

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 Ilonga	<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 Nguaauva	<i>(Works and Transport)</i>
Mr T Diergaar	<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 Bezuidenhoudt	
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
25 JUNE 2013**

The Assembly met pursuant to the adjournment.

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

BILLS CONFIRMED BY NATIONAL COUNCIL

HON SPEAKER: I have been informed by the Chairman of the National Council that the Council, in terms of Article 75(2) of the Constitution, considered and confirmed the following Bills without Amendments:

- *Appropriation Bill* [B.1 - 2013];
- *Income Tax Amendment Bill* [B.2 - 2013];
- *Stamp Duties Amendment Bill* [B.3 - 2013];
- *Transfer Duty Amendment Bill* ([B.4 - 2013];
- *Agriculture (Commercial) Land Reform Amendment Bill*[B.9 - 2012]

I shall now, in terms of Article 75(3) refer these Bills to the President to deal with them under Articles 56 and 64 of our Constitution.

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

**TABLING: REPORT ON 18TH SESSION OF UN FRAMEWORK
CONVENTION ON CLIMATE CHANGE**

25 June 2013

TABLING OF REPORTS
HON DR AMWEELO / HON MAAMBERUA

HON DR AMWEELO: Honourable Speaker, I lay upon the Table, Report of the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration on the 18th Session of the United Nations Framework Convention on Climate Change held in Doha, Qatar during December 2012 for discussions.

HON SPEAKER: Will the Honourable Member table the Report? Any further Reports and Papers?

TABLING: REPORTS OF COMMITTEE
ON PUBLIC ACCOUNTS ON CENTRAL GOVERNMENT

HON MAAMBERUA: I lay upon the Table four Reports of the Standing Committee on Public Accounts, namely:

Central Government of Namibia for the Financial Years ended 2009 to 2011.

Honourable Speaker, allow me to give some background regarding the Central Government Report. Honourable Speaker, I, therefore, ask the Honourable Members to grant me the opportunity to rise and announce to this august House that the Standing Committee on Public Accounts has reached one more milestone in its duty to help improve financial accountability in the Government of the Republic of Namibia and by so doing ensure that the resources are well-spent to upgrade the living standards of the people of this great country.

I have risen to announce that our Committee is tabling the Central Government Reports 2009 to 2011 before this august House for discussion. I trust that the Members will give the Report its due consideration as it deals with issues that are central to good governance.

25 June 2013

**TABLING OF REPORTS
HON MAAMBERUA**

The Committee is charged with overseeing sound financial management by the Government. As part of that mandate the Committee reviewed the summary Reports of the Auditor-General on the Accounts of Government of Namibia for the Financial Years 2009 to 2011. This Report is a result of a host of activities emanating from that review. The Committee also searched for the bottle-necks in the sound management of State funds. The activities centred around consulting relevant stakeholders who deal with Government finances on a day-to-day basis or those indirectly involved in it.

Honourable Speaker, Honourable Members, allow me to introduce the Report in a nutshell:

In the introduction, terms of reference and the procedures of work of the Committee are spelled out. Responses from accounting officers and conclusions by the Committee thereof are provided in Sections 2 and 3. In addition to having been informed by the Reports of the Auditor-General, the Committee took into account the constitutional provision as per Article 41 that states that Ministers are individually accountable for the administration of their own Ministries. Hence, Section 4 of the Report contains issues discussed with Ministers whose Ministries have been repeatedly cited by the Auditor-General as having attracted negative opinions regarding their annual accounts. However, should things not improve in these Ministries, the Committee has promised the respective Ministers a public platform in the form of public hearing to accord them an opportunity to explain to the public at large why things are the way they are their respective Ministries.

For the first time in its history and in an attempt to create a culture of fostering common identification of problems and solutions, the Committee has created an annual forum with all accounting officers. The first one took place in November last year and this Report contains details thereof in Section 5.

The Committee's general observations are in Section 7 and recommendations are specified in Section 9.

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**TABLING OF REPORTS
HON MAAMBERUA**

Recommendations in this, and subsequent reports are critical, such that strict implementation is imperative. Hence, the Committee views the monitoring of the implementation of the Committee's recommendations as having been a hiccup, therefore, as division of labour within the Committee it was decided to allocate this task of directly monitoring implementation of its recommendations to its Deputy Chairperson. In this regard, a matrix containing National Assembly decisions emanating from our recommendations, a list of respective implementing Offices, Ministries and Agencies and expected month of feedback of implementation status of the National Assembly decisions is being developed to allow ease of monitoring and follow-up with the Offices, Ministries and Agencies concerned.

