was captured with a team

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of Freedom Fighters was the entry point where Samuel Maharero of the Herero people entered Botswana through Nyai-Nyai via Kaka into Tsau where his biological mother remained and where one of the great fighters of the Herero community, Willem Maharero, is resting beside my father.

My biological father joined Willie Maharero *ingo wa Kambauruma wo matundo*. That is where we have entered. Just a few days ago, he entered Botswana from Okahandja through the very same point, quite a historical coincidence; through the very same spot Kaleb entered this country of his great parents without knowing it.

I was exactly 17 years old when I joined SWAPO and that is when I started working with Andrew Nghidinwa, Selma Nghidinwa and Iipumbu who is heading the Agricultural Bank here. When I left this country and when I entered it and landed at Döbra it was my first time in 1989. It is the history of many, the Adam, Hanganee Kavezeri Katjipuka, Afroman. He grew within the ranks of PLAN to become a field commander and he died on the spot, during the liberation struggle without knowing his country. There were many, the Kambatos, and coincidentally they left the day I left Botswana. I crossed at a place where the Founding Father and President Pohamba once crossed at Kazungula and I was not alone, I crossed with people who were released from Mariental here. I crossed with prisoners of war, former freedom fighters whose spirit of the liberation struggle did not waiver.

The reason why I am applauding what Comrade Ulenga said is that, when we are dealing with this nation-building, we must be sensitive to one another. We are a very small population and Namibia is vast geographically. (Intervention)

HON SPEAKER: Shall we continue or take a break? The House stands adjourned for tea. All of you are expected to be back on time to continue.

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HOUSE ADJOURNS AT 15:44

HOUSE RESUMES AT 16:16

HON SPEAKER: We resume the Business of the House. Honourable Kazenambo, you were on the Floor.

HON KAZENAMBO: Thank you, Comrade Speaker. Let me cut on the history, but it is really an emotive thing for me.

On the issue of land redistribution to various people, I have said it at different platforms other than this one that fortunately or unfortunately, I have been around and I have been assigned to various situations. Is it a question of land to vulnerable people? I was assigned as a Deputy Minister to go and look into the issue of Kavango North, if you go to the area and observe how the strong in this society have fenced off hectares and hectares of land in Eastern Ondonga and North-East of Uukwanyama, your tears will roll if you are a human being, even where Government boreholes have been fenced by the strong ones. I am not making a report here. This is also applicable if you go to Okakarara, if you go across this country, you will find this pathetic situation where the strong are doing the impossible in this country. It is unbelievable.

On land redistribution, one would say that we need to hear one another and we need to listen to one another and take drastic steps. However, I will not divert from my input here.

Honourable Speaker, my fear and my concern is that Namibia is a vast country. Whether we like it or not, it is a country of diverse cultures that we cannot wish away. Hereros will be here, Damaras will be here,

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Germans will be here, Ndongas will be here, Kwanyamas will be here, so no matter how high you can jump and pretend to talk about nationalism, and Afrikaners will be here and the San will be here. It is a question of us to openly and with honesty devise strategies and mechanisms of building the Namibian Nation that will not wish these groups away. We have to manage and take cognisance of these diverse groups when we are dealing with redistribution, if we pretend otherwise, we are not being truthful to ourselves.

My fears is that the giants, and I call them the giants, the pioneers of the liberation struggle who know one another, the giants who managed to mould organisations that we are inheriting today, that we are gambling with because of the Law of negations, the withering away of the old and the coming in of the new, which is scientific material analysis that we cannot wish away, will at one point disappear because of age and we the *aweh aweh* who are appearing and have not been together in the crucible of the struggle, I do not know what the values that will keep us together are. Luckily this boy has been around, in the thickness of it and in the cosy enjoyment of it.

I have been with the Founding President when he arrived. He addressed some people there while some of them boycotted him and I do not want to go into that. He encouraged these people to integrate with others. I arrived there with the former Prime Minister when he was Prime Minister, Dr Hage Geingob and I know it his reaction. I arrived with Comrade Nahas Angula sitting here. Maybe he has forgotten his reaction, I was a journalist I still know what he said, "*Man I do not want to see these refugee camps here in Namibia. What are these tents for? These tents remind me of exile, why do we have tents?*" and I was saying, *no some of these people have moved.*" And he said, "*No, but we need to remove these tents.*" That was his reaction, he was saying that he does not want to see those tents in Namibia. I also know how the late Honourable Moses //Garoëb reacted when he arrived there, I was with him, I accompanied him. I can still remember who said what at what point. Sometimes we do not really need to be at each other's throats on issues

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where we have a common stand, however, we come from different angles. Let us find out what the common stand is and where we differ.

Comrades, this is an issue of redistribution of resources. If I can tell you what is happening and why I am concerned, there are people like Honourable Ben Amathila, Honourable Speaker Gurirab, all of you are Honourables. There are people who know and who felt how you pioneered this struggle, who know where you slept and who assisted you. We, who are in the City of Windhoek, maybe do not know the history, I did not even know about what Honourable Chief Riruako was saying here that he supplied Comrade Nahas Angula with tea. Therefore, what I am saying is that, it is still your duty to tell the truth about how you pioneered this, put politics aside, so that we can benefit from this history.

I am about to conclude, the painful side of it is that, where Kaleb was captured is where Samuel Maherero led the people into Botswana. Sometimes you feel it when we differ politically, when we reduce to a level where we knock at one another in the process of building this Nation. We call each other names, we get greedy and hurt one another, *kamama - katate*, you know this nepotism, even in the distribution of the resources, which is commonage and I am not instigating anybody here. My friend, *tjizawanene petemba, tjiuhina kutjevera mariteka*. I am a Herero and I am from that background of cattle that is why I do not need to be told that I am an emerging farmer and all that. I was born with farming, it is in my blood.

If you bring the cattle at the drinking point and you do not manage them, all of them will not drink the water because they will break the drinking-trough. What we need to do in this Nation, is to know one another and to appreciate that we come from a diverse background. I would not know how the people in Zambezi have contributed to the struggle and would also not know how the Comrades in Okaoko or in the South contributed, I was not born there. However, for me to try to and portray that I am the only one who fought and I deserve to benefit because I am from Botswana, is wrong.

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HON KAZENAMBO**

When I am saying that my leaders have got a heavy responsibility, just recently, two weeks ago, I was told in Okahandja that I have stolen land in Okahandja, Mr McHenry Venaani and I, unfortunately he is not here. That we have stolen land in Okahandja, we have connived with a certain official who happened to be of our language and we are turning Okahandja into a Herero Kingdom. This was just recently. If you tell me that I am turning Okahandja into a Herero Kingdom, you are insulting me, Okahandja is a Herero Kingdom anyway if you do not know it. (*Laughter*) It is a Herero Kingdom, for those who do not know Okahandja to be a Herero Kingdom, *Okahandja ongumbiro jovaHerero*, it is a Herero Kingdom, whether you like it or not. I do not need to steal land in Okahandja, you are provoking me, therefore, it is better to teach the *aweH* - *aweHs* of this Nation to know where they are crossing the line and where they are playing on the emotions of the people.

There is no need of me resettling in the Kavango Region. There is no need for me resettle the Oshana Region, there is no (intervention)

HON SPEAKER: Can you try to wrap it up?

HON KAZENAMBO: I am wrapping up, I am concluding. There is no need of benefiting land in the Erongo Region but for me to come and belittle, apparently I am wearing a SWAPO Flag or whatever flag and now I am belittling somebody in their own Region, you are sowing the seed of division, nothing more and nothing less. Mutual co-existence, mutual history and mutual respect will take us long let us do it.

Some people were saying it on the Floor - why am I a Minister in a foreign land, I am a foreigner from Botswana but I did not mind. Let us not forget what we say, when and where. (Interjections) yes, here in this Parliament, that I am a foreigner.

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When we reduce to the level where we call each other names and so on we are not building this Nation. If we really want to answer the plight of our people, let us not disown one another on this land, let us not disown one another's history but differ in politicking, where we differ. With this few words, I support the Motion.

HON SPEAKER: Thank you. Honourable Tjihuiko.

HON TJIHUIKO: Thank you very much, Honourable Speaker. We are discussing a very sensitive Motion.

Let me start by thanking Honourable Ben Ulenga for having brought this Motion to the House. It is an interesting coincidence that the time that we are discussing this Motion, is also the time that we are discussing the two critical Bills that were introduced by the Honourable Minister of Lands in this Chamber. That is a good coincidence.

Honourable Speaker, however, I think the most unfortunate thing is the time. The time when this Motion and these two Bills were introduced, and the time that we are going to close, does not do justice to use as lawmakers to discuss these issues, thoroughly, without being under the pressure of time. I think we are the ones who decide, I do not know whether if we do not conclude now, the Motion is going to lapse, I am not sure about that. However, these are some of the things that we cannot afford, just to pass it through to (*intervention*)

HON SPEAKER: Speak to the Motion. You should have introduced it earlier.

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HON TJIHUIKO: Yes, Honourable Speaker. I started by saying that Honourable Speaker, because when I look at the Motion, Honourable Ulenga wants us to - *Debate incisively, the deplorable socio-economic state of various categories of the above landless groups and feasible solution to the land question.* Honourable Speaker, when I look at this, it is where the question of the two Bills comes in.

Secondly, familiarise itself with the issue through site visits to communities and through consultations; and advise Government about practical ways to bring social and economic relief to the various affected groups (intervention)

HON SPEAKER: There is now disturbance, I do not see any need for disturbance, so please do not create disturbances. Listen to Honourable Tjihuiko.

HON TJIHUIKO: Honourable Speaker, critically to me, what Honourable Ulenga is seeking is for us, after we had discussed this Motion, to advise Government about practical ways to bring about socio-economic relief to the various affected groups.

Honourable Speaker, this Motion is critical because the land issue that we are talking about is the land that was taken away from our people, taken away from us through the barrel of the gun. That is the land that we are talking about. The people in //Gam that Honourable Ulenga was referring to are the offspring of those who ran away from this country, that Honourable Kazenambo was referring to, saying that they are still in refugee camps after twenty years. This is the land that we are talking about. This is the land where Von Trotha issued an order to say (intervention)

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HON SPEAKER: Honourable Minister of Defence.

HON MINISTER OF DEFENCE: Comrade Speaker, the people of Namibian origin who found themselves in Botswana did not run away from here, they were forced out of here.

HON SPEAKER: Yes.

HON TJIHUIKO: Yes, indeed they are not the only ones, there are so many Namibians who were forced out of this country through the barrel of a gun and we lost land. This is the land that everybody is talking about, that the purpose of the struggle was to get our land back. We are free, we are independent but the land is not yet back.

Honourable Speaker, one would, however appreciate the effort of the Government and the determination of the Namibian people to keep peace in this country, not to rush into taking decisions that could affect and destroy what we have fought for. That is appreciated.

The effort for Government to try and acquire land through the willing buyer-willing-seller principle could have been the best way to go about it under normal circumstances, if everything was equal. However, those who lost land were willing to come and say let us share what you have but those who have got the land through the barrel of the gun are saying - *you pay the price that is determined and that I want you to pay*. What can we do? That is our land.

Thank you, Honourable Minister of Lands for your effort of introducing the Bill on Commercial Land, we are going to talk about that later on but

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your effort is definitely coming closer to addressing the issue of land.

That is commendable; however, we will discuss that later on.

Honourable Speaker, when we were discussing a number of issues, among others, the issue of the Veterans, we had a clear definition on who the veterans are and everybody would look at it and say I cannot qualify looking at this even if I qualify I cannot expect to be assisted at this level because of my contribution to the struggle, looking at the definition as it is clearly defined. Nobody will have to fight with that.

However, the problem with the issue of land is, who are the landless, who are the people who lost land? It has not been clearly defined as we did with the veterans and it is where we need to come in. We have four categories of the landless, we have people who have lost land, because land is not expanding and the population is growing, some areas are becoming overcrowded, that is another category of the landless. When it comes to the issue of addressing the landless, we must be more specific and clear in terms of what it is that we are talking about, that is where the problem comes in.

Honourable Speaker, One would appreciate the effort of the veterans and I am obviously worried that the day that some of the leaders, those that some of us are calling the *Tanganyika Group*, who have tried to keep peace uniting the people of this country, if they are no more, what will happen if we do not address this issue now? While they are here advising, giving the Wisdom of Solomon. The more we delay with the *aweh - aweh* that Honourable Kazenambo was referring to, where are we heading to? It is where the challenge comes in, let us address the issue of land now.

The Second Land Conference is needed now, today and not tomorrow. I believe that if we do that, we are doing justice to the Motion of Honourable Ulenga. I do not want us to overreact, I do not want to encourage people to go and get the land because we know where the land is, all that I am saying is that as leaders, we should take this issue up

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seriously and address it now.

Honourable Ulenga also said in his Motion - *familiarise itself with the issue through site visits to communities and through consultation*. We are consulting, the land belongs to all of us, it does not belong to the recognised Traditional Leaders, it does not belong to a particular Political Parties but it belongs to all of us and we must have the right to decide on our land.

Therefore, when we talk about the issue of land, let us talk about the people who are living on the land and not what we want the people to be. We cannot say that when we are going to have a meeting on the land issue in the Okakarara Constituency and because NUDO is controlling the Okakarara Constituency, SWAPO members will not sit in those meetings because they do not have to be NUDO, they are part of the owners of the land like anybody else, so you cannot deny them their democratic right and their birthright to decide on their land. Therefore, the issue of who is recognised or who is not recognised or I want to talk to this person and I do not want to talk to that person, does not do justice to the issue of land because the land belongs to all of us.

Honourable Speaker, let me draw closer to conclusion, I just want to raise an experience on this issue of land. I was invited to this troubled area last year. There were people who were dumped from the farms into the corridors and they invited me to go there and I went there. While there, somebody was telling me that – *Tjihiuko was buried on that farm* and I said, *what?* Because I knew that my youngest father is buried in that area and he was telling me that - *your father was buried on that farm, we can even show you but the owner of the farm is not here and if he finds you there without his permission, he is going to shoot you*. It is the same area where the Comrade was killed with his three dogs. I cannot go and see where my father was buried because the farmland belongs to a person who had killed my father, took the land through the barrel of the gun and I must go and ask his permission. This person who was looking after his goats, who does not know where the boundary of the farm ends and

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the very person who had been doing that for years and not even stealing a single thing from his farm was killed because *he was trespassing in my land*.

I am not saying that we should act irresponsibly, all that I am saying is, let us as leaders, while we are here as the veterans, go to the communities and consult on the issue of land. Let us take everybody on board and talk about our land. Keep peace in this country, move together into the future but we can only do that if all of us feel that we are part of the process, if all of us feel that we are respected and if all of us feel that we are recognised on the land that God has given to us, I think we will move together. With that, Honourable Speaker, I support the Motion.

HON SPEAKER: Thank you. Honourable Kaura.

HON KAURA: Thank you, Honourable Speaker. I would like to adjourn the Debate on this Motion to next Tuesday.

HON SPEAKER: Anybody else who wants to take the Floor today? If not then further consideration of this Motion stands adjourned until Tuesday, next week.

The Secretary will read the First Order.

**COMMITTEE STAGE: HIGH
COURT AMENDMENT BILL [B.11 – 2013]**

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**COMMITTEE STAGE: HIGH COURT
AMENDMENT BILL [B.11 – 2013]
HON NUJOMA**

SECRETARY: Committee Stage - *High Court Amendment Bill* [B.11 – 2013].

HON SPEAKER: Does the Honourable Minister of Justice Move that the Assembly now goes into Committee?

HON MINISTER OF JUSTICE: I so Move, Honourable Speaker.

HON SPEAKER: Any objection? Agreed to? The Chairperson of the Whole House Committee will replace me temporarily.

ASSEMBLY IN COMMITTEE

HON CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:
The Whole House Committee is called to Order. The Committee has to consider the *High Court Amendment Bill* [B.11 – 2013].