All the specific details of its management are contained in the Report. At this stage, I would, however, like to highlight some of the most serious recurrent problems in order to give Members a glimpse of what to expect in the Report.

Those are problems such as under- and over-expenditure; lack of internal control mechanisms to monitor and control Ministerial Budgets; lack of unified internal control mechanisms in Government; lack of control over the timely implementation of projects; lack of proper planning, etcetera.

A very important element of planning is risk management, which the Committee found is lacking. The Committee is particularly concerned about over-expenditure as it derails the process of budgeting as well as leads to loss of resources for development elsewhere. This situation is even more worrisome when Offices, Ministries and Agencies request more funds than they need while there are shortfalls in other Votes. This tendency can also be attributed to ineffective and inefficient planning. The Committee expects accounting officers to plan properly as well as constantly monitor their Budgets.

However, I must hasten to inform the House that the stakeholders not only told the Committee about problems being experienced, but went an extra mile to suggest solutions to those problems. The Committee cannot but be indebted to them for this patriotic gesture.

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**TABLING OF REPORTS
HON MAAMBERUA**

Among the solutions suggested was a serious need for change in the relevant financial legislation, including the *State Finance Act* (Act 31 of 1991) and *Tender Board Act* 16 of 1996 and others. That is, to respond to current needs and demands.

The Committee is equally of the opinion that measures need to be taken to deal with the problem of reluctance on the part of responsible officials to punish offenders.

In the light of above, the next big step we need to take is for all stakeholders to come together and devise ways and means of improving the whole financial management system. As such, the Committee appeals to the Ministry of Finance to kick-start this process as soon as possible, as a matter of urgency. This responsibility on the part of the Ministry flows from its role as custodian of financial matters.

With this optimistic note, I would like to stress that this Report is in actual fact a product of collective efforts on the part of all concerned. Therefore, on behalf of my Colleagues of the Public Accounts Committee, I express the wish that the road to corrective measures will be a collective journey for the sake of making Namibia a financially stable and thus, a prosperous Nation.

Therefore, allow me at this juncture, Honourable Speaker and Members, to thank you and all Members here and also other stakeholders for readily cooperating with the Committee in terms of imparting information and thus making it possible to get to the bottom of problems experienced in the prudent utilisation of Government finances. Without their input, this Report would not have been possible. The Committee acknowledges and thanks the Auditor-General for invaluable input during the review process and for the design and printing of the cover of the Report. The tireless work of the Secretariat of the Committee is highly appreciated and the same goes to the staff of the Ministry of Finance. The public at large is invited to take more keen interest in the work of the Committee as we value and appreciate its constructive comments. The Committee also gives thanks to the media for covering its hearings, which have helped to elevate issues of financial management to the top of the national agenda.

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TABLING OF REPORTS
HON KUUGONGENLWA-AMADHILA

Mr Speaker, Honourable Members, I thank you for your attention and I shall proceed to table the Report.

Honourable Speaker, the other Reports are the Report by the Parliament Standing Committee on Public Accounts on the Meeting of Office-bearers Government Council Review held in Juba, South Sudan, from January to the 5th of February 2013 and this is for note-taking.

The other one is the Report by the Parliament Standing Committee on Public Accounts on the Consultative Meeting with State-Owned Enterprises held at the Parliament Building on the 1st of November 2012 and it is also for note-taking.

The next Report is by the Parliament Standing Committee on Public Accounts on the 6th Annual General Meeting and Conference of the East Africa Association of Public Accounts Committees held in Kigali, Rwanda, 16 to 22nd September 2012, also for note-taking.

HON SPEAKER: Will the Honourable Member table the Reports? The procedure is for the Honourable Members first to table the Reports and allow the Members to peruse them and then seek an opportunity to respond to queries or supplements from the Members. Any further Reports and Papers? 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:

- (i) Municipality of Outjo for the Financial Year ended 30 June 2012;

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**NOTICE OF QUESTIONS
HON VON WIETERSHEIM**

- (ii) Town Council of Opuwo for the Financial Year ended 30 June 2012;
- (iii) Town Council of Lüderitz for the Financial Year ended 30 June 2010, 2011 and 2012.