Clauses 1 and 2 put and agreed to.
Title put and agreed to.

I shall report the Bill without Amendments.

Honourable Speaker, the Committee has considered the Bill [B.11 – 2013] as set forth in the accompanying copy and agreed to without Amendments.

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**COMMITTEE STAGE: HIGH COURT
AMENDMENT BILL [B.11 – 2013]
HON NUJOMA**

ASSEMBLY RESUMES

Bill reported without Amendments.

HON SPEAKER: Does the Honourable Minister of Justice Move that the Bill be now read a Third Time?

HON MINISTER OF JUSTICE: I so Move, Comrade Speaker.

HON SPEAKER: Any objection? Who seconds? Agreed to. Any further discussions? Does the Honourable Minister wish to reply?

HON MINISTER OF JUSTICE: Thank you, Comrade Speaker. I would like to thank the Honourable Members sincerely for passing this important Amendments to the *High Court Amendment Bill* speedily so that we can put the rules and the regulations in operation as well as the Law in order to ameliorate the suffering of our people who are currently experiencing these difficulties.

I thank you sincerely for the understanding and for the support - *merci beaucoup*.

HON SPEAKER: Thank you. I now put the question that the Bill be read a Third Time. Any objection? Agreed to.

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**THIRD READING: HIGH COURT
AMENDMENT BILL [B.11 – 2013]
HON NUJOMA**

The Secretary will read the Bill for a Third Time.

**THIRD READING: HIGH
COURT AMENDMENT BILL [B.11 – 2014]**

SECRETARY: *High Court Amendment Bill [B.11 – 2013].*

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

**RESUMPTION OF CONSIDERATION OF REPORT ON
THE FAMILIARISATION VISIT BY THE PARLIAMENTARY
STANDING COMMITTEE TO THE OTJOZONDJUPA REGION**

SECRETARY: Resumption of Consideration of Report on the Familiarisation Visit by the Parliamentary Standing Committee to the Otjozondjupa Region.

HON SPEAKER: When this Debate was adjourned on Wednesday, the 16th of October 2013, the question before the Assembly was a Report by Honourable Amathila. That the Report be adopted.

The Honourable Deputy Minister of Justice adjourned the Debate. Deputy Minister.

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FAMILIARISATION VISIT TO OTJOZONDJUPA REGION
HON NAMBAHU**

HON DEPUTY MINISTER OF JUSTICE: Thank you, Honourable Speaker.

My contribution to this very important Report has been outstanding for some time and I would equally like to support the Report and commend the Committee for having carried out this important visit.

I want to approach the Debate from a different angle or maybe another dimension and this is mainly on the objectives of the visit and the title of familiarisation. This is a new approach as far as I am concerned and I would like the Honourable Members to listen. When it comes to issues of familiarisation, I try to collate this to the objective and mandate of Parliament as an oversight function. I take it that for us to be able to do our work properly when it comes to familiarisation, yes it is very important for us to familiarise ourselves as to how the Region or the different settings of our system are working but I think it is equally important for this familiarisation to be extended to other organs of the State so that we know and understand how they function in order to be in a position to supervise them better.

When I was appointed, I used to be there as a backbencher and when I went to the Executive, I thought I needed to understand how other components of the system work in order to be able to interact with them better and I decided to organise some visits in order to pitch my level with that of the other Deputy Ministers, just to understand how the system works in order for me to be able to cooperate and interact with them better. However, I realised that it was a new approach that was not very much reciprocated because people are not familiar with this kind of approach.

Sometimes we come here and we even make recommendations that are very important but how we feed them into the system for them to be implanted, it becomes a problem. It is probably even appropriate for the bureaucrats to design and diversify the kind of visits. Maybe this one is a kind of familiarisation visit which will be followed by an evaluation and

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monitoring visit or a fact finding visit as to how, where and what happened to the recommendations that we have made because when I read the other agenda of Parliament - the agenda for change, the function of Parliament does not just necessarily end with the passing of the legislation but also to see whether the legislation that we are passing is making the necessary impact and whether it is being properly enforced. And also, when we pass a legislation, whether we already attach an implementation schedule focussing and working out what needs to be put place next in terms of personnel, in terms of mechanisms, in terms of new directorates and in terms of all the other resources that need to be put in place. If that is not done we may end up passing as many legislation as we can, but the impact on the ground is not really going to be felt as we see it fit.

My Professor at the University once told me that in the third world countries and in other former colonial systems, we inherit systems which were designed for different purposes and we worship them and defend them to the best of our abilities but these things were not actually designed for the reality we are living in. It is, therefore an assumption that, if I am a Government Minister and I find a system in place that was designed by the previous dispensation, I am married to it and anyone who dare say anything about it actually becomes my enemy. Is it not so?

There are certain things that we need to change that also need your assistance to have those systems changed. Whenever we find bottlenecks there, we should know that there are ordinances because we sometimes say - *what is he doing there he is talking about these things but he is not changing them.* The Minister or the people that are running the system do not have dictatorial powers to change things that way. Sometimes it is also illustrated by the Debate that we carry out here, one can see that people are not informed about their own system and what is wrong with you coming to my office and finding out the environment that I am working in and this obviously include the public because that is not my office, I only I happen to be there but it is your office, it is a public office. Rather than you criticising something that you do not understand, try to make time to come and understand the system so that you can criticise

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better and constructively.

I am, therefore, suggesting and as I agree with this approach, that other follow up mechanisms are designed, yes you go and familiarise yourself and you are now aware, what then thereafter? Do you only have to familiarise yourself with the periphery and be ignorant of the centre? It is with this kind of approach that I would suggest that different modalities of visits are designed and that (intervention)

HON SPEAKER: Honourable !Nawases-Taeyele.

HON !NAWASES-TAEYELE: Honourable Speaker, can I ask the Honourable Member a tiny question?

Honourable Nambahu, you are touching on something that we are really battling with as to how we should handle the Reports that are coming to the House. While giving some recommendations as a person that has experienced the work of the Parliament and now half of the Executive, what will be your take now that you are there? How best can we deal with these recommendations that stem out the Reports?

You are talking about follow up mechanisms, could you go into detail as to how that exercise will be done because many Reports that I know of have come to this House and we come up with so many good recommendations but nothing has come about from these Reports. Could you maybe elaborate on that further before you sit down please? Thank you.

HON SPEAKER: Yes, Honourable Deputy Minister?

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HON DEPUTY MINSITER OF JUSTICE: Thank you very much, Comrade Taeyele.

Obviously, the systems like Rules of this House are designed to guide us to achieve better results. They actually exist for us, not us for them. When we look at the systems and we find that this is maybe what we have in place and it is not working properly or fitting within your system, if the Report comes, where does it land? It is not up to me as a person to decide but it is for us to interrogate the systems and perfect them and say - *if a report comes it goes to this level.*

When I was sitting that side, I used to ask, what is the status of the Report when it is adopted here? There must be a standardised kind of approach and I think that what we are doing is the division of labour and we would still approach each other and say - *this is how it works, it did not work the other time, I think we should approach it this way and then we can design a better mutual beneficial arrangement that we can put in place.* I find it to be unnecessary and discouraging when we visited a place and made recommendations, after five years you go back there and the same situation is prevailing, even the person that you found there previously would also be asking - *what kind of persons are you, asking us the same questions that we provided answers to. We presented these same problems to you five years ago and now you are back and the same problems are still prevailing, if it were me I would be ashamed to come back.* I do not have a panacea but all I am saying is that visit the places, let us understand the mechanisms, let us sit together and work out mechanisms that are going to be helpful to make the work smoother and make us achieve our goals better.

This is the dimension I wanted to bring to the discussion and it is up to all of us, even the bureaucrats, the people who coordinate the work of the Committees to see to it that better or other mechanisms are also put in place for the implementation of the Reports that emanate from this important visits. With all these remarks, I thank you very much Honourable Speaker and I rest my case.

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FAMILIARISATION VISIT TO OTJOZONDJUPA REGION
HON AMATHILA**

HON SPEAKER: Thank you. Any further comments? Does Honourable Amathila wish to reply?

HON AMATHILA: Comrade Speaker and Honourable Colleagues in the House, I would like to thank every one of the Honourable Members who participated in this discussion.

The Report has a lot of recommendations, which all of us as Members of Parliament have to scrutinise and see how best we can use the resources and where these resources do not exist, to plan for those resources in order to get these issues addressed.

I would like to seize this opportunity to thank the *Honourable Deputy Minister of Agriculture, Water and Forestry* who gave us an update on what her Ministry was doing as well as the Minister. I think she has enlightened us, especially on the question of water. Water is a serious problem in our country without which nobody can really exist.

On the other Report, which is not actually subject of our discussion here, that is the report on the drought, it has been pointed out repeatedly for us to make an effort to address this water situation in our country. We are living in a dry country and I sat in one discussion where I came to learn that even our underground water is seriously threatened, so we have to try and find ways and means to address this issue of water. I would, therefore like to thank the Honourable Deputy Minister for her Report.

The *Honourable Deputy Minister of Justice* just mentioned quite a number of useful ideas. It is true that if resources permitted, these Reports can be viewed from different angles so that at least when Committees, who by Constitution, have this obligation to go and carry out, not necessarily investigations but to familiarise themselves with the new situations and also to bring back their view on what they think will offer a solution to those who are subjected to the conditions being recommended.

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It is a challenge to all of us or all of us as Members of Parliament, especially to the Cabinet Members of the Parliament who have the Executive responsibility to carry out some of these issues and in particular the Minister of Finance who has to provide the resources.

It is true Honourable Deputy Minister that Reports like this, create a situation where you come up with recommendations for which there are no resources to implement them so it is for the Minister to plan for new Budget Allocation and possibly also to plan a follow up to verify whether the information contained is indeed correct.

A lot has been done from the National Assembly side or the Parliament side. For instance, that a project has almost been completed by Mr Johan De Waal, a former Member of Parliament to try and equip Committees and all regional representatives with work and decisions taken here in the House so that the visit and exchange of views will not be a one way stream from Members of Parliament only, but that they will be in a position to monitor themselves what comes their way and always keep us reminded on what decision we had taken on this particular issue. I believe that once this project has been put into place, not only will the capacity of Members of Parliament have been sharpened to systematically go about things but that will also create a room for exchange between Members of Parliament or the Backbenchers and the Executive to continuously remind each other to monitor the implementation of this work to see whether this has been done or not.

I think once this is really implemented, it will bring a great relief on the implementation of these projects and the work of Parliament in general to serve our people. We have always wanted to serve our people diligently. The Constitution impose on us that responsibility that we are the servants of our people and being the servants of our people, we do not have to allow anything roll in a way to stop us from doing what is good and in the interest of our people. However, we will be saving a lot of money if the implementation of this work is a collaboration between the Members of the Backbenchers and the Executive to see to it that there is a better understanding of those projects and the implementation thereof can be

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executed in the shortest possible time.

There are a lot of challenges, I know that there has been proposals from this House after a team of experts was brought here to help us look at our Committee system, for instance, to see how best this Committee system could be assisted and the distribution of Members of the Parliament into various Committee systems in order to have better effectiveness. However, unfortunately because of poor prior consultation, there was a misunderstanding that these recommendations by this particular Committee were not carried out. It would have brought a great measure of relief and effectiveness to the Members of the Backbenchers of the House to do this work effectively but that is now water under the bridge. I hope in the future these activities will be reactivated again so that we address these issues. It is partly a question of resources.

Honourable Speaker, our country is so vast that if you undertake a visit to a certain Region, you spend a great part of your time just travelling. I can imagine you if Comrade Speaker has to sit for eight hours in the car and you have to travel on a bumpy road, by the time you come back here, you will no longer be the Speaker that I know, you will have to give way to some other challenges of your body.

We, in our Committee, for instance thought that, it might become effective if we start chartering a helicopter in those areas where the distances are so forbidding, maybe that will help us to do more work and cross-check some of our work but on the Budget side it is obviously a very limiting issue.

The other limiting issue is obviously the question of Members of Parliament who have to be served by our staff and it is not all our staff who are very diligent in what they are doing to serve the Members of Parliament. They require a lot of education and training in order to be of assistance to the Members of Parliament. That again has been addressed. We hope we will be there very soon and even Members of Parliament, Honourable Kazenambo was referring to the Tanganyika Group just a moment ago. Some of us have offices, we seldom go to those offices.

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**SECOND READING: AGRICULTURAL
(COMMERCIAL) LAND REFORM AMENDMENT BILL AND
COMMUNAL LAND REFORM AMENDMENT BILL**

You do not have somebody who can say - *look there was a call for you*, you have to do everything by yourself. You have to read and it is a very challenging task, so we hope with the involvement of the Speaker in trying to bring modernisation to the work of Parliament and the work of Committees, the issues that you just mentioned, I am pretty sure will be addressed very soon.

I would like to thank all the Honourable Members for their contribution to this Debate. Thank you very much.

HON SPEAKER: Thank you, my namesake. I now put a question that the Report be adopted. Any objection to that? So decided.

The Secretary will read the Third Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING:
AGRICULTURAL (COMMERCIAL) LAND REFORM
AMENDMENT BILL [B.12 - 2013] AND COMMUNAL LAND
REFORM AMENDMENT BILL [B.13 – 2013]**

SECRETARY: Resumption of Debate on Second Reading - *Agricultural (Commercial) Land Reform Amendment Bill [B.12 - 2013] and Communal Land Reform Amendment Bill [B.13 – 2013]*.

HON SPEAKER: When this Debate was adjourned on the 12th of November 2014, the question before the Assembly was a Motion by the Honourable Minister of Lands and Resettlement that the Bill be read a

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**SECOND READING: AGRICULTURAL
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HON IILONGA**

Second Time. Honourable Deputy Minister of Defence adjourned the Debate and I will give him the Floor. Comrade Iilonga.

HON DEPUTY MINISTER OF DEFENCE: Thank you, Honourable Speaker for giving me the Floor to contribute to this very important Amendment.

Comrade Speaker, Honourable Members of this august House, I rise to make my contribution to the *Communal Land Reform Bill* as well as the Commercial one but I will concentrate more on the *Communal Land Reform Amendment Bill*. In the first instance, I would like to thank the Honourable Minister for coming up with this very important Amendment, which indicates restrictions to non-Namibian citizens to acquire land rights in communal areas. Communal areas are already overcrowded and can, therefore, not be given to foreigners to acquire rights as their are permanent assets.

As the Honourable Minister indicated, foreign nationals should be able to lease land in communal areas for investment purposes. Through the Honourable Speaker to the Honourable Minister, I would like to propose that whenever an agreement is to be entered with a foreign national as an investor, the period must not exceed 35 years as opposed to 99 years because that would be a lifetime agreement. It will appear as if he or she is the owner of the land because none of these people will be alive for all those years. Therefore, a maximum 35 years should be sufficient because experts say that by 15 years this investor would have already received his or her money back and they will be receiving profit for the rest of the years.

Hence this is cross cutting between the Ministries of Lands and Resettlement, Agriculture and Environment and Tourism, foreign nationals go to Conservancies and say they want to invest, therefore I

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would like to suggest that any agreement entered either with the Ministry of Lands and Resettlement or the Ministry of Environment and Tourism, the Office of the Attorney-General must also be consulted to make sure that all loopholes are taken care of within the agreement. We also need to educate our leaders in the communities that they are the ones with money. When these foreign nationals come to Namibia, they tell the conservancy leaders that they have money and they want to invest. Sometimes, you realise that these conservancy leaders are the ones who receive commission.

I would like to reiterate that our conservancy leaders and the communities must know that these investors do not have money. They come to make money in Namibia from our Kudus, Lions, Elephants, Giraffes Springboks, etcetera. They come to make money they do not have money. Our conservancy leaders need to know that they have more money than these investors do because these Kudus and Lions just need to be transformed into a money making project. When they go into agreements with these foreign investors, they must have the upper hand because they have the money as these people only come here to make money and when they finish they return to their countries and leave these conservancies with thatched lodges of low and non-durable quality.

Comrade Speaker, through you to the Honourable Minister, communal land is the only State land that we have in our country while the biggest chunk of our land is privately owned. I read the Honourable Minister's Motivation about unauthorised fences in communal areas. As per Section 44(3) of that principal Act, in the new Amendment the Chiefs and the Traditional Authorities are not the ones left to deal with illegal fencing, the function has been transferred to the Communal Land Board. I seek some advice here because I thought that this could cause some conflict between the Chiefs and the Traditional Authorities, and it gives the impression that the Communal Land Board is the only one to deal with land matters. However, I received advice from the Attorney-General and the Honourable Minister that the power of the Traditional Authorities remains but when it comes to Court issues, the Communal Land Board is

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the one to deal with the administration because that is an administration issue and no longer a policy issue. When it comes to the distribution of the land, the Land Board is the one to, for example, increase 20 hectares to 50 hectares still in consultation with the Chiefs and Traditional Authorities. I would like to request the Honourable Minister through the Honourable Speaker that the Communal Land Board must always be reminded that they are not higher than the Chiefs and Traditional Authorities because the Traditional Authorities are the custodians of the land as per the Constitution. Therefore, the Communal Land Board must always be reminded that they are the administrators and advisors to the Chiefs and the Traditional Authorities. I would like to request the Honourable Minister and the Cabinet Ministers to take a decision to limit the ownership of the communal land and we also want to extend this to the Agricultural Commercial Land Reform (intervention)

HON SPEAKER: Point of Order. Honourable Katali.

HON MINISTER OF MINES AND ENERGY: On a Point of Order; I would like to ask the Honourable Iilonga a question.

Honourable Minister, you touched on an area where you tried to clear the confusion but I did not get it correctly. You mentioned the powers of the Traditional Authorities and the powers of the Communal Land Board, and you said none of them is superior to the other. If the Traditional Authorities take a decision, can that be overridden by the Land Board or not and if the Land Board takes a decision, can that decision be overridden by Traditional Authorities?

I think there is no clear-cut information as to what should happen if these two scenarios take place. Thank you.

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HON DEPUTY MINISTER OF DEFENCE: Thank you, Honourable Speaker and thank you Honourable Katali. You did well by saying that you did not understand me well because I did not say what you just mentioned.

I said that, after reading the Honourable Minister's Motivation where he said that he extended the powers of the Communal Land Board the right to extend the land from 20 hectares to 50 hectares without his written approval, I thought deeply that this would cause some conflict between the Chiefs, Traditional Authorities and the Communal Land Board because it sounds as if the Land Board is the one to decide without the involvement of the Chiefs and the Traditional Authorities. However, after seeking some clarification, it came to light that the same way you have a Permanent Secretary who has certain powers but he is not above the Minister because he or she cannot do anything without the Minister. Similarly, this Communal Land Board cannot take a decision without the approval or consensus of the Chiefs and the Traditional Authorities. I was also under the same impression as you are now with the question that you posed to me.

HON SPEAKER: Honourable Members, we have lawyers here. We have the Attorney-General here who can simplify the matter and allow you to concentrate on what you want to contribute because you are debating an issue which neither one of you has competence on. It is a legal matter. I also want the other Members to take the Floor and it took you ten Minutes to answer the Minister.

HON DEPUTY MINISTER OF DEFENCE: Comrade Speaker, it is very important for me to give my side and then the Attorney-General can explain. However, the Traditional Authorities remain with their power, the Communal Land Board is not superior to them. That is the

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information that I have. I hope that the Attorney-General will help us in this regard with an instruction from the Honourable Speaker. Thank you very much.

With regard to Commercial Land we must make sure that our land is not owned by absentee landlords because they turn the farms into business, but I can see that the Amendment also takes care of that, even though it is not that strong. Thank you, Comrade Speaker. I support the Amendment.

HON SPEAKER: Thank you, Honourable Kaura.

HON KAURA: Thank you, Honourable Speaker. Firstly, I would look at the *Agricultural (Commercial) Land Reform Amendment Bill*, in particular under Article 3(b), *an owner of agricultural land will intend to have a usufructs registered over the whole or part of such land in favour of a person other than a relative of the owner. It is for the purpose of Sub-section 1 and Section 17(b)(3) deemed that the owner intends to alienate such land and for the purpose of this Sub-section, relatives means child, spouse, parents or siblings of the owner.* Now where I want to stand still is at the definition of relative when it is confined to spouse, child, parent and siblings, it does not fit within our extended family African culture because I am the one who has direct access to inherit my uncle's properties.

HON SPEAKER: Same here. (*Laughter*)

HON KAURA: Therefore, this definition is too limited. If the

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Honourable Minister can look into it broadly so that it allows me to inherit my uncle's properties, it will be more within the African culture practices.

I have more problems with the *Agricultural (Commercial) Land Reform Amendment Bill*. Honourable Speaker, I want to interrogate this Bill with all the seriousness it deserves. Let us look at Article 17(b)(1), it states the following: *A foreign national who wishes to acquire customary land rights or right of leasehold must first obtain a written authorisation of the Minister before he or she applies for such rights.* In my English, I could have said written authorisation *from* the Minister but not *of* the Minister. *The Minister may prescribe criteria and conditions upon which a foreign national may be granted customary land rights or leasehold under this Act.*

Honourable Speaker, this to me is in clear violation of the Land Conference Resolution of 1991, which stated explicitly that *no foreigner shall be allowed to purchase land in Namibia*, yet the Honourable Minister will be empowered to settle foreigners in communal areas or provide them with leaseholds. The Commercial Farming Sector is off limits for foreigners but now communal areas are opened to foreigners to settle and acquire leasehold. I need to be convinced why this is the state of affairs. Returnees from Botswana are still in //Gam losing hundreds of cattle from poison leaf. They have not yet come back home to their ancestral land, such as the Khomas Hochland, Okahandja, Omatako, Omaruru, etcetera but foreigners will obtain the rights in communal areas together with the landless. Thousands of people who want to come back home are in Botswana and South Africa. They are not the ones being considered in this Bill, but foreigners from Australia, Alaska or New Zealand can get land from the Honourable Minister in communal areas. Honourable Colleagues, as far as I am concerned this is not prudent.

Secondly, Honourable Speaker this is a clear violation of Article 102 of the Namibian Constitution, which states the following: *There shall be a counsel of traditional leaders to be established in terms of an Act of Parliament in order to advice the President on the control and utilisation*

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of communal land and on all such other matters as may be referred to it by the President for advice. Honourable Speaker, in this *Amendment Bill* the Traditional Leaders and the President are left out, only the Minister will be granting foreigners the rights of occupation in communal areas. Honourable Speaker, this Bill must be rejected by this Parliament, otherwise we will be committing a heinous crime against the landless Namibians in the communal areas. This Bill in essence is placing a vote of no confidence in our Traditional Leaders as well as on the current Namibian President, His Excellency President Pohamba.

Honourable Speaker, Article 36(b) is another problem Sir; 36(b) Number 2; *an occupational land right may be granted in respect of a portion of land which another person holds customary land right, the word to is left out there - unless such person agrees to relinquish his or her rights in respect of land subject to the payment of compensation as agreed to by such person and suitable arrangements for her or his resettlement on alternative land, is made* is also left out in the Bill, the Bill is very lame. Honourable Speaker, the question is; is communal land now for sale? The other question is; where would the alternative resettlement land be found? On a farm or where? Why should the proverbial landless be allowed to sell their land in order to be resettled? This is a serious joke.

Article 36(i) *a Board may only grant occupational land rights if an amount in respect of those rights and any improvement on that land in question is paid to the Land Board.* Honourable Speaker, is the Board turning into another AgriBank for communal areas? The Land Board now would be able to sell communal land and earn money from it. I am at a loss.

I would finally like to remind this august House that communal farmers who moved from //Gam to Tsumkwe in the same Constituency have not been granted the right to live in Tsumkwe area after their cattle were impounded and taken to Mangeti area. However, the Honourable Minister will be able to resettle a foreigner from Iceland in Tsumkwe. Namibians from Ohangwena who trekked with their cattle to Tsumkwe because of the

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severe drought were ordered to return to Ohangwena, yet a foreigner will qualify to settle in Tsumkwe, Vaalgras, Eenhana, Okangwati or anywhere in Namibia at the pleasure of the Honourable Minister.

Honourable Speaker, this Bill has gone from the sublime to the ridiculous and it deserves to be send back to the drawing board. I thank you, Sir.

HON RIRUAKO: You did it!

HON SPEAKER: I do not have my glasses on but my Young Brother has also spoken on my behalf. Honourable Minister of Defence.

HON MINISTER OF DEFENCE: Thank you, Honourable Speaker. Firstly, I would like to thank the Honourable Minister for answering some of my concerns regarding the land. Unfortunately, the Honourable Minister did not really settle some of my concerns.

Honourable Minister, my first concern is on Section 17(1)(a); Companies and Close Corporations. I suggest that land can only be owned by natural persons not by a legal entity like a Close Corporation. Why? Because land is not a commodity. You can own cattle as a Close Corporation or maize meal as Close Corporation, meaning that you own maize or cattle but not the soil. I am, therefore, not satisfied with the continued legalisation of Close Corporations to own land. Land should be owned by a natural person. I might be wrong but that is my suggestion because land is not a commodity.

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HON SPEAKER: Point of Order. Honourable Van Der Walt.

HON VAN DER WALT: Thank you, Honourable Speaker for the opportunity.

The Honourable Minister of Defence made a point on Close Corporations and private ownership. My concern is that, if we talk about land in a city, communal land, farm land or land for business in Windhoek, the reason for a Close Corporation is that there are no transfer costs involved if you sell your property, be it a house or land and that is why when many people buy land or a house in a city they put it under a Close Corporation and if they want to sell these properties again there are no transfer costs.

I know many people in our country who misuse the Law by using a Close Corporation. They have a farm, for example and they would sell 70% of the farm to somebody else and they keep the 30%. On that basis a foreigner can buy land in our country while the owner of the land is still part of the Close Corporation. Let us see that the loophole is removed by our Attorney-General. I think that in future we must close the loophole but the Close Corporation is something that we should not completely do away with because of the money involved. Thank you.

HON SPEAKER: Continue, Honourable Minister.

HON MINISTER OF DEFENCE: I am talking about Agricultural (Commercial) Land and this thing of forming Close Corporations to avoid paying what is due to the Government is illegal, it is wrong. We should also not justify that.

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**ADJOURNMENT
HON DR GURIRAB**

HON SPEAKER: It is passed *chaela time*. Our time is up. Honourable Minister of Defence, you will be the first when we meet tomorrow at the same time, 14:30. The House stands adjourned.

HOUSE ADJOURNS AT 17:45 UNTIL 2013.11.14

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

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

HON SPEAKER: We commence with the Business of the House as scheduled for today. Lest I forget, later on during the proceedings, the SWAPO Party Members in the House are informed, through this voice, that the Party Caucus will take place after the completion of the Session this afternoon at the usual place, C1.

HON ULENGA: Sorry, SWAPO?

HON SPEAKER: You were my high commissioner but you tricked me into (intervention)

HON ULENGA: For Namibia, Comrade Speaker.

HON SPEAKER: This is strictly for SWAPO. It is a SWAPO Party Caucus, but if you want to come back, you are welcome. You never know.

With those few words and if Comrade in charge of the finances of the Ruling Party could release the Honourable Deputy Minister of Justice as Speaker would create a space and proceed.

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**TABLING OF REPORTS
HON KUUGONGELWA-AMADHILA**

Any petitions? Reports of Standing or Select Committees? Other Reports and Papers? Honourable Minister of Finance?

TABLING: REPORTS OF AUDITOR-GENERAL

HON MINISTER OF FINANCE: Honourable Speaker, I lay upon the Table Reports of the Auditor-General on the accounts of the:-

- (i) Municipality of Windhoek for the Financial Years ended 30 June, 2009, 2010 and 2011; and
- (ii) Municipality of Keetmanshoop for the Financial Year ended 30 June 2012.

I Move so, Honourable Speaker.

HON SPEAKER: Honourable Minister, please table the Reports. Any other Reports and Papers? Notice of Questions? None. Notice of Motions? Ministerial Statements? Honourable Minister of Justice.

MINISTERIAL STATEMENT

HON MINISTER OF JUSTICE: Honourable Speaker, Honourable Members of this august House, the Ministry of Justice has the honour to announce and to inform the Namibian Nation that Namibia was elected to the United Nations Human Rights Council.

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**MINISTERIAL STATEMENTS
HON NUJOMA**

The Republic of Namibia submitted its candidature during 2012 to the Human Rights Council for election for the period 2014/2016. Subsequently, Namibia was elected by the UN General Assembly on the 12th of November 2013, to become a new member of the United Nations Human Rights Council for the next three years, starting from 2014 to 2016.

Secondly, on the 12th of November 2013, the United Nations General Assembly in New York elected the following, fourteen Member States to become new members of the Human Rights Council: Namibia, Algeria, Cuba, France, Maldives, Morocco, Russia, Saudi Arabia, South Africa, the Former Yugoslav Republic of Macedonia, United Kingdom and Vietnam. The election took place by a secret ballot. The United Nations Human Rights Council consists of 47 Members.

During the elections, the General Assembly takes into account the candidate Member States contribution to the promotion and protection of Human Rights as well as their voluntary pledges and commitments to Human Rights issues. The 47 seats of the Human Right Council are distributed among the United Nations Regional Groups as follows: 13 seats for Africa, 13 for Asia, 6 for Eastern Europe, 8 for Latin America and the Caribbean, and 7 for Western Europe and other groups.

The Human Rights Council's main mandate and functions are:

- 1) To promote universal respect for the protection of all Human Rights and fundamental freedoms for all without distinction of any kind and in a fair and equal manner.
- 2) To address violations of Human Rights, including gross and systematic violations and to make recommendations thereon.
- 3) To mainstream Human Rights within the UN system.

With regards to financial implications, the Human Rights Council holds Regular Sessions three times a year, in March, June and September. There will be financial implications for Ministries that may have to attend

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HON PROF KASINGO**

the Annual Session of the Council that is three times per year. To support Namibia's role on the Council, the Government is also considering beefing up Namibia staff compliments at its mission in Geneva to ensure participation in the work of Council throughout the three year tenure.

Secondly, Namibia will be required to work together with other Members of Council to advance the International Human Rights agenda and to promote and protect Universal Human Rights through the United Nations System.

If I can comment further, this has been done because of the impeccable record we have in submitting our periodic and subsequent Report to the Human Rights Council and also our commitment to the Universal Periodic Reviews which we conduct and also the follow up to the recommendations made thereon. The record is impeccable and it speaks for itself. Let us congratulate Namibia and ourselves. Thank you very much.

**QUESTIONS/CONTRIBUTIONS/COMMENTS
TO THE MINISTERIAL STATEMENT**

HON SPEAKER: Thank you, Honourable Minister and through you, congratulations to Cabinet for earning this Republic this honour.

Sorry My Colleague, I did not see your light, you have the Floor, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Yes, Your Honour, I just want to congratulate Namibia for being elected but at the same time I also want to ask and comment on what the Minister of Justice had stated.

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**RESPONSE TO QUESTIONS ON
MINISTERIAL STATEMENT
HON NUJOMA**

Amongst the countries that he read out, if I am not mistaken, Honourable Minister you mentioned Morocco. We are aware that the question of Western Sahara being occupied by Morocco is one of the Human Rights violations; what kind of criteria did the UN use to elect Morocco among those countries that have proven to maintaining a very good Human Rights record?

HON SPEAKER: Honourable Minister, I allow you to answer.

**RESPONSE TO QUESTIONS ON
MINISTERIAL STATEMENT**

HON MINISTER OF JUSTICE: Thank you very much for your support Comrade Kasingo.