HON SPEAKER: Will the Honourable Minister table the Reports? Notice of Questions? Honourable Von Wietersheim.

NOTICE OF QUESTIONS

QUESTION 25:

HON VON WIETERSHEIM: Thank you, Honourable Speaker. I give Notice that on Thursday, the 4th of July 2013, I shall ask the Right Honourable Prime Minister the following:

1. Can the Right Honourable Prime Minister confirm to this Assembly that the ministerial investigation into the operations and finances of Air Namibia under his chairmanship, which was announced in response to my request for an extensive parliamentary investigation into the affairs of Air Namibia, has started and is progressing satisfactorily?
2. When does the right Honourable Prime Minister expect to table his Report on the results of his investigation?

QUESTION 26:

HON VON WIETERSHEIM: I further give Notice that on Thursday,

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**NOTICE OF QUESTIONS
HON //GOWASES**

the 4th of July 2013, I shall ask the Honourable Minister of Works and Transport the following:

1. Can the Honourable Minister confirm to this Assembly that the forensic audit into the financial state of affairs at Air Namibia, which he announced in response to my request for a parliamentary investigation, has started and is progressing satisfactorily?
2. When does the Honourable Minister expect the report on the results of the forensic audit for tabling in this Assembly?

HON SPEAKER: Will the Honourable Member table the Questions?
Honourable //Gowases.

QUESTION 27:

HON //GOWASES: I give Notice that on Thursday, the 4th of July 2013, I shall ask the Ministry of Health and Social Services the following questions:

In view of an article that appeared in the *Sun* newspaper on Monday, 27 May 2013, under the heading, “*Special Medical Funds lies unused*” and with a subheading: “*The Deputy Minister has blasted people who ask for donations instead of making use of State funding for specialist medical treatment.*” It was further reported that the Honourable Deputy Minister said: “*We see people on television requesting donations from the public and we go after them and tell them not to go fundraising but to make use of the Fund.*” In this regard, I would like to ask the Honourable Minister of Health and Social Services whether he is aware that the majority of the ordinary citizens of Namibia are not aware of the existence of the Fund. I base my assumption on the fact that there are disturbing reports by the media regarding people asking for public assistance, for example:

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**NOTICE OF MOTIONS
HON KAURA**

1. Recently the NBC reported about a baby that was born without eyes, but the parent does not have money for specialist operations; and
2. A lady by the name of Loide Iyambo from Rundu who was diagnosed with heart-related problems and she is now in need of surgery. According to her medical passport a doctor wrote that; “*currently no funds available.*”

Furthermore, I would also like to ask the Honourable Minister the following questions:

1. Who is responsible for ensuring that the Namibian public is fully made aware of the existence of this Fund?
2. What strategies did the Ministry put in place to publicise the existence of the Fund?

HON SPEAKER: Will the Honourable Member table the Question? Any further Notice of Questions? Notice of Motions? Honourable Kaura.

NOTICE OF MOTION

HON KAURA: Honourable Speaker, I give Notice that on Wednesday, the 26th of June 2013, I shall ask this august House to discuss the plight of sheep farmers in Namibia, with the intention to rescind the prohibition of export of sheep on-the-hoof to South Africa or any other destination in the world.

HON SPEAKER: Please table the Motion. Any further Notice of

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**MINISTERIAL STATEMENT
HON NANDI-NDAITWAH**

Motions? Ministerial Statements? Honourable Minister of Foreign Affairs.

MINISTERIAL STATEMENT

HON MINISTER OF FOREIGN AFFAIRS: Thank you, Honourable Speaker, Comrade Vice-President of the SWAPO Party, Comrade Secretary-General, Honourable Members. It is with much delight that I acknowledge that the SWAPO Party joins the AU to entrench the 50/50 gender representation in its statute. As we all know, at the establishment of the AU when the Constitutive Act of the AU came into effect in 2001, it was clear that of the ten commissioners, five must be women and that has been fully implemented.

On Saturday, the 22nd of June 2013 history was made when the 3rd Extraordinary Congress of SWAPO Party, meeting in Swakopmund, Erongo Region, unanimously agreed to amend the Party Constitution to ensure that there is a 50/50 gender representation at all levels of leadership within the Party structures. These structures include sections, branches, districts, Regions and national level, which also include the top four, namely the President, Vice-President, Secretary-General and Deputy Secretary-General.

Comrade Speaker, the amended SWAPO Constitution endeavours to achieve gender balance in terms of numbers and this gesture is indeed highly appreciated. In other words, the adoption by SWAPO Party of the 50/50 ratio is an enhancement of the advancement of women. However, I want to make it very clear that gender balance should not be mistaken with specific women issues. Therefore, gender mainstreaming and advocacy for women should continue to be intensified if we are to truly achieve women empowerment for sustainable development. Namibia has been and must continue to be persistent on women empowerment both nationally and internationally.

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**MINISTERIAL STATEMENT
HON NANDI-NDAITWAH**

Comrade Speaker, as you might recall, in 2000 Namibia made history in the United Nations Security Council. As a non-permanent member, Namibia during her presidency of the month organised a public meeting of the UN Security Council under the theme, "*Women Peace and Security*." Our Speaker of the National Assembly, Dr Theo-Ben Gurirab is a witness to that. This meeting culminated in the adoption of the watershed UN Security Council Resolution 1325. The objective of the resolution was for the United Nations to view women in conflict situations not only as victims, but contributors to peace and peace-building.

Honourable Speaker, Honourable Members, as the first Minister of Women Affairs and Child Welfare in Namibia and, therefore, a firm and persistent advocate of women's emancipation and gender equality, I cannot hide my overwhelming gratification. The Amendments to the SWAPO Party Constitution have now brought us on a right track to implement the SADC Protocol on 50/50.

I know the road was long from Tanga in Tanzania where the SWAPO Women Council was established at a well-known Tanga Consultative Congress in 1969-70, to Swakopmund when finally equal representation of women in the leadership positions has been entrenched in the SWAPO Party Constitution.

I would, therefore, like to congratulate SWAPO members under the leadership of Comrade Hifikepunye Pohamba, President of the SWAPO Party, Comrade Hage Geingob, Vice-President, Comrade Nangolo Mbumba, Secretary-General and Comrade Laura Macleod-Katjirua, Deputy Secretary-General for having shown the world that time to talk is over, now is time for action. Well done to all of us, Comrades.

Finally, I can now say the ball is in the court of the Namibian women, particularly SWAPO Party members, to ensure that our participation in leadership positions within the Party is fully realised. This must bring a new dimension that will accelerate our National Development Programmes.

Our participation in leadership positions should not be used as a battlefield

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STATEMENT
HON MAAMBERUA / HON LUCKS**

to fight each other, but rather to work together towards a common goal. It is time for us women to rise to the challenge and make our mark as the capable leaders that we are.

There is enough space in our Party and our country has enough resources to address the challenges facing our people, be it unemployment or poverty eradication, to bring about sustainable development. In any case, this is what we have fought for.

Let us take this opportunity as women leaders to build the bridge to mutual respect within the Party and the country at large. Once again, congratulations and I thank you.

HON SPEAKER: Congratulations SWAPO Party. Better late than never. Honourable Maamberua.

HON MAAMBERUA: Honourable Speaker, allow me to take this opportunity to express my warmest congratulations to my Comrades in SWAPO for the decision on 50/50 structure of women and men and I wish to encourage them to continue holding the second position after the trail-blazing vanguard Party of Namibian politics, as this zebra structure was already adopted by the Party we all know is always first. Thank you very much.

HON LUCKS: Thank you, Honourable Speaker. I would also like to take this opportunity to congratulate the Ruling Party on this very progressive step that they have taken. I have a question to the Minister. You mentioned that this provision is now entrenched in the SWAPO Party Constitution and my question is, when can we look forward to the full implementation of this provision? For example, you have just mentioned

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STATEMENT
HON MOONGO / HON RIRUAKO / HON SIOKA**

the top four positions within the SWAPO Party, three of which are men. Can we look forward to a new election in the near future to replace one of those men and also the rest of the structures within the SWAPO Party?

HON SPEAKER: Thank you. Honourable Moongo.

HON MOONGO: Thank you, Honourable Speaker. I also wish to congratulate the SWAPO Party, but I also have a concern whether the implementation will ever materialise. We do not want to hear a mere Statement, we need to see the actual implementation.