It is true that criteria for the elections is that one should have a good Human Rights record and Morocco's record is questionable and not acceptable to the AU, and it was also not acceptable to the Organisation of African Unity, the forerunner of the AU.

The reason why Morocco is not a Member of the AU is precisely because the AU recognised Western Sahara and its legitimate struggle. That is the reason why Morocco walked out of the Assembly of the OAU and decided that they will continue to occupy Western Sahara.

However, the United Nations is different, Morocco is a Member State of the UN and there are countries that support Morocco. The election to this Council is a question of all the Member States of the UN voting. Our election came as a result of lobbying and devouring tactics - *you wash my back and I wash yours. (Laughter)*

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HON NUJOMA**

HON MEMBER: Why not scratch my back?

No, not scratch, I must watch my words. It is just a commitment if you say - *next time I will vote for you if you vote for me now*. I must watch my words because scratching is something else. (*Laughter*)

However, the true sense of the word is, there are some Member States of the UN even African Countries that still maintain diplomatic relations with Morocco, despite the AU's decision that we should sever diplomatic relations with Morocco. Many countries in Africa defy the AU's own decision, what about the rest of the world?

Many countries voted Morocco, which is unfortunate but I can assure you that Namibia will continue to honour its commitment and to support the people of the Sahrawi because we consider it as the last colony on the African Continent. We will continue to support them. Thank you, Comrade Speaker.

HON SPEAKER: Thank you. The first three questions on the Question Paper are by Honourable Moongo and I am informed that he has some physical challenges, he will not be able to make it but the Rule stands. The Honourable Members can put questions to the ones present and listen to the answers.

Question 31 is one by Honourable Tjiuiko, can the Honourable Member put the question?

RESPONSE TO QUESTIONS

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**RESPONSE TO QUESTIONS BY
HON TJIHUIKO
HON MUTORWA**

QUESTION 31:

HON TJIHUIKO: I put the question, Honourable Speaker.

HON SPEAKER: Does the Minister of Agriculture, Water and Forestry wish to reply?

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
Thank you very much, Comrade Speaker and Honourable Members of the National Assembly for giving me the Floor to respond to the question posed by Honourable Tjiuiko.

It is important to first correct the factual inaccuracies in Honourable Tjiuiko's long PREAMBLE to the questions.

Honourable Tjiuiko introduced his Motion entitled – “*Water Debts Owed to NamWater by Rural Households and Communal Farmers*” in June 2012.

That Debate was concluded in July 2012. Indeed, as a Line Minister responsible for water, I made my and the Ministry's contribution on the 11th of July 2012. The full text of my Statement appears on Pages 158 to 163, in VOLUME 145 PARLIAMENTARY HANSARD, 26 June 2012 to 12 July 2012. At the end of the Debate, the Motion was referred to the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration.

On the 28th of November 2012, Honourable Ben Amathila in his capacity as a Chairperson of the said Committee, tabled and motivated the Committee's Report in this Honourable House.

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HON TJIHUIKO
HON MUTORWA**

On the same day, 28 November 2012, I as the Line Minister responsible for water, responded to the Debate and made my and the Ministry's contributions to the issues raised in the Parliamentary Standing Committee's Report. My full Statement appears on Pages 373 to 376 VOLUME 147, HANSARD 30 October 2012 to 28 November 2012.

Now, because Honourable Tjiuiko selectively decided to quote from my 28 November 2012 Statement, Honourable Speaker, I have decided to read the full text of my 28 November 2012 Statement as reflected in the Hansard as a response to the questions that are being asked now and I read:

As the incumbent Minister responsible for water, I am rising to respond to the findings and the recommendations of the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration and the motivation by the Chairperson of that Committee on behalf of the Government.

Comrade Speaker, it is good that today, the 28th of November 2012, the last sitting day of the Sixth Session of the Namibian Parliament, the National Assembly is enabled to, in my view satisfactorily, dispose of this Motion dealing with a very important issue. A Motion as the Honourable Chairperson of the Committee, Honourable Amathila, '*Uncle Ben*', has stated a Motion that was tabled and motivated in this House nine years ago. A Motion that was reintroduced and motivated by not less than three Honourable Members from the Opposition benches, for me, that demonstrate the importance of the issue under discussion.

It is also a Motion, Comrade Speaker, from our side that was responded to and dealt with by not less than three Ministers, starting with Comrade Helmut Angula, when it was first introduced and then Honourable Dr Nickey Iyambo and yours truly is the third one now that is responding on behalf of Government to this Motion as follows:

I thank the Chairperson, Honourable Amathila and all the Honourable Members of the Parliamentary Standing Committee on Economics,

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HON TJIHUIKO
HON MUTORWA**

Natural Resources and Public Administration for their dedicated and focussed hard work to finalise and table the Report in this Honourable House for consideration and referral for practical consideration and implementation to the Executive Branch of the Namibian State, the Government, through the Line Ministry responsible for water.

On Page 5 Paragraph (d) of my 11 July 2012 Statement, delivered in this august House with its Annexure C to the Report under discussion. I amongst others argued as follows and I quote, *“Hence my request and as agreed to by Honourable Tjihuiko, is to amend his Motion to formally request the Honourable Speaker to procedurally facilitate the process of tabling of the said Standing Committee on Economics, Natural Resources’ Report in this Honourable House as per our Standing Rules and Orders and then thereafter to refer such Report to the Ministry of Agriculture, Water and Forestry for appropriate consideration as per my earlier explanation in Paragraph (f) of my Statement”*.

The Government of the Republic of Namibia (and that is what Honourable Tjihuiko quoted and he is correct there), was, is and shall continue to be actively seized with programmes, projects, matters and initiatives, not only to provide or supply clean drinking water for human, animals and plants consumption, but will also continue to be seized with issues related to the affordability of water, particularly to the very poor of our country and of our Nation. In this regard, the Cabinet on recommendations of the Line Ministry took very important decisions with regard to possible ways and means of subsidisation for water supply by the State through its Government for and to the very and genuinely poor of our country and Nation.

This decision was taken on the 2nd of October this year through Cabinet Decision Number 17 of the 2nd of October 2012. In principle and in line with its applicable policies, the Government through the Ministry of Agriculture, Water and Forestry, thus accepted the recommendations of the Parliamentary Standing Committee as outlined and motivated by the Parliamentary Standing Committee on Economics, National Resources

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HON TJIHUIKO
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and Public Administration on Pages 2 and 3 of its Report under discussion.

Lastly, the Executive Branch of our State or the Government through the Line Ministry responsible for water, undertakes to provide a progress report related to water issues, through the official Ministries administrative structures, but also through this Honourable House to the general public as per the provisions of Article 41 of the Namibian Constitution, the undertaking we are doing here.

It must also be clearly stated that some of the recommendations by the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration are straightforward and administrative in nature. Such recommendations, I contend, are perfectly within the mandate and mission of the Ministry of Agriculture, Water and Forestry and NamWater.

I am referring, for example, to issues related to the maintenance of water infrastructure. For sure, that is the line function of the Ministry. I am referring also to issues related to the installation of individual household water metres, that is the line function of the Ministry, of course subject to financial means to execute the work, that is normally provided through the Budget, which Budget this House approves and of course I am also referring to the general responsibilities of supplying water to our population, to our cities, to our industries and so forth.

Issues related to the possible writing off of accumulated water debts surely, and I think Honourable Members will agree with me, involves more than the Ministry of Agriculture, Water and Forestry and NamWater. It actually, and in the final analysis, should and must involve the whole Government, if and when any final decisions on such matter have to be taken and or ought to be taken. Obviously, the Line Ministry is in a position to make recommendations, but for sure I cannot be presumptuous to mislead the general public that the overall power to make a decision on the writing off of any debt is within the Line Ministry.

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HON TJIHUIKO
HON MUTORWA**

That is what I said and I think that is still applicable as a response to the question of the writing off of debt.

Now, with regard to the update on water supply subsidy to the very poor Namibians, Honourable Speaker, I am able to provide the following information to this Honourable House and through it to the general public.

Following the 2nd October 2012 Cabinet Decision, the Ministry of Agriculture, Water and Forestry in July 2013, this year, made a submission to the Cabinet requesting the mentioned Supreme Executive Policymaking Institution of our State to: Approve the Water Supply Subsidy Implementation Strategy and Operational Plan. I am happy to report that Cabinet did grant that requested approval.

Currently, the Ministry of Agriculture, Water and Forestry and other important stakeholders, for example the Ministry of Regional and Local Government, Housing and Rural Development, NamWater and numerous Local Authority Councils are and will be seized with the practical implementation of the Water Supply Subsidy Implementation Strategy and Operational Plan. In addition, as we speak, the Association of Local Authorities in Namibia (ALAN) are having their Annual General Meeting in Katima Mulilo and our officials have been specifically requested to go there and to present an update progress report on this very same issue and we have sent those officials there.

As the issues to be dealt with, including the identification of the poor, are quite complex, the implementation process will be done in phases. In terms of the Operational Plan, it is envisaged that all facets of the Strategic Plan would have been fully implemented by 2015. That is in terms of the planning, everything is being equal.

For any specific details relevant to the Implementation Strategy and Operational Plan, the following senior officials in the Ministry may be contacted, and I am talking to the general public now. Mr Abraham Nehemiah, who is the Under Secretary in the Department of Water and Forestry and Mr Leopold Niipare, the Director of Rural Water Supply and

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Sanitation Coordination (RWSSC). Thank you, Comrade Speaker.

HON SPEAKER: Thank you, Honourable Minister for your comprehensive answer. Honourable Tjihuiko, are you satisfied?

HON TJIHUIKO: Thank you very much, Honourable Speaker. Thank you very much, Honourable Minister for the information.

In fact, I like the way you presented your answer because you were informing the public through my question and I think that has helped a lot.

The small question that I want to ask, Honourable Minister, it is true that the Minister made a contribution to the Debate on Water Debts but as far as I can remember, we have as the Chamber, approved the Motion and in that content of the Motion there was an element that water debts must be written off, that has been approved by the Chamber and the question was based on that.

However, I thank you that you have answered, it is not the responsibility of your Ministry alone, and there are many stakeholders that need to play their role in that. I hope that you will be coming to the point where these debts will be written off. Thank you very much, Honourable Speaker.

HON SPEAKER: Thank you. The next question is 32, also by Honourable Tjihuiko, put to the same Minister. Does the Honourable Member put the question?

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QUESTION 32:

HON TJIHUIKO: I put a question, Honourable Speaker.

HON SPEAKER: Does the Honourable Minister wish to reply?

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
Thank you very much Comrade Speaker again, for giving me the Floor to respond to the questions posed by Honourable Tjihuiko.

Question 01: It is not entirely true that water to Okaku Constituency has been disconnected by Rural Water Supply. It is true, though, that some water points and private connections might or could have been disconnected by the Ministry of Agriculture, Water and Forestry's Rural Water Supply and Sanitation Coordination's Oshakati Regional Office, due to non-payment.

Question 02: Again, it is dangerous, inciteful and unhelpful generalisation, for Honourable Tjihuiko to state that: "*Residents of Okaku Constituents have indeed paid their debts, but water supply to the community has not yet been reconnected.*" After payment, it is the duty and responsibility of the assigned Rural Water Supply and Sanitation Coordination's Regional Office Technical Officials, to reconnect water as speedily and quickly as possible. In cases where reconnection of water, after payment, take unnecessarily too long, the affected person(s) has or have got all the rights to demand that such reconnections are done immediately; that is what we do in towns also here, and even to report those officials who do not reopen the water after the required payments were done to the responsible senior officials in the Rural Water Supply and Sanitation Coordination and/or NamWater.

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As a Minister, in cases where people pay and reconnections are not done, I would like to make use of this platform to again send a very direct - straight message to those officials that that should be stopped forthwith. Once a person has paid, that person should not be expected to go and beg any official for reopening.

Question 03: I do not know of any Law, passed in this democratic independent and sovereign Namibia's Parliament that "*authorised any Government institution to deny people or animals access to water.*" However, with regard to the *NamWater Corporation Act* of 1977, (Act 12 of 1977), let me extract some few quotations from that Act that have something to say about payments in answering the question.

Section 6(1)(f) of the Act, I quote: "*The Corporation shall perform the following functions in pursuit of its objects under this Act, namely - render services, provide facilities and lease rights, subject to the payment of relevant charges,*" This issue of paying for the services is, thus mentioned in the Law.

Another Section that I would like to quote from, is Section 7(1)(b) and it states the following: "*The Corporation shall have the power to determine and levy charges for services rendered, facilities provided or right leased by the Corporation.*"

Question 04: Despite many challenges and difficulties associated with the provisions of water to and for all living beings, particularly in a water scarce dry country like ours, the Government of the Republic of Namibia does not and may not cut water willy nilly to people, poor or rich.

It is particularly during times of calamities, disasters and/or emergencies like droughts, when the Government of the Republic of Namibia always moves into top gear over and above its normal Programmes to supply these essential and indispensable life giving and life sustaining commodity, namely water.

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The payment of the supply of such services in towns, villages, settlements, factories, mines and in homes during drought do not stop. Finally, it is simply to say that, when we give information like this, we do not imply that the provision of water in this country is an easy task, neither is it a cheap task. We do recognise that we have problems with the supplier of water in various parts, some of those problems are natural, some of those problems may be technical, but it is the position of Government that in all material terms, it is our duty to do the best that we can to provide this very important life giving and life sustaining commodity. Thank you, Comrade Speaker.

HON SPEAKER: Thank you, Honourable Minister. Honourable Tjihuiko.

HON TJIHUIKO: Thank you very much Honourable Minister for the good answer.

I just have a question on the *NamWater Act* that you have just quoted. I just want to ask a question, Honourable Minister in response to what we have just said. Looking at our Constitution Chapter 3, Article 8. That is on Page 7 - ***Respect for Human Dignity***. Looking at (b), “*no person shall be subjected to torture or to cruel inhuman or degrading treatment or punishment.*”

I believe that, if we are trying to justify that Act, these people have been subjected to cruelty, inhuman and degrading treatment, therefore, I think that it is unconstitutional to treat people in this respect, looking at the Act of NamWater.

Honourable Minister, I believe This Constitution does not allow that to happen. Thank you.

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HON SPEAKER: Thank you. Honourable Minister, do you wish to respond to that?

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Comrade Speaker, apart from water, I think it is a challenge for all of us as leaders, Ruling Party, Opposition Party, Members of Parliament, that if we scrutinise the provisions of our Constitution, particularly that Chapter that deals with the welfare of our people, we must admit that sometimes due to factors beyond our control, not all the provisions of the Constitution probably, I would contend, are scrupulously adhered to.

I think we will reach a day, maybe the next generations that will sit in this Chamber, where commodities like water, even education, at least we have started now with pre-primary education, where the State will be in a position to provide some of these commodities free of charge, without any payment but we are not yet there.

I am not talking about the Constitutionality or otherwise, that is for the lawyers to argue, I am simply stating that there is still a gap between the idealism and the practical reality that we have to deal with as leaders of this country today and tomorrow. Thank you, Comrade Speaker.

HON SPEAKER: Thank you. Question Number 35 is by Honourable Lucks.

HON ULENGA: I did not hear the Minister, correctly I just want to (interventions)

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HON SPEAKER: Is it relating to the question I put to Honourable Lucks? I called the name Honourable Lucks for the next question. What are you rising on?

HON ULENGA: There was an issue that the Minister mentioned that I just did not hear, correctly. I just want to confirm whether the Minister actually said that the Constitution is only the ideal state?

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
I do not think that you need the answer now.

HON ULENGA: No, I want to find out now, you are speaking now, just clarify yourself, clarify the answer Honourable Minister please.

HON SPEAKER: I did not get that actually, what is it that the Minister said or did not say that you are probing?

HON ULENGA: That the Constitution is just the ideal state that we aspire to. Please clarify.

HON SPEAKER: Honourable Minister, do you want to?