HON SPEAKER: Thank you. Honourable Riruako.

HON RIRUAKO: Honourable Speaker, it sounds well but we are waiting for action to be taken. We do not merely talk, but we talk and action follows. If we are going to see action next week or tomorrow, I thank you for that, but I want action. We do not want to see anything besides action. I may say thank you to those who will suffer the consequences of the equalisation to meet the requirements of the day, but what we want now is action, it has to be put into practice.

HON SPEAKER: Minister of Labour and Social Welfare.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you very much, Comrade Speaker. Let me join others who have

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STATEMENT
HON DR GURIRAB**

congratulated us. We have succeeded in what we as SWAPO women wanted, together with our handsome men this and the other side, namely the 50/50 representation of women. Let me also congratulate Honourable Pendukeni Iivula-Ithana who initiated the programme together with Honourable Ndaitwah.

I remember vividly that during the National Conference, I was the focal person and my consultant was Meme Eunice Iipinge, together with all those women who joined that Committee of Gender. Therefore, we are really very proud that our men have understood us and maybe the challenge is more with the women themselves to come up and take up the positions. This is the time that we have to take up our positions.

However, I have to ask our Colleagues in the Opposition, when are your women coming up? I am requesting the women in the Opposition to take a brave stand and challenge their leadership to bring in more women. Any Party which in future comes here with two men will be challenged, Comrade Speaker. With these few remarks, I thank you.

HON SPEAKER: I have a question to the Minister of Foreign Affairs. A lawyer said that ignorance about the existence of Law is no defence. In this case I was ignorant about the information that was brought to my attention by Honourable Amathila this morning before we started the Business of the House. I know that he was tasked to undertake a working trip to a friendly country, but I assumed when I came in this afternoon that he had gone and I was discussing this with one of my officials, only to see him joining me in the small room. I asked him why he had not left and he told me that there is apparently a regulation of the European Union that all but the Members of Cabinet are required, should they want to visit the countries concerned, to be first fingerprinted. Only the Cabinet Members are exempted from that. Why is this the case, Honourable Minister? We cannot prevent them from doing that, but I did not have that information and I want to know.

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**RESPONSE TO QUESTIONS ON MINISTERIAL
STATEMENT
HON NANDI-NDAITWAH**

HON MINISTER OF FOREIGN AFFAIRS: Comrade Speaker, maybe before I answer your question, if I can be allowed to answer one specific question which was posed after my statement.

Honourable Lucks asked when the amended SWAPO Constitution will be implemented. The amended Constitution also has a transitional provision. This Constitution will come into effect on the 26th August 2013. However, in accordance with the transitional arrangements, all Party members who are holding their current positions will remain in those positions until the next elections of their respective structures. This means the current top four will remain in their positions until the next congress and this also applies to the current leadership at the section level, branch level, district level, regional level, members of the Central Committee and members of the Polit Bureau. However, once elections are held in our normal programme, then that constitutional provision will be implemented.

Honourable Moongo and Honourable Riruako were concerned about implementation. I want to assure you that as Party members we are always guided by our Constitution and this is not a regulation, it is a constitutional provision and therefore, there is no way we cannot implement our Constitution.

Honourable Maamberua, you said you are the first Party, but I do not know, you always start and then slow down. Could you not try to keep the momentum if you say that you were the first? Maybe you started with all the energy, but within minutes that energy declined and that is very unfortunate on your part.

The Minister of Labour challenged the Political Parties and I can add, it is not only Political Parties, but other institutions of governance, because with the 50/50 the SADC had in mind women in leadership at all other levels. Therefore, let us play our part, SWAPO has played her part.

Coming to the Speaker's question, last week the Ministry of Foreign Affairs received a *note verbale* from the EU whereby they are informing

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**CONTRIBUTION/QUESTIONS ON MINISTERIAL
STATEMENT
HON RIRUAKO**

us of changes in their visa regime and one of those changes is that with the exception of Heads of State and Government officials with their accompanying people or family when they are on official duties, will obtain their visas as usual, however, the rest will need to be fingerprinted. They have listed the countries which fall in that category. Since I do not have the letter here, I do not want to give the wrong information, but I undertake to make a copy available to your good office and Members of Parliament.

When I got that *note verbale* we were preparing ourselves to go to Swakopmund. However, I have approached the EU delegation office here and I planned to have an audience with the Head of the EU delegation. Unfortunately he has travelled and I have arranged for a meeting when he returns. But that is the situation and I will make the letter available.

I even spoke to a staff member in the presence of Honourable Amathila and I asked whether the Speaker and the head of the Judiciary are also included and they said unfortunately that is the new regulation, they are included.

HON SPEAKER: Honourable Riruako.

HON RIRUAKO: Honourable Speaker, I appreciate what the Honourable Foreign Minister confirmed, namely that through the Constitution they can change anything and implement whatever they have decided. I appreciate that.

The new regulation of the EU can be followed by a new regulation by ourselves and I do not know who is going to be unhappy, but that is unfortunate. I thank you.

25 June 2013 **COMMITTEE STAGE: PUBLIC ACCOUNTANTS
AND AUDITORS AMENDMENT BILL
HON KUUGONGELWA-AMADHILA**

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

**PUBLIC ACCOUNTANTS AND AUDITOR
AMENDMENT BILL: COMMITTEE STAGE [B.6 – 2013]**

SECRETARY: Committee Stage – *Public Accountants and Auditors
Amendment Bill* [B.6 – 2013].

HON SPEAKER: Does the Honourable Minister of Finance Move that
the Assembly now goes into Committee?

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

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

ASSEMBLY IN COMMITTEE

**HON ASSISTANT DEPUTY CHAIRPERSON OF THE WHOLE
HOUSE COMMITTEE:** The Committee has to consider the *Public
Accountants and Auditors Amendment Bill* [B.6 – 2013].

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**THIRD READING: PUBLIC ACCOUNTANTS
AND AUDITORS AMENDMENT BILL
KUUGONGELWA-AMADHILA**

Clauses and the Title put and agreed to.

I will report the Bill without Amendments.

ASSEMBLY RESUMED

Bill reported without Amendments.

**THIRD READING: PUBLIC ACCOUNTANTS
AND AUDITORS AMENDMENT BILL [B.6 – 2013]**

HON MINISTER OF FINANCE: Does the Minister of Finance Move that the Bill be now read a Third Time?

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

HON SPEAKER: Any Objection? Who seconds? Agreed to. Any further discussion? Does the Honourable Minister wish to reply?

HON MINISTER OF FINANCE: I want to thank the Members of the House for their support for the Bill.

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

SECRETARY: *Public Accountants and Auditors Amendment Bill [B.6 – 2013].*

HOUSE ADJOURNS AT 15:40

HOUSE RESUMES AT 16:10

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

RATIFICATION: BENGUELA CURRENT CONVENTION

SECRETARY: Resumption of Debate on the Ratification of the Benguela Current Convention.

HON SPEAKER: When the Debate was adjourned on Tuesday, 18 June 2013, the Question before the Assembly was a Motion by the Honourable Minister of Fisheries and Marine Resources. Minister of Trade and Industry.

HON MINISTER OF TRADE AND INDUSTRY: Honourable

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HON DR AMWEELO**

Speaker, Thank you very much. I was asked by the Honourable Minister of Fisheries and Marine Resources to postpone the Debate until 2nd July.

HON SPEAKER: But if there are Honourable Members who want to take the Floor, they can go ahead. Honourable Amweelo adjourned the Debate and he now has the Floor.

HON MINISTER OF TRADE AND INDUSTRY: I cannot Rule, but I just think that the Honourable Minister would not have the opportunity to listen to what the Members are saying, but the Deputy Minister is here so the discussion can continue.

HON SPEAKER: Honourable Minister of Veteran Affairs.

HON MINISTER OF VETERANS AFFAIRS: Honourable Speaker, I wanted to say the same thing, that the Honourable Deputy Minister is here and he can record what has been said.

HON SPEAKER: Yes, indeed. Honourable Amweelo adjourned the Debate and he now has the Floor.

HON DR AMWEELO: Honourable Speaker, Honourable Members of the National Assembly, I rise to contribute to this very important Benguela Current Convention tabled by Minister of Fisheries and Marine Resources,

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Comrade Bernard Esau.