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HON LUCAS**

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Comrade Speaker, what I said is that there is still a gap between some of the ideals that are in the Constitution and the practical reality to give practical meaning to those ideal situations that we must reach and I said it must be our constant responsibility today and tomorrow to make sure that that gap is narrowed. That is what I said.

HON SPEAKER: Very good. Honourable Lucks, you have the Floor.

QUESTION 35:

HON LUCKS: Yes, Honourable Speaker, I put the question.

HON SPEAKER: Does the Minister of Agriculture, Water and Forestry wish to reply? Honourable Deputy Minister.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you very much, Honourable Speaker for giving me the Floor to respond to the questions put to the Minister of Agriculture, Water and Forestry by the Honourable Member.

Question 01: Is it true that the current stock of mahangu seeds available in Namibia stands at only 6.2 tonne?

My response is as follows: This figure is not true. The Ministry of Agriculture, Water and Forestry has processed and packaged 69 tonnes of pearl millet seeds at Omahenene Research Station. This consignment is now ready for distribution to farmers in crop producing Regions.

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Furthermore, the Ministry of Agriculture, Water and Forestry is currently packaging and will make available 140 tonnes of pearl millet seeds for distribution. This consignment will be made ready for distribution to farmers in crop producing Regions within the next two weeks.

Honourable Speaker, I am informed that Ohangwena, Kavango and Oshana will receive their free seeds this week, that is the information to the House. The Ministry of Agriculture, Water and Forestry has also put 100 hectares under off-season cultivation where an amount of over 100 tonnes of quality seed is expected. This consignment will be made available by the end of November 2013.

Question 02: Would the Minister consider this stock to be adequate for the current needs and requirements of food security in Namibia?

My response is as follows: The Ministry of Agriculture, Water and Forestry is to provide seed enough for the three hectares per household which we consider to be of good impacted per household, if good climatic conditions prevail.

Question 03: Will the current stock of seed be used for distribution to subsistence and communal farmers or will it be used by Government for Government agricultural projects, like Green Schemes, or will it be sold to commercial and communal farmers?

My response is as follows: The amount of seeds for drought relief will be distributed for free only to subsistence farmers and not to agricultural projects.

Question 04: How is the required minimum stock of mahangu seed in Namibia determined and how is this stock managed?

Response: The seed stock is managed by the Omahenene Research Station, which has the silo of 290 tonnes capacity. Pearl millet is the only crop that is managed by this Research Station. Efforts are under way to

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set up other seed silo in other Regions, which will accommodate other types of crops.

Honourable Speaker, I hope that I have responded to the questions put to the Ministry of Agriculture, Water and Forestry. I thank you.

HON SPEAKER: Thank you, is the Honourable Member satisfied?

HON LUCKS: Thank you, Honourable Speaker. Yes, this question was actually posed more than six weeks ago and I am glad that the situation seems to have become much better when we consider what it was six weeks ago. I, therefore thank the Honourable Minister or Deputy Minister in this case, for the answers provided. Thank you.

HON SPEAKER: Thank you. Question 36 is by Honourable Von Wietersheim. Does the Honourable Member put the question.

QUESTION 36:

HON VON WIETERSHEIM: Yes, I put the question.

HON SPEAKER: Does Honourable Right Prime Minister wish to reply?

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RT HON DR GEINGOB**

RT HON PRIME MINISTER: Thank you, Honourable Speaker. This is a long question and I am just trying to quote what the Minister of Works was saying, that Honourable Member wait until the Prime Minister's Office will do what they were doing with Air Namibia's Management and Board and then after forensic investigations that we will come and make a Report.

Apparently, the Honourable Member got so impatient, he is so much worried about Air Namibia and still ask the question, before we came back to make a Report as promised. I have a letter here from Deloitte & Touché the Auditors, dated the 22nd of October 2013, that says - *"In order to be able to give due consideration to these matters, I would hereby like to request an extension of the investigation time frame until 30 November 2013."* With the Report being prepared and finalised thereafter, they may not even finish this year but the Honourable Member is so concerned about Namibia's wellbeing and Air Namibia in particular and still was impatient to wait and, therefore asked the question.

The question is also saying, and I would like to know that as a Vice President of SWAPO, because it says – "In the light of the above announcement, can the Right Honourable Prime Minister provide this Assembly with information pertaining to the present and the intended future strategy with regard to Air Namibia which will satisfy the Members of this House that the deteriorating financial state of affairs of the airline is being contained and the unsustainable volume of subsidisation is not expected to continue indefinitely? When you say *the Members of this House*, are these the Members of the RDP an Opposition or Members of this House, including people who are sitting here, are they also not happy? Did they talk to you because they do fall under us, the Ruling Party? Here it is implied that they are also demanding this, is it that you consulted them?

HON VON WIETERSHEIM: Yes (interjections)

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RT HON PRIME MINISTER: Well, it will not be proper because they are Members of the Cabinet and I do not see how you could consult the Members of the Cabinet. Having said that, let me try to answer the question.

The topic of Air Namibia is an emotive one, which is often polarised. Many people have often asked why Government continues to support Air Namibia despite the Airline experiencing financial difficulties. Air Namibia is not just an airline that provides a means for our citizens and visitors to get from Point A to Point B. It is a flag carrier that instils a sense of pride when its tail is spotted on the runway of far-off lands. Of course it also depends where you stand, patriotic Namibian will say - *that is my flag* and that is basically Air Namibia.

In an increasing globalised world, smart Governments recognise the importance of having their flags fluttering on as many routes as possible. Specifically for smaller countries, it is a way to promote their national brand and we have witnessed all over the world that many small Nations have made their airlines part of their national identity and growth strategy.

It is true that there have been problems with our national airline. Nobody disputes that and nobody is trying to deny that. However, what we must all realise is that there are things you simply have to protect such as education, health, national security, banks and infrastructure. This also includes symbols of national pride, which enable a country such as ours which is dwarfed by larger neighbours to the north and south to leave its footprints on the world and provides access to our country of thousands of visitors every year.

Given what I have just stated, I would like to thank Honourable Von Wietersheim, who has raised some important questions pertaining to the financial sustainability of Air Namibia. This has and remains to be a worry for all of us but I would like to report that the future looks positive.

Firstly, I would like to inform this House that over the past several months I have been engaged with both the Management and Board of Air Namibia

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as well as Comrade Nghimtina and Comrade Amadhila, the Minister of Finance, in order to identify strategies that can help improve the financial fortunes of the airline.

As part of this regular consultative process, I have held two meetings this year with the Air Namibia Management, Board, the Minister of Finance and the Minister of Works and Transport on the 4th of April and the 6th of September, respectively.

During the meeting on April 4, 2013, I was informed that several of the airline routes were making losses and only a few were making profits. In this one we must point out that our famous routes to Cape Town, to Johannesburg are all loss making. Frankfurt is also loss making. It is only Luanda which is breaking even and now the most popular one, is the route to Ondangwa. At this point in time, Air Namibia was contemplating its discontinuing several routes. It was decided at this meeting that the management of Air Namibia would provide a detailed report containing comprehensive analysis on the airline's routes so that Government would be able to make an informed decision regarding the continuation or discontinuation of any of the current routes. This report would also help guide everyone towards deciding whether the airline should concentrate on regional or international routes.

During the follow-up meetings that took place on September 6, 2013, the Airline Management reported back on the status of the route network and highlighted strategies that are in place to and those that will be put in place to ensure the financial sustainability of the airline.

Given those discussions, I would therefore, like to inform this House of the following:

Air Namibia is currently into its second year after the adoption of the current business plan. Most of the initiatives that needed to be implemented have been implemented. The management of Air Namibia is confident that a strategy adopted is starting to bear desired fruits. For a start, the reputation of Air Namibia has turned positive in the market.

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Aspects of reliability have been addressed and people as well as companies have started selecting Air Namibia as their preferred airline.

I just heard that two Ministers just returned from Europe on Air Namibia and I asked them questions; that is Honourable Pendukeni Ithana and Comrade Shifeta and I have no propaganda. Honourable Shifeta is saying that from here he took Air Namibia on a brand new plane. He was very happy with the plane and also the service. However, when he came back and Comrade Ithana added that they were both looking forward to have the new aircraft but unfortunately things did not work that way so they came back by their old aircraft. They were a little disappointed but all the same, service was good. Air Namibia service is always good, however, the equipment that we have is a problem.

In the interim financial performance statements produced, for the first six months of this year show remarkable improvement compared to the same period of 2012. Revenue generated in the current year's first six months is N\$782 million, compared to N\$644 million in last year, which represents a 21% improvement. Though still loss making, the operating loss for the first six months of this year was only N\$69 million. Do not react when I am saying *only* because it was *only* N\$69 million compared to the loss of N\$323 million incurred during the first six months of last year, an improvement of 78%, *omake!*.

The airline business environment is highly volatile and things keep changing, so the airline also has to keep changing its strategy in line with market developments at all times. Air Namibia cannot stick to a strategy developed in the year 2011, so the airline has to keep updating its strategy, continuously.

The airline is not profitable yes, but it makes a positive contribution to the economic system of this country. The money put in the airline is much lower than the value we get out of it. The positive spinoffs include taxes paid by the airline and all other companies, which supply goods and services to Air Namibia, the value of tourism in this country, export of Namibian products are able to fetch competitive prices due to the direct

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airlift from Windhoek into European and other markets. This would not be the case if they were tracked to other airports in neighbouring countries before being airlifted. Employment creation is a major priority of the country and without the national airline we will not be able to attain our national development goals as envisaged in NDP4, well some of them, not all of them because the airline does employ a sizeable number of people.

The airline is also operating in a very highly competitive world. There are only very few airlines that are making a profit without Government subsidy, so as I said, Honourable Von Wietersheim, we are all watching Air Namibia. We are all trying to see that Air Namibia improves, let us give them a chance. They have now received the first aircraft also leased, not bought, and I must add here that we have our own asset, a new Aircraft 747 which was a Combi, which was supposed to pick up our fish in Swakopmund and Walvis Bay and take them directly to Europe and it was sabotaged by those who were complaining even that time, because the fish had to go to South Africa to be loaded there as some had interest in that, therefore it was sabotaged. We were forced to sell the national asset we had, we were told if we were going to lease airbuses, they would be cheaper. We were reluctant but we were forced to sell the asset we had. We do not have any asset now, we are leasing. We are leasing old airbuses and still trying to survive. Today we are going to lease, I hope with an option to buy new aircrafts. One has arrived and from those who travel with it, they are saying it is excellent. I saw the interior of it and I also think it is excellent.

Although, profitability might not be achieved in the near future, what is important is that the country gets more value from Air Namibia than the amount of money that is being put into the airline. For the past several years, grants given to Air Namibia went towards the purchase of new aircrafts and this will help guarantee the sustainability of future operations.

I would like to conclude by stating that we should be careful when looking at Air Namibia in a manner that implies that we are living on an island. We should put things into context and examine the state of the global

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RT HON DR GEINGOB**

Airline Industry. In so doing, we will get a much clearer picture and be more informed about the difficulties faced by the Industry as a whole. A recent report in the Bangkok Post read as follows: “*Aviation offers lower returns than almost any other business, but its appeal goes beyond the bottom line.*” The report stated that with the exception of a small number of well-managed carriers or those operating with special state support, airlines in general are indeed lousy businesses when it comes to absolute returns to shareholders.

It went on to state that the figures compiled by the International Air Transport Association (IATA) bare it all: over the past nine years, the Industry finished in the red for six years.

Given the dismal forecasts and report for the global Airline Industry, will Governments all over start liquidating airlines? Definitely not and this is to do with several important factors which I touched on at the beginning of my intervention. Firstly, Governments all over the world are very protective of flag carriers, seeing them as a great way to project a national image or identity, especially at foreign airports. This, however, is not the only reason that Governments protect their airlines. It is an Industry that moves the world’s economy, creating employment for 5.5 million people despite the fact that it is a difficult one for shareholders to make money.

With that, may I ask you to be patient? Allow us to look at it we are equally concerned like you. We have asked the forensic audit to be carried out, we are also asking them to keep on giving us updated information and as I have said, the Government based on information we have, will in the national interest take a decision, so give us a little bit of time. Thank you.

HON VON WIETERSHEIM: I wish to thank the Right Honourable Prime Minister for actually answering the question. Although he said I must be patient for the answer, thank you.

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RT HON DR GEINGOB**

It is just unfortunate and you correctly said that this is an emotive issue because you made it an emotive issue. I do not think that my question was emotive in any way because I was looking for the facts and Honourable Minister had told us in June that their investigation would have been finished in a few days time. That was a purely financial investigation that is why I asked the Right Honourable Prime Minister about the strategic situation and I think we got a very good picture on that.

I would like to make a comment on his implication of the patriotism of people who are asking questions. I will be supported by the Members of the Committees I am serving on, that I am always looking at why we cannot get Air Namibia to fly us. Right Honourable Prime Minister, I also already had the same experience and I can fully support the two Honourable Ministers. I flew that new bird to Frankfurt and it was a fantastic experience. Unfortunately again, I had the same experience, I was sent back on the old plane but as far as the service is concerned, I can only agree.

Now as far as my investigation is concerned, amongst all our Members of this august House, in your answer when you came to it, you mentioned it yourself, you said it is a concern to all of us and in addition, I would like to quote the Honourable Minister of Finance in her last Budget Presentation where she said, "*This cannot continue*" so I am not only talking from this side of this House or from my political perspective, it was a real interest on how we are making progress. Thank you, Honourable Speaker for allowing me the comment.

HON SPEAKER: Thank you. Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you, Honourable Von Wietersheim.

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The words I used are *emotive issue* - I did not say Von Wietersheim is emotion filled or something like that. I said the topic of Air Namibia is an emotive issue. On patriotism, if you are a patriot my friend, what I said was just whether you would agree with it, that when we are patriots we see that plane parked at the airport, you would say – *that is my Airline, that is my flag!* It is therefore, not a thing to defend or explain, it is here inside you. Do not waste our time, you are a patriot, do not feel guilty, you do not have to explain your patriotism to anybody, so that is what I said.

I am glad you are accepting my explanation, but can we wait? What I am trying to question is that we said we will come back, and I had to quote the auditors who are asking for more time. Things are complex, so you got impatient and asked other questions, whereas the Minister said, can you wait until the Prime Minister comes back?

Then you thought that we forgot about it while we were waiting for the auditors. So, just wait a little bit and be patient we are all concerned as you are saying yes, but the others did not ask me questions. The Members of the Committee did not ask, you asked the question. Thank you.

HON SPEAKER: Thank you. We have long passed our teatime, can we continue with the Business of the House?

HON RIRUAKO: Why go to teatime, it is wasting time.

HON SPEAKER: Question 37 is by the same Honourable Von Wietersheim. Does the Honourable Member put the question?

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HON VON WIETERSHEIM
HON NUJOMA**

HON VON WIETERSHEIM: Honourable Speaker, I think the question was answered by the Right Honourable Prime Minister because this concerns the forensic investigation which was extended by this time. Thank you.

HON SPEAKER: Very good. Question 38 is by Honourable Von Wietersheim, put to the Honourable Minister of Justice.

Does the Honourable Minister wish to reply? Minister of Justice, question 38.

QUESTION 38:

HON MINISTER OF JUSTICE: Thank you, Honourable Speaker. I am rising to respond to the question asked by Honourable Von Wietersheim.

As we may recall, Comrade Speaker, Honourable Von Wietersheim asked this question and then he introduced a Motion on the very same question and the Motion was rejected by this House and the Minister gave the assurance that all the issues which Honourable Von Wietersheim raised were under consideration by Government, and therefore the Line Minister, Honourable Namoloh assured the House that his Ministry is directing the process and it is work in progress. That is all I can answer, Comrade Speaker. Thank you.

HON VON WIETERSHEIM: This was a very general response by the Honourable Minister of Regional and Local Government, who is not in charge anyway of the drafting of the legislation, so my question is still on

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HON VON WIETERSHEIM
HON NUJOMA**

the progress achieved with the completion of the drafting process.