The Benguela system is one of the four major eastern boundary upwelling ecosystems that lie on the eastern boundary of an ocean, and its unique bathymetry hydrography, chemistry and trophodynamics makes it one of the most productive ocean regions in the world.

HON SPEAKER: Honourable Amweelo, can you please explain the medical terms that you are using?

HON DR AMWEELO: Bathymetry is just a type of measurement that measures the depth of the ocean.

This high primary productivity is important in contributing to global biodiversity and biomass of zooplankton, fish, seabirds and marine mammals.

Honourable Speaker, the main challenge here as mentioned in the Minister's Speech on Page 7 is: **The natural phenomenon**. The problem facing the Benguela Current from global warming and climate change comes from a rise in the temperature of the water in the oceans, which has led to a rise in the temperature of the waters of the Benguela Current. (Intervention)

HON SPEAKER: Honourable Nujoma.

HON MINISTER OF JUSTICE: On a Point of Order, Comrade Speaker, may ask Honourable Amweelo a question? I am very much interested in the topic and hear you quoting Page 7, but it seems like you

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are having a machine. I, therefore, do not know from which page you are quoting. Thank you Comrade Speaker.

HON DR AMWEELO: Thank you. I am quoting from Page 7 of the Convention. We are now using the paperless device.

A Benguela El Nino effect has already been detected. Not only has there been a rise in water temperature as far south 25 degrees S, but the water has also become increasingly saline. The principle upwelling centre is located near Luderitz, which creates a natural divide between the differently functioning North and South systems, in which the main upwelling seasons are out of phase. These systems vary seasonally depending on atmospheric pressure systems and dominant wind directions.

This change may be generated by anomalous atmospheric conditions that have been seen in the western part of the tropical Atlantic Ocean. Each year some warm water from Angola has impacted the northern part of the Benguela Current, El Nino has caused this to happen further south. There are accurate records of it taking place in 1934, in 1963 and in 1984. In 1963 the resultant temperatures off the Namibian coast were some 2-4 degrees higher than normal. The water pressure was also higher. Research by L.V. Shannon suggests that the problem is less frequent and also has a lower intensity than the similar phenomenon in the Pacific Ocean.

The result of these changes from the Benguela El Nino is expected to have a serious effect on some of the lands in southern Africa with a dramatic effect on marine life on the southwest coast of Africa and also on the trade winds which are likely to affect marine life and shipping in the southern Atlantic. The question is: What needs to be done in order to be able to effectively address these challenges?

The other challenge is with regard to the pollution caused by anthropogenic activities. It is surprisingly vulnerable to human influences

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such as overfishing, pollution from run-off and dumping of waste from human activity. This kind of pollution can have serious economic and health impacts by killing marine life and damaging habitats and ecosystems. Toxins from pesticides, fertilizers and other chemicals used on farms contaminate nearby rivers that flow into the ocean which can cause extensive loss of marine biodiversity in bays and estuaries leading to the creation of dead zones.

I am happy with the statement on Page 4, Article 4(2)(a) on “**General Principles**” in the Convention which is says: “*Take all possible steps to prevent, abate and minimize pollution and take the necessary measures to protect the marine ecosystem against any adverse impacts*”. We just need to improve capacity to adapt to the impacts. Of Course both adaptation and mitigation can complement each other and together can significantly reduce the risks if handled in a participatory manner at all levels.

On Page 8 of the Benguela Current Convention, Article 18 in respect to the “**Cooperation with other Organisations**” I seek more clarity from Comrade Minister, whether the Benguela Current Convention has any sort of strategic cooperation with IMO Conventions, such as MARPOL 73/78, and other Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter which was implemented in 1975. IMO was given responsibility for this Convention and a Protocol was finally adopted in 1996, a major step in the regulation of ocean dumping.

The other concern I want Comrade Minister to elaborate further more on is: How the Benguela Current Commission can be incorporated with the four Ministries, namely, Environment and Tourism, Mines and Energy, Works and Transport and Fisheries and Marine Resources as stated in the Minister’s motivation speech on Page 1 and how are these five parties going to manage and control the marine pollution without any duplication or confusion over who handles what?

I agree with Comrade Minister on Page 2 of his Motivation Speech when he said that there are major transboundary problems such as loss of biodiversity and harmful algal blooms and so on that requires to be tackled at regional level. The adverse impact of climate change on marine and

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coastal biodiversity (e.g. sea level rise, ocean acidification, coral bleaching) and recognizing that the ocean is one of the largest natural reservoirs of carbon, can significantly affect the rate and scale of global climate change.