How far are we in terms of the timeframe envisaged for tabling the Legislation in this Assembly? These are very precise questions, which the Honourable Minister can certainly answer because we are very much under the pressure of time.

In addition, the assurances of the Minister that the electoral legislation will be finalised on time, to allow for proper preparations for the elections. We are already coming to the registration of voters and the new Law is not ready yet, so where are we?

HON SPEAKER: That is the question, Honourable Minister.

HON MINISTER OF JUSTICE: Honourable Von Wietersheim, you have to be honest with yourself and with this House.

You posed the questions and then you introduce a Motion, speaking about the same issue. For your information you have directed that question to the wrong Minister. I am not the Minister responsible for elections, I am for Justice. If you want to ask where we are with the drafting, I will tell you, it is work in progress. Thank you very much.

HON SPEAKER: Well, let us move on. Question 39 is the one by Honourable Ulenga. Does the Honourable Member put the question?

QUESTION 39:

HON ULENGA: I put the question.

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HON ULENGA
HON MAKGONE**

HON SPEAKER: Does the Honourable Minister of Education wish to reply? He is not here. Honourable Deputy Minister of Education?

HON DEPUTY MINISTER OF EDUCATION: Thank you Honourable Speaker. Question 39 posted by Honourable Ulena asked the Minister of Education the following:

1. Is the Minister of Education aware of the fact that since the attempted implementation of Article 10 of the Namibian Constitution by the Government by providing primary education free of charge, there has been a loud clamour of voices, namely that schools can apparently no longer afford sufficient necessary resources to run their educational programmes?

I would like to clarify that the provision of Universal Primary Education (UPE) is a Constitutional obligation and a right to all Namibian children and it is not an attempt, it is real. The Government of the Republic of Namibia, through the Ministry of Education has been and is committed to ensure that all Namibia children at a school going age is in school and remains in school until they complete their primary education or had attained the age of sixteen years whichever comes first.

The Ministry of Education has, therefore, been responsible for the provision of all resources for schools. Most of our rural schools and previously disadvantaged schools welcomed and appreciated the funds allocated to their schools. The School Development Fund was abolished for a good cause to ensure access retention and completion of primary education. Parents and community members that would want to make voluntary contributions are not restricted but it should not result in the exclusion of some learners from some educational activities. Hence, a manual and training was given to all school managers for ease of reference in the implementation of the Universal Primary Education.

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The Ministry of Finance allocated N\$50 million during the Financial Year 2012/2013 for the implementation of the Universal Primary Education. The disbursement of N\$50 million was only done in 2013 for the effective utilisation of the funds as per the academic year.

During this Financial Year 2013/2014 an amount of N\$162 million was allocated for UPE, each Region was allocated funds according to the percentage of learner enrolled in this specific Region.

2. How much would Government need in terms of dollars to satisfy the National Annual Educational Programme in full?

The Education Programme, as put here, is very broad as the Ministry of Education is responsible for both higher and formal education but the Budget for the Medium-Term Expenditure Framework 2014/2015 was compiled by using zero-based budgeting method. The zero-based budgeting method differs from the usual incremental one that we used to have, therefore the estimate of expenditure of the Ministry for the 2014/2015, 2015/2016, 2016/2017, was compiled by starting from scratch. It focussed on correct statistics, for example, the correct number of children enrolled in schools was used to make budgeting provisions to implement all Education Programmes in full. The amount of N\$14,269,485,000.00 is needed for the Financial Year 2014/2015 to implement the National Annual Education in full.

3. Has the Government already started to prepare for the provision of adequate and sufficient support of the National Educational Programme for 2014/2015, so as to avert the chaos and disarray that prevailed at the beginning of 2013?

I would not know whether I will be doing justice to this question as the question is not specific to say where the chaos and disarray was, which was not observed by the Ministry but, however, sufficient preparations are done as usual for the Financial Year 2014/2015. The Education Regional Directorates have already ordered the necessary teaching and learning materials for their respective schools. All Regions have already

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participated to the budgeting process, based on the needs of individual Regions. I thank you, Honourable Speaker.

HON SPEAKER: Thank you. Any follow up questions?

HON ULENGA: Comrade Speaker, I would like to thank the Deputy Minister of Education.

Of course, the Deputy Minister would agree with me that this is a question that arose from a real worry and concern with regard to the situation concerning education. As it was referred to earlier on by another speaker, this is an implementation of the situation that is new. The Government, by using the term attempt, I just mean to say it was the first effort and it was not achieved in full, not to say that it was unsuccessful, I just meant to say that this year was the first time that Government tried to provide free education.

HON MEMBER: You are campaigning now.

HON ULENGA: Everybody is campaigning My Dear Friend, we are not here to play, we are here to campaign. There is a misunderstanding on the campaign story, we are all politicians and we are trying to tell the Nation out there that we may have a better idea on certain issues, everybody. Most importantly and most evidently, the Ruling Party, so why can we not campaign? Did you misunderstand your reason for coming to Parliament or what?

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HON SPEAKER: Speak through the Speaker.

HON ULENGA: Yes, sure Honourable Speaker. We are trying to sharpen up your campaign so that you can (*intervention*)

HON SPEAKER: Honourable Ulenga, you are denying yourself the time, can you just address the question?

HON ULENGA: Yes, that is right but can you just protect me so that I do not have to protect myself.

HON SPEAKER: No, I also have the responsibility to protect the Chair. To respond to what the Honourable Deputy Speaker has said, that should be your duty.

HON ULENGA: Honourable Speaker, as I was saying, this year, 2013, was the first time the Government tried to implement Article 10 of the Constitution. I am not saying that Government was unsuccessful but of course it was also not 100% successful and that is clear.

If the Minister can just clarify whether the implementation of a free primary education was also at the same time supposed to be compulsory, and if so can you please explain what means the Ministry has in place to ensure the compulsory aspect because I heard you referring to the compulsory aspect as well?

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Finally, I am surprised to hear that the Minister is actually alleging that the Ministry apparently never noticed the chaos and disarray that existed at the beginning of the year. There was indeed confusion, chaos, disarray, I am not saying that it was caused by the Ministry.

Again, it is also natural to be expected, when you implement a certain measure for the first time, especially a measure as big as this one in terms of the magnitude, that there will have to be some amount of chaos and to some extent disarray. Please explain those small points that I put, otherwise I thank you very much for a very real and good attempt to provide an answer to my question. I thank you.

HON DEPUTY MINISTER OF EDUCATION: Honourable Speaker, I am requested to clarify the free and compulsory and the measures that the Ministry is taking to put it in place.

It is free and compulsory and usually what the Ministry is doing, as from July/August there are campaigns going out that we call, *back to school campaigns*. They are out, they are carried out in the Regions to encourage children of a school going age to attend school and the parents are also told to take the children back to school.

That is what is happening, these measures that are in place. It is compulsory. Thank you, Honourable Speaker.

HON SPEAKER: Thank you. The next is Question 46 by Honourable Von Wietersheim.

QUESTION 46:

HON VON WIETERSHEIM: Yes, I put the question.

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HON SPEAKER: Honourable Minister of Youth, National Service, Sport and Culture.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND SPORT: Thank you, Comrade Speaker.

Comrade Speaker, the Honourable Member asked the following one:

1. Since the Honourable Minister replied to a similar question previously, without providing an answer to this Assembly, I still want the Minister to tell this Assembly, what costs were incurred for the erection of the Statue at Ongulumbashe and to indicate where in his Budget, provision was made for this expenditure?

Comrade Speaker, here is the cost for the statue at Ongulumbashe. Erection of Founding President Ongulumbashe - Project 3: 7.5 metres bronze statue, the amount is N\$284,200.00 (Two Hundred and Eighty-Four Thousand, Two Hundred Namibian Dollars) and that is not even N\$300,000.00. The Honourable Member has been pushing and pushing thinking it is maybe billions. N\$284,200.00 here it is, that is the cost.

To indicate further, the Directorate of Culture budgets for all the statues and all the national heritage sites through the National Heritage Council. We, therefore, did budget for it. All the historical places, the museums, the statues, the sites, we budget for all those through the normal Budget. Are you satisfied now?

HON VON WIETERSHEIM: Yes.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT
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2. Since further Statues are planned to be created and erected, can the Honourable Minister indicate to this Assembly whether an appropriate Budget has already been drawn up and what additional costs are to be incurred therefore?

I think I responded to you that we budget through the normal Budget.

3. Since it is the mandate of his Ministry to support, promote and nurture Namibian artists in developing their professional capacity, can the Minister tell this Assembly, how many Namibian artists have been engaged in the creation of these sculptures, either as professionals in their own rights or in partnership or understudy with foreign contractors in order to promote their professional capacity?

I just want to say that, one does not just engage Namibian artists just for the sake of engagement or because there are many enumerable elements involved like, professionalism, cultural, philosophy, financial, etcetera. It depends on the kinds of statues, so the people who erected these statues are amongst the best in the world.

4. Can the Honourable Minister agree with me that National Monuments should reflect our national culture and should, therefore, be created by our own artists, which in turn will create the sense of pride and ownership amongst all of us?

If the Honourable Member meant our culture, I will just refer him to the *Sun* Newspaper of the 19th of September 2013, and I quote - "*Rally for Democracy Member of Parliament Anton Von Wietersheim*," I think I must remove the Von and just say Anton Wietersheim (*laughter*). "*Said that any such talk twenty years after Independence*," he was referring to what His Excellency, the President said at Omugulumbashe, when he said the Reiterdenkmal statue should be removed or taken back to Germany, if

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they want it, he said (Hon. Von Wietersheim) I and quote - *“Rally for Democracy and Progress Anton Von Wietersheim said, that any such talk 20 years after Independence was simply an election strategy by SWAPO.”*

Then Honourable Member again continued, he said and I quote – *“‘However, it has been 23 years since Namibia has gained Independence and now these things start to come up. It can only be thought of as an election campaign for next year.’ ‘I am not sure how serious the President was when he made these remarks, but the statue has a historical and cultural value and therefore these types of statements should be considered carefully before it is,’ stressed Von Wietersheim. He pointed out that the Reiterdenkmal is not only part of the German history, but it is part of the Namibian history and therefore all stakeholders must be consulted about whether it should be moved. He said the debate surrounding the Reiterdenkmal has been ongoing for quite some time and to move the statue again will be ‘strange and costly’.”*

Then he also went further - *“‘If you take away artefacts or the heritage of any minority group, people will be upset. This is not in the national interest to pursue’. According to Von Wietersheim the impact of the remarks made by the President touches a much wider audience than only the German community. ‘We have experienced this with the renaming of the Lüderitz town as well as the Caprivi Region (to the Zambezi Region), where there have been a general unhappiness from people.’ He stressed that it is important to remember that there is a democratic setup in Namibia, which should take cognisance of minority groups such as the German community. According to him the building of monuments and naming places after heroes should develop naturally, taking cost into consideration.”*

Comrade Speaker, because the Honourable Member insists, here in this book ***The Kaiser’s Holocaust***, there is a photo here that says, I think it is on the on the 12th of January somewhere there, 1912, - *the white residents of Windhoek gather on the side of the Windhoek Concentration Camp in 1920 for the inauguration of the rider statue in honour of Germans who*

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had died in the wars to exterminate the Hereros and others.

This means that this statue is not a cultural or national heritage because in your question you are talking about ‘*cultural*.’ Other things are cultural but the statue was erected in honour of those who exterminate our people, so it should move.

I think I have put this case to rest and you will no more continue with the statue because all these questions have nothing to do with that. Your aim was not to find out how much the statue cost, but because of this Horse Rider.

HON VON WIETERSHEIM: The Reiterdenkmal.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: It was built on the grave, there was a Concentration Camp there, it is in this book here. This book is full of all the stories. For instance, there is also a photo of ladies in the book, with a caption that says - “*Herero women in the Swakopmund Camp used to pull rail cars loaded with ammunition and provisions. The majority of prisoners in all the camps were women and children.*” It illustrates here how they are pulling and here on top it says - a group of Nama women and children captured by a Germany patrol and forced to pose for the camera, there is so much to read and see in this book.

HON SPEAKER: Which book is that Honourable Ekandjo?

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HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: *The Kaiser's Holocaust*, it is the history of this Horse Rider, which the Honourable Member refer to as the *Reiterdenkmal* as it has cultural value to him.

Comrade Speaker, I hope I made it clear. The statue is N\$284,200.00, not even N\$300,000.00. I rest my case. Thank you very much.

HON VON WIETERSHEIM: Yes, Honourable Von Wietersheim.

HON VON WIETERSHEIM: Thank you, Honourable Speaker. I seem to be giving Honourable Jerry Ekandjo a little gap every time but he makes it a very huge gap than it should be.

Thank you for the precise answer. On Question 3, I understand from your, not so precise answer that you are not employing Namibian artists for these statues because of the various reasons that you have mentioned. They are not professional enough. Cultural, we need, of course our cultural artists there. Did I understand you correctly that you are not employing Namibian artists for that?

HON SPEAKER: Honourable Minister?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I Already provided my response.

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HON SPEAKER: The Minister is done. For further questions, the next and last question is Question 48 by Honourable //Gowases to the Honourable Minister of Works and Transport.

HON SPEAKER: I put the question, Honourable Speaker.

HON SPEAKER: Does the Honourable Minister of Works and Transport wish to reply?

HON MEMBERS: He is not here.

HON SPEAKER: His Deputy or any other Minister? The question is then stood over.

We are trying to get the rest of the Honourable Members back. Secretary, nobody prevents you from ringing the bell. You should have done that, not only for adjournment purposes, but just to bring them back.

The secretary will read the First Order of the Day.

RESUMPTION OF DEBATE ON SECOND READING: AGRICULTURAL (COMMERCIAL) LAND REFORM AMENDMENT BILL [B.12 - 2013] AND COMMUNAL LAND REFORM AMENDMENT BILL [B.13 – 2013]

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SECRETARY: Resumption of Debate on Second Reading - *Agricultural (Commercial) Land Reform Amendment Bill* [B.12 - 2013] and *Communal Land Reform Amendment Bill* [B.13 – 2013]

HON SPEAKER: When this Assembly adjourned on 13 November 2013, the question before the Assembly was a Motion by the Honourable Minister of Lands and Resettlement that the Bill be read a Second time.

The Honourable Minister of Defence had the Floor. I give you the Floor, Honourable Angula.

HON MINISTER OF DEFENCE: Thank you, Honourable Speaker. When we adjourned last night I was addressing myself to the *Agricultural (Commercial) Land Reform Amendment Bill* and I was focussing on Part 2, Sections 16 – 18, in particular to Section 17(1)(a). It is the Section dealing with Close Corporations and I was making a case that land is not a commodity to be owned by a Close Corporation.

Honourable Van Der Walt indicated to me why Close Corporations exist and I realised that this animal came about because people want to avoid paying tax to the Government. That is even more illegitimate as far as I am concerned because the tax we pay to the Government help us to develop this country, to provide services and also to assist the needy. Therefore, I am urging my Comrades, My Young Brother the Minister of Lands and Resettlement that we should not legitimise Close Corporations because in itself it is a cede, particularly with reference to the agricultural land.

If I had my way, I would suggest that agricultural land should only be owned by natural persons. However, I found a formulation in the Amendment to the Agricultural Communal Land Reform Bill, Article

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36(a) of that *Amendment Bill*. I will be very happy if you can include this Article in a different form in the *Amendment Bill* to the *Agricultural (Commercial) Land Reform Amendment Bill* because there is no Close Corporation in this formulation. It also brings consistency between the two Bills. Whether it is used for commercial or communal purposes Namibian land is just Namibian land. You cannot authorise one piece of land to be owned by a Close Corporation and another portion not to be owned by a Close Corporation. The State holds that land in the interest of the people and not for itself.

HON TJIHUIKO: I am terribly sorry to interrupt the Honourable Minister. May I ask the Honourable Minister a small question?

Honourable Minister, the Close Corporation that you are talking about – I remember when I was still at the Ministry of Trade and Industry there were a number of commercial farmers who turning their farms or registering them under Close Corporations in order to change the status from being a hunting farm into a company. Are the hunting farms that have not been registered as Close Corporations falling in the category of the farm plans that we are thinking of putting our hands on or are excluded from the registered hunting farms that have not been registered as companies and are not legally regarded as farms but as companies?

HON SPEAKER: Honourable Minister.

HON MINISTER OF DEFENCE: The term hunting farm is not fair to the animals, it is you the greedy human beings who turned the animal habitat into hunting farms. The game farms are there to provide space for the animals to share the Namibian land as well as the fauna and flora.

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They are entitled to it because they are part of the creation. They were not created for hunting, they were created to keep the biological diversity of the country. I will, therefore, not accept them to be turned into Close Corporations. The problem is the Close Corporation (intervention)

HON SPEAKER: Honourable Deputy Minister.

HON DEPUTY MINISTER OF DEFENCE: Honourable Minister, are you aware that before Independence there was no single farm that was owned under this animal, Close Corporation? Why now? There was nothing like that. Why should we accept something that is being sneaked in? I support you 100%.

HON MINISTER OF DEFENCE: Very good. With that information we realised that there are certain citizens who have not accepted the new dispensation and they want to sabotage it. Therefore, I am saying agricultural land, whether commercial or communal, we should not legitimise it to be owned by a Close Corporation (intervention)

HON SPEAKER: Honourable Kaura, what is the point you are rising on?.

HON KAURA: It is a Point of Information to the Honourable Member. Honourable Minister, two years ago, I found out that someone here next to

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Windhoek wanted to sell his farm. I phoned him to buy the farm and he told me, *no I am not selling land, I am selling shares* because his farm is registered as a Close Corporation. He was not selling land, he was selling shares.

HON SPEAKER: Honourable Minister.

HON MINISTER OF DEFENCE: Honourable Kaura, My Elder Brother, this is how we are robbed by playing with legal terminologies.

Selling shares, a paper – paper has no value. The value is stated on paper and what is stated on paper is land. He is selling land. I have a similar problem with mining companies. When you give a mining license or an exploration license and they go to a stock exchange somewhere and sell that paper to somebody out there, tomorrow you hear that that mine does not belong to a Canadian anymore, it belongs to a Chinese or *vice versa*. Why do we allow these people to rob us with gimmicks? You are not buying a paper, you are buying the value of that land. Therefore, we must not accept these in our legal system to allow legitimising robbery during day light. I have a problem with this Section and I think I have expressed my concern. I suggest this Section to be replaced by the other Section of the *Communal Land Reform Bill*, I will be happy.

HON SPEAKER: Just continue, Honourable Minister.

HON MINISTER OF DEFENCE: The Honourable Chief used to give

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me tea in Zambia, perhaps he wants to ask a question because I have to reciprocate.

I have another concern, I want a Clause to be included here; you defined a Farming Unit in Section 1 and one of the justifications is that the absence of a definition of a Farming Unit has been abused by absentee landlords to challenge any action we take against them.

In fact, I would like us to go further for this Law to prohibit, henceforth the sale of Namibian land to absentee landlords while we are going to embark on a comprehensive nationalisation of the farms owned by absentee landlords. However, at least for now we must stop the process of selling farms to somebody who does not live in Namibia. Honourable Minister, that is my proposal (intervention)

HON SPEAKER: Honourable Minister of Home Affairs, welcome back.

HON MINISTER OF HOME AFFAIRS: Thank you, Honourable Speaker. Honourable Speaker, may I ask the Honourable Minister of Defence a question?

The issue of the sale of land in Namibia has almost reached a final stage. If we are talking in terms of *no more*, I do not know whether we know what we are really talking about. I feel like we live in a foreign country. When I travelled on Air Namibia, coming back home there were only three black people on the plane, including myself. I am sorry to use a racial remark. I knew that we were travelling with landowners who were coming to their country. The sales have already been affected and if we say *no more*, we are not being genuine with ourselves. We are looking back at finding ways to redo what has gone wrong. There is no land for

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future sale. That is the question I wanted to ask the Honourable Minister of Defence, whether he knows this fact.

HON MINISTER OF DEFENCE: Honourable Minister, I know that you have not been in the country but my suggestion to you is to read the Amendments.

One of the Amendments in Section 1 is to define Farming Units. The purpose of defining Farming Units is to avoid the current challenge with expropriation. I, therefore, assume that once a Farming Unit is defined, the Honourable Minister will now have a way of starting the process of expropriation without being challenged. That is my interpretation. That is coming.

I am only saying that, if you are going out to expropriate because you have the right mechanisms, let us also put a stop to the possibility of absentee landlords continuing to buy farms because there is nothing in this Law saying no absentee landlord is allowed to buy land in Namibia (intervention)

HON RIRUAKO: I would like to ask my Honourable Minister of Defence a question.

As you know the price is high, it costs millions, that is what they did initially. You cannot afford to buy a farm because the price is untenable because no one took care of the price hike. We become questionable, we allowed those prices to skyrocket and now we are here saying *tata* (good-bye) to the skies. The price ranges between N\$10 million and N\$50 million. We did this to ourselves and we found ourselves in the skies without any land and without anything in our hands, the birds are even gone, we are only left with the feather.

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If you come down and think about the price, is it worth allowing the foreigners to buy everything we have and leave us with nothing? Can we afford to buy the farms back? They suck the Government money out every day but we are challenged by our own Law. We cannot rescue ourselves from the Laws that we created ourselves. Thank you.

HON MINISTER OF DEFENCE: My Honourable Paramount Chief, this Bill is about that concern.

Section 9(1) is creating the Land Reform Advisory Commission by the Honourable Minister and the function of this Commission is to negotiate the price of land. What is not clear is, what would happen if there is a deadlock? You may go to the Land Tribunal the Honourable Minister will explain, if there is a deadlock. I can tell you that as we are here today, you will not find a hectare of land, which is being sold below N\$1,000.00 even in the desert where there is no water. The minimum will be N\$1,000.00 but the average price of land per hectare will be is N\$2,000. Who can afford that, if you are going to buy land of 4,000 hectares?

The Honourable Minister has taken care of the escalating land price. There will be a Commission to advice and to negotiate on behalf of the Honourable Minister. That is taken care of, and I wish the Commission success.

I was on the point of absentee landlords that I would have wished for a Clause somewhere prohibiting that henceforth (intervention)

HON SPEAKER: Honourable Kaura.

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HON KAURA: Honourable Minister, I am looking at the establishment of the Commission, where does it state that the Commission will determine the price of land?

HON MINISTER OF DEFENCE: The Commission will negotiate the price of land. You were sitting here when we were adopting the Constitution and you know what Article 16 is saying. This is, therefore, an attempt to strike some kind of balance, that we are not going to rob you and we are not going to exploit you, but we are going to be reasonable. If there is a deadlock, it will go to the Land Tribunal.

Honourable Minister, those were my substantive concerns (intervention)

HON SPEAKER: Honourable Tjihuiko.

HON TJIHUIKO: Honourable Speaker, by asking questions there may be no need for further contributions, so please bear with us.

During the negotiations, can the decision of the Tribunal be challenged in Court? If that is the case, then the negotiating committee and the farmers will negotiate and come to a point where the seller says, *no I am not going to sell at that price, if you try to push it I will go to Court.*

The last question that I want to ask is on the Close Corporations, once we pass this Law, will that be retrospective to acquire the land that has been registered as a Close Corporation or will that start from that day? If that is the case, then it will be based on a definition that we are going to agree upon, which means that we may not be able to put our hands on the land that has been registered as a Close Corporation.

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I want to ask the Attorney-General but he is not on the Floor, so through you Honourable Minister, to the Attorney-General can that be done in law? Will we be able to retrospectively rectify what was done unjustly?

HON MINISTER OF DEFENCE: That is a new procedure of conducting our business, I hope that the Honourable Minister who moved the Bill will answer that.

My dispute is simply this (intervention)

HON SPEAKER: Honourable Van Der Walt.

HON VAN DER WALT: I am sorry My Senior Minister. On a Point of Information; I would like to inform Honourable Tjiuiko that, land registered in a Close Corporation is not lost to us at all.

We all know that the land issue is a very sensitive issue. I have a lot of companies and all my companies are registered as Close Corporations. There are many benefits with Close Corporations in terms of, if you buy a company to sell shares in your company, not all commercial farmers in this country registered their farms in Close Corporation to jeopardise the Laws. Some of them did it for business purposes while some of them bought land and sold shares.

Honourable Speaker, allow me to say this. I have learned so much during the last four years. The whole world was colonised before and I want to ensure this House of my vision, what I believe is going to happen. When I look at our country and how much land we have and the number of farmers we currently have, I suggest that you should not teach your child

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to farm anymore. We have around 4,000 white commercial farmers in the country and I believe that in the year 2030, it will be half that because farming is not one of the most profitable businesses anymore. Children will be studying at tertiary institutions and time is of the essence.

Honourable Speaker, the other thing that I want to say is, when you look at Europe, it does not belong to Europeans anymore and the same applies to America. The whole world is becoming a global village and we cannot cut ourselves off, I think we need to find time and look at the future, as Honourable Kazenambo has suggested. Thank you.

HON SPEAKER: Let the Honourable Minister continue.

HON MINISTER OF DEFENCE: Yes, I do not know, we are talking about Close Corporations and the Law now he is only talking about the shareholding in a Close Corporation, therefore legitimising it and I am saying let us not legitimise Close Corporations. Agricultural land should not be held in a Close Corporation. That is what I am saying.

With regard to the global village, that is to come but for now we are under pressure from our citizens. We should understand how people make a living in this country, especially the majority of the people.

Yesterday, somebody mentioned people living in the *reservaat*. The life in the *reservaat* is not exactly the same as in the other communal areas. In the *reservaat*, if you are farming with cattle, you get your return from weaners because you cannot raise an ox, there is no space for that. Do you think that those people in the *reservaat* do not want to get optimal value for their animals? They want it, therefore they need land.

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Similarly if you go to these communal areas where there is a mixed economy with agronomy and animal husbandry farming, there is simply no space (intervention)

HON SPEAKER: Honourable Ulenga.

HON ULENGA: Thank you, Honourable Speaker. I regret to interrupt the Honourable Minister but may I please pose a question to him?

HON MINISTER OF DEFENCE: I am busy answering another question.

HON ULENGA: Before you confuse me any further, Comrade Minister, please just define to me what is the exact difference between a *reservaat* and another communal land?

HON RIRUAKO: *Reservaat* and communal land. Yes, that is the question you should ask him!

HON ULENGA: Also bearing in mind that I cannot find any place to raise any other than a weaner in my immediate surroundings on my communal land. Thank you.

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HON MINISTER OF DEFENCE: The last question is not quite correct, farmers from Onkani are there at *Oyina Omathiya*, you know what I am talking about and that is where the cattle are. If you go there, you will find oxen, (interjection) no, he said, he cannot raise anything, not even a cock.

I have explained that the difference between a *reservaat* and other communal lands is the way of farming. If you are farming with cattle, you need a large grazing area and if you are cultivating omahangu, 2 or 3 hectares are enough for you. *Reservaat* people do not do that, they do not have mixed farming but rely on cattle and perhaps some small stocks. That is the difference that I am trying to make in terms of economics.

I am trying to explain to Honourable Van der Walt that there is pressure from people living in these areas because their economy cannot lift them up, they want large areas to farm, if they can get that. The reason why you have the Havannas and the Kilimanjaros of this world, where you do not go is because of the pressure from these areas. People cannot survive there that is why they come to urban areas overcrowding in informal settlements. Do not think that people love to live in those informal settlements, if there was proper land where they came from, they could have stayed.

That is the problem we have. There is pressure. People need land. The young people of European descent want to go for computers and other things but that is a decade from now, not today, but people are talking about today. Therefore, Honourable Minister, I want you to look seriously at the problem of selling agricultural land to absentee landlords. Do you know what is happening now? Besides Close Corporation, when disposing of land, they sometimes declare themselves bankrupt and that is fake bankruptcy. I am happy it is dealt with in this Law now.

What also happen when they reach my age is that they fake divorce. They go to Court so that the public is convinced that the Messenger of Court will go and auction their things. All the tactics are

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being used in order to sell land, not to the Government, but to other people including absentee landlords. They are using all these loopholes, when they sell the farm after having divorced, they buy a house in Swakopmund, Henties Bay or somewhere and marry each other again.

All these things are being used, I am a farmer myself and I go to these auctions and ask - *why is this farm being auctioned and not given to the Government?* You will hear the stories, there are many more. For absentee landlords, the exchange rate between the Euro and the Rand, for example, is such that if you had your Euro, you already have about R12.00, so you have a good advantage, that is why the price of land is escalating out of this world. If you read the Republikein of today, There is a piece of land being sold between here and Rehoboth, opposite Omeya, I think it is about 18 hectares. Go and look at the price of that 18 hectares. The price is still out of this world, you and me cannot afford it and our upcoming young professionals; lawyers, accountants and the like are looking around to buy land but they cannot find it. These are the people who are going to cause us problems in the near future.

Honourable Minister, I support the Amendments, my appeal is that we should give it teeth. Thank you.

HON SPEAKER: Before I give the Floor to the former Deputy Minister, I was trying to figure out whether at this point, I have served longer in Cabinet than in the capacity in which I sit here because of where I sit and listen, it sounds as if the Honourable Members are discussing a document produced either by the World Bank, the IMF or by some other entity and given to the Namibian Government to put a Namibian stamp on it.

A Line Minister who comes to the Assembly, I take it the way that it used to be, that this is a matter that has been assigned to that Line Minister by Cabinet, Cabinet having gone through its own deliberations, assigning a given Committee, which does expert work and report to Cabinet. Cabinet

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discusses it further and at the end, Cabinet collectively agrees to take this to the Assembly. The Ministers are debating among themselves and less really the Backbenchers. Whose document is it? Is it not the Cabinet document that the Minister of Lands has brought here? Whose document is it really?

I am saying at the end of the day, it gives an impression that somehow the Minister of Lands sat at some secret place with his friends and was influenced by these friends, presumably from abroad, real enemies, somehow hoodwinked Cabinet, and has brought this document here for deliberations.

Very original ideas are raised by Cabinet Members, very correct and very analytical ideas that had those things been incorporated in the document, there would not have been any discussions, the Backbenchers would have asked questions and so forth. I am, therefore, at a loss, maybe I have been too long away from Cabinet. Honourable Ndjoze-Ojo.

HON DR NDJOZE-OJO: Thank you very much Honourable Speaker of the House and Honourable Members.

I rise to make a little contribution to the Bills, of course having said that Bills are refined documents from the Ministers as you are concurring with me and maybe inferring as well.

The point I am rising on is to start by saying that the land issue is very sensitive and the whole struggle was about the land, and the economic struggle in the future is going to be about the land. If we do not sort out the land issue properly and if we institute Laws that are even tying our hands further in one way or the other as we are returning to a foreign country every time, the Honourable Minister of Home Affairs was lucky because they were three, sometimes you are just alone coming back to a foreign country and everybody is peeping through the window saying

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- *that is our farm, that is our farm!* and you are just sitting stiff in your chair because you do not even have a portion of land.

The land in *ehoro* started the whole story. When the German came to this country in 1884, they started already. They had come to Warmbad and settled there but eventually they came to Okahandja to Maharero, who is Samuel Maharero's father and what they wanted to say was, '*sell us the land*' and Maharero as uneducated as he was, from a wisely perspective he was educated in his culture, he asked, '*how do you sell land?*' The Germans said – '*sell the land, we will give you guns, we will give you a few bottles of alcohol to get drunk and you sell the land.*'

He sent his servants and said – '*gather the land, (place the sand in ehoro) and give it to the Germans and let them tell me how many guns and drinks they are going to give me*' and the Germans said, '*what do you mean? We said the land*' and he said, '*the land does not get sold, the land belongs to the people.*' That is how the whole thing ignited into the struggle of resistance and the liberation war. Up to today, we are sitting here talking about this land.

We are so easy to sell the land, how come we are selling the land in hectares when people who are coming to farm here on the land in hectares hardly have an acre to farm on where they come from? One pays N\$2,800.00 per hectare, all of us taking our salaries into consideration, nobody can afford it. Willing sellers are not there and willing buyers do not have the money. We are not going to sell the land anymore, we should not sell the land!

Coming back to the Bills; I know that the Minister of Lands and Resettlement has done a great job, he is really trying to resolve this very difficult issue. My first departure, looking through these Bills, I went through them last night looking at the one and comparing it to the other and I am saying why do we have to institute Bills that talked about Commercial Land versus Communal Land as if the present Commercial Land was not a Communal land before? The Commercial Land was a Communal Land, it was settlements of people. It is like saying - *do not*

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camp in the Communal Area. These people came and camped in the Communal Area and created Commercial farms out of it. They killed people and buried them in burrows, that Hochfeld is just a remembrance of time immemorial. People use to be actually thrown in ditches, Arnhem Caves are both still there. Because you killed so many people in a Communal Land Settlement and you did not know what to do with them, you had to go and look for a cave and put their bodies in there. Alternatively, you gathered everybody and their children and put them in the cave to die so that you take their land. This land we are buying at exorbitant prices was not bought.

We are very legalistic, we are people of Laws, let us not strangle ourselves with these Laws anymore. (Intervention)

HON DEPUTY MINISTER OF DEFENCE: On a Point of Order, may I ask Comrade Dr a question?

Comrade Ndjoze, are you aware that here in Namibia we buy land per hectare, which is not even developed or anything? It is because the land is owned but our neighbours here; Botswana, Zambia and Angola farms are there but you will find that they are developed because a person cannot sell land per hectare.

Are you aware that this is why our farmers here do not care to develop their farms because they can just sell them per hectare and get millions and go?

HON DR NDJOZE-OJO: Thank you very much. I am actually aware of that and I also think, because we are selling the land, we are really making the land sale, that we should not do. Our Kids and grandchildren will not have space to settle on, if we continue at this pace.

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However, I want to talk to the Bill just briefly before I settle down, that was the background. The agricultural value of the farmland has no bearing as to what the cost of the land is, it is amazing how people from Agribank will tell you that the agricultural value of this farm is maybe N\$1,300.00 per hectare and the person who did not buy this farm, presumably the owner, will say, *“no, I am not selling unless you offer N\$2,500.00 or N\$3,000.00 per hectare”* and what he is actually doing is taking money out of our Government coffers and giving it to the same people who even never bought the land in the first place. Oh, yes, this willing-seller-willing-buyer was a good gesture of a Government that is good at heart but it is being abused. Are we going to continue to have this will seller - will buyer, not many willing sellers are there and willing buyers are not able to buy the farms. I, therefore, think that is where the Honourable Minister of Lands will come to our rescue.

The other day, I was travelling back and I just remembered that Namibia is 824,269 km². Yesterday, I was just playing with figures and I was like, - let us see if some part of that land is not suitable for agriculture and you throw some of those km² away and just have 800,000 km² and square means, you multiply the same figure by the same number, you will actually have 64 million km² of land, you have 2 million people and you honestly tell me that 2.5 million people cannot fit in the squarage of the kilometers that we have of the land. That every Namibian will have a little portion to exist, to eke a living and to live on, people have camped it completely, they do not even use it while other people are living on top of each other. We are still talking about the land in this Parliament. In conclusion, I wish to say that (intervention)

HON SPEAKER: Honourable Kazenambo.

HON KAZENAMBO: On a Point of Information. Comrade Ndjoze-Ojo, you are doing extremely well, you want to make me cry although I

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am dry. Comrade Ndjoze-Ojo, are you aware that in all the so-called former communist countries, be it Germany, GDR, Soviet Union, Hungary etcetera, the people who used to own land are now the ones who go back to the Government and say - *we were occupying this land, Government must buy from us or we will reclaim it*. Here in Africa, especially in Namibia, it is the opposite. The people who stole or acquired land through other means, are the ones who are determining the price and getting richer.

In Germany, the former GDR, they say - *we used to live here give us our land back*. What type of international system are we following and if we expropriate, like in Zimbabwe they are complaining while they are doing the same in their countries. What President Mugabe is doing in Zimbabwe is what they are doing in Europe. Why can we not do it here?

HON DR NDJOZE-OJO: Thank you, Honourable Member. Honourable Speaker, I will conclude by saying that, in future I will know that because in the past these two; Communal Land *versus* Commercial Land, were treated independently but I want to remind you, as a historical fact, that the Commercial Land was Communal Land before it was camped just like what the other people are doing now in the communal areas. (Intervention)

HON SPEAKER: Deputy Minister Nambahu, she is concluding.

HON DEPUTY MINISTER OF JUSTICE: May I ask My Land Colleague there, a question?

Comrade Dr Ojo, you are articulating this issue eloquently. If we listen to ourselves properly, the Speaker asked a very fundamental question, he is

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my mentor; he is my teacher in many ways. I do not know whether he can remember this, but he one day taught me something about one of the Kennedys, I do not know whether it was one of the members of the Civic Society who went to see him and after having seen him, he came out of that White House complaining and singing that we shall overcome. The President of the most powerful country in the world joining people who are complaining and inspiring them, I do not know to whom that person is complaining.

That is an exact comparison to us people here, when people watch us, when our kids watch us, we are supposed to be the most powerful people in the country and we are now complaining, to who, I do not know. That is the question that the Speaker posed and the power is what you make of it.

HON DR NDJOZE-OJO: What is your question? (*Laughter*)

HON DEPUTY MINISTER OF JUSTICE: I am coming to my question, I am just giving a preamble. My question is simply (intervention)

HON MEMBER: Page please?

HON DEPUTY MINISTER OF JUSTICE: I am sure the Honourable Speaker knows where the page is, as the Presiding Officer, he could have asked that question but there are now many Speakers around here.

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The question is, we belong to our Parties, we belong to Central Committees, we belong to Politburo, we belong to all kinds of organizations and all kinds of structures, what have we done at those structures to come up with a policy that is actually going to direct what should be done here?

We come and complain when we have all these structures of power and we are not making use of them and now we want to make policies in the middle of the storm. One more question, are you aware that in this country, you cannot sell a chair in Government without getting Treasury approval but you can sell an EPL without even informing anyone? Are you aware of that?

HON DR NDJOZE-OJO: Thank you. I am not aware of EPLs because I am not actually in EPZ Mining story, I am in agriculture, that is maybe why I know about the land and its cost but I take note of your concerns.

I also do not want to rely on what we do at District Political Parties and at the National House, I want to talk at the national level. (Intervention)

HON SPEAKER: Honourable Minister of Justice.

HON MINISTER OF JUSTICE: On a Point of Information, I do not know if people without doctorates can call others My Learned Friend or something. I do not have a doctorate, so I do not know but let me come to my point.

My Dear Sister, thank you very much. I just want to say that it is not really a question of us complaining to ourselves, it is the set up. We have

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agreed to certain constitutional principles and we have agreed to certain Laws and it is wise to debate them and see how we can overcome. I think the Minister has done very well, he is trying to look to close the loopholes. Otherwise, if we are not cowards, let us call for an outright revolution, there are others who have called for that, let us take the land!

However, we have agreed and every day we come here we pray, the Honourable Speaker reminds us to defend and protect the Constitution, we pray here.

These are the things we need to do, at the back of our minds, let us remind ourselves that we have agreed to certain things. Thank you, Comrade Speaker.

HON DR NDJOZE-OJO: Thank you, My Brother, we shall defend the Laws and the Constitution of this country. It is true, that is our pledge every day. May I have the Floor? Thank you. (Intervention)

HON SPEAKER: Honourable Minister and Attorney-General.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Speaker, may I ask My Land Colleague a question?

Dr Ndjoze, are you aware that the current Speaker, Honourable Dr Ben Gurirab was that time before Independence our number one Diplomat? There was a conference in Geneva for the Independence of Namibia and if you ask him in private, please do not ask him in public, some of the Members here who went there were opposed, that is why today we are stuck with Article 16 on Property Rights because of the Western Contact

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Group's Constitutional Principles, are you aware of that?

HON DR NDJOZE-OJO: Yes, thank you very much. I am aware of that because the contention was - *do you stick to that Article 16 and deny the Namibian Independence in such a way that we come and discuss in this House or would you rather say let us pass it through because Constitutions are not crafted in stone and they could be amended as time goes on.* I know that that particular Article was cast in stone at that time, just like we have subscribed ourselves, (interjections). I know.

I also want to thank My Brother who said we still have to pledge and protect the Constitution, however the Bill is a Law but it can be administered in such a way that some of these concerns are administratively done at the Ministerial level and that is why it is very important that we are not complaining as such but we are putting some ideas into the Ministers who brought this Bills to us, that at administrative level, eventually try and bring into cognisance all the issues that we are raising and try to manoeuvre it at an administrative level as you implement the Bill, not necessarily that the Bill would be changed.

In conclusion, I wanted to talk to Honourable Petrus, he has the same name as my dad. Honourable Petrus Van Der Walt, you mentioned that there are approximately 4,000 Commercial white farmers in the country and I really wish to talk to them more so, in conclusion. There is reconciliation, which is a very important gesture of the Government and the Government of Namibia for the past 23 years has stretch out a hand of friendship to the farmers to say - *this is our hand of friendship, select the best that you can select and give us some of the land to buy.* I think, this is a very good gesture and for some reason, this very great gesture is being turned into a mockery. Willing-seller-willing-buyer is a theory and nobody is putting it into practice, what are they going to do? I think those farmers should come up concretely with suggestions, especially of the land they do not use. Very often you hear - *Namibians are eating from the dumping grounds.* If you are really concerned, why would you not want

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to give some of your land that you are not using so that we will be productive in that area and also feed the people whom we cannot feed at the moment?

We must take this hand of friendship, especially those ones with farms from the advantaged, legally protected by Article 16. Take our hand of friendship and be serious with the willing-seller-willing-buyer principle before it is made a mockery. 23 years on, we are still believing, although we are doubting, sorry Honourable Chief, I wanted to conclude (intervention)

HON RIRUAKO: Can I ask you a tiny-winy question, Honourable Member?

HON DR NDJOZE-OJO: I cannot refuse a question from my Honourable Chief.

HON RIRUAKO: From all the whites have, have you seen a single one asking us one day, can I help you on this land issue?

I repeat, if you cannot understand my English. Did you find any one of them coming to ask here that - *you are struggling with the land issue, let me propose something to you are you willing to have my assistance?* Have you heard anyone of them asking this question?

HON DR NDJOZE-OJO: I am not quite sure, but even if they would not ask me. They might have been asking the relevant (intervention)

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HON SPEAKER: I want the Honourable Member to conclude now, as she said. Can you try and make your question short?

HON RIRUAKO: I appreciate the Germans who are in Germany, who ask their Government what they are doing is wrong. You hijack these cattle to another company, who kills them. We kill them. There is nowhere to run and to hide yourself. Let us face the reality and talk to them. However, from this side (*whispering*), did you ever hear them asking this question?

HON DR NDJOZE-OJO: Thank you. Like I said, I do not think that, even if they did have questions, they would ask me, but maybe the Honourable Minister may come up with ideas because they will go to the relevant office to ask such questions or give proposals (intervention)

HON SPEAKER: Honourable Minister.

HON MINISTER OF DEFENCE: A Point of Information. Honourable Dr Ndjoze-Ojo, are you aware that the so-called principles, which let to us put Property Rights in the Human Rights Bill, were actually drafted by the Germans? Are you aware of that? This was a paper from the German Government.

HON RIRUAKO: I know! (*laughter*)

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HON DR NDJOZE-OJO: Thank you, very much. I am being made aware of that but I think that was an issue that everybody would protect their turf and I think that they were maybe protecting their turf.

However, we have to share because we are standing on the turf and it is ours as well. To conclude, willing-seller-willing-buyer is a very good proposal but it is long overdue, 23 years on. Willing-seller-willing-buyer is theoretically correct, it came from the heart of the Namibian Government and it came from the Principle of National Reconciliation. I think that if we are not taking it seriously, we may just as well turn the tables around and have a revolution at our hands, which we cannot handle. Therefore, all of us will have to work together to make sure that everybody contributes and gives what they cannot use so that other people will use, out of sympathy.

In conclusion, the Committee that is going to be established is just as effective as the members who will constitute it, whether 11 or 19. I am sure the Honourable Minister is able to select the people who will assist him in negotiating this because they will have the relevant skills as set out.

In the final analysis in the future let us try and bring this communal land and the commercial land together so that the Laws governing them will eventually bring them closer to a merger, as time goes on. Thank you. I support the Bill.

HON SPEAKER: Honourable Dingara.

HON DINGARA: Thank you very much, Comrade Speaker. Firstly, I would like to thank the Honourable Minister of Lands and Resettlement for having brought these two Bills to the House.

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I think the time has come for us to (if it was in my language, I would make more sense, but I will struggle in English). I would like to concentrate more on the *Communal Land Reform Amendment Bill*. I used to live on a communal land until 1996, therefore that is the land that I know better. At the age of 9, together with the people who lived in the same area with me, we knew that it was not good to sell land. Up to now, it is not good to sell land in Kavango. In the past, the land used to belong to the *Homba* or the *Fumu*, we used to wonder where he got it from, and our parents would tell us that he got it from the gods and that is why we live on the land of the Traditional Authorities, the owner, who can say anything about the land.

The proposed Amendment in Section 23 of the Act, I do not think that I will make any sense now, Comrade Speaker because he is not listening to me, maybe I must just sit down.

On the Proposed Amendment in Section 23, the difference between what is in the *Principal Act* and in the Amendment, the Minister is proposing to amend or just to specify, because the previous one is saying - *limitation of the size of land that may be held under Customary Land Rights*. That is not confining to the Traditional Authority as to how much power they have in order to give the land because in our culture, the person who has authority over the whole traditional land is the Chief, the *Fumu* or *Homba*. The current Act does not specify whether the Chief has a limit over the size he is authorised to give. The proposal is saying - *the head of the community to whom the whole area belongs will be given the limit that if people apply for land and that land exceeds a certain size in his area of jurisdiction then it is not allowed*.

This is not good because it is like saying that - I have a mahangu field and the whole field belongs to me, so if I decide to split part of it and give it to your son, you are not allowed to give half of it, you can only give a certain portion. If you want to give more than that size, you must approach other people. This is not good because it is only confirming the powers of the (intervention)

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**ADJOURNMENT
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HON SPEAKER: Honourable Dingara, you will be the first on Tuesday, next week.

HOUSE ADJOURNS AT 17:48 UNTIL 2013.11.19 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
19 NOVEMBER 2013**

The Assembly met pursuant to the adjournment.

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1. In terms of Rule 17(b) of the Standing Rules and Orders, the Speaker adjourned the Assembly at 15:08 until Wednesday, 20 November 2013.
 2. The following Members were present:

31 Voting Members and the Speaker:

Hons. Tjongarero, Bezuidenhout, Maamberua, Witbooi, Kapia, Kasingo, Uutoni, Angula, Ngajizeko, Nghidinwa, Muharukua, Sioka, Nujoma, Amathila, !Naruseb, Iyambo, Kuugongelwa-Amadhila, Kaapanda, Nghimtina, Kamwi, Mbumba, Namoloh, Namwandi, Kavetuna, Beukes, Kaiyamo, Shifeta, Tweya, Nambahu, Geingob and Ms Mushelenga.

Two non-voting Members:

Hons. Tjongarero and Simataa.

HOUSE ADJOURNS AT 15:08 UNTIL 2013.11.20 AT 14:30