The other issue on which I would like some explanation from Comrade Minister is the methodology approach in order to address the toxic waste material dumped into the ocean including dredged material, industrial waste, sewage sludge, and radioactive waste. Dredging contributes certain present off all waste dumped into the ocean, adding up to several thousand tons of material dumped each year. Channels and harbors are dredged to remove silt and sand buildup or to establish new waterways.

When “*pure*” dredged material is dumped into the ocean, fisheries suffer adverse effects such as unsuccessful spawning in herring and lobster populations where the sea floor is covered in silt.

Comrade Minister, the principal challenge I foresee now facing the countries and the Benguela Current Commission is to translate the knowledge and understanding gained so far into management procedures for reversing the depletion fisheries, within the existing transboundary policy and institutional frameworks (i.e. the Commission and its national coordination structures).

The Global Environment Fund (GEF) is assisting the countries via a project titled “*Implementation of the BCLME Strategic Action Programme for restoring depleted fisheries and reducing coastal resources degradation*”.

I would like to ask; in case the fund comes to an end, how will the parties obtain financial support to sustain the Programme? Financing is needed to support requisite science activities, to maintain informed decision-making and financial support to ongoing training and capacity building needs.

The other challenge I thought need to be considered by the Benguela Current LME Programme is ensuring that all relevant Sectors who are contracting parties to the Benguela Current Commission (BCC),

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especially the nonfisheries ones, are aware of the benefits derived from being part of the BCC and can participate equally in the activities of the Commission.

On Page 6 Article 8(J) with regard to the Functions of the Commission, I would like to find out from the Minister about the monitoring mechanisms, in Maritime Satellite Communication Service for the Global Maritime Distress and Safety Systems are provided by the International Maritime Satellite Organization (INMARSAT) and the COSPAS-SARSAT countries. In this case, what technology will be used in order to promote and provide monitoring, control and surveillance?

On Page 9, Article 21, with regard to the Headquarters which shall be established in Namibia, it is a very good thing, but I want to know from Comrade Minister if there is an existing building already where the Commission is going to operate from or will there be a new building constructed? If yes, who will finance it?

Honourable Minister, finally, the key components of the **Strategic Action Programme (SAP)** as specified on Page 4, Article 1 “**Definitions**” should include joint surveys and assessment of shared fish stocks, harmonising monitoring and management procedures, socio-economic analysis of regional fisheries, assessment of cumulative impacts of seabed mining activities, development of an early warning system for extreme events, harmful algal blooms, oil pollution contingency planning, assessment of vulnerable species and habitats and marine biodiversity conservation. The development and building of capacity throughout the Sectors and institutions is a primary objective of the **Benguela Current Large Marine Ecosystem (BCLME)** Programme. Considerable progress need to be made in this area and on increasing awareness amongst scientists and managers on the application of an overall ecosystem approach to resource management and ocean governance.

The Commission need to urgently pay attention on the visas required for Angolans to South Africa and vice versa.

Honourable Speaker, Honourable Members of Parliament, I fully support

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the Benguela Current Convention, I thank you.

HON SPEAKER: I thank the Honourable Member. Honourable P Mushelenga.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you very much, Honourable Speaker. I also rise to make my contribution to the Debate on the Ratification of the Benguela Current Convention. I will be very brief as I am not a scientist like my Learned Colleague, Dr Amweelo. I will, therefore, only concentrate on a few things.

Firstly, this Convention is very important as issues of the conservation of the marine ecosystem are very important. Namibia has already ratified many other Conventions that promote the conservation of not only the marine ecosystem, but also the on-shore ecosystem. I have a few questions and observations to make: I was looking at the organisational structure of the Benguela Current, especially on Page 5 of the Convention.

Honourable Speaker, when you look at the Ministerial Conference; it shall be held at least every two years and it is going to be chaired on a rotational basis. It is then assumed that when one chairs the Ministerial Conference, you remain a Chairperson until the next Ministerial Conference which will be taking place within a period of two years. However, the Commission will be meeting after every one year and it is also going to be chaired on a rotational basis and if the same trend of Chairmanship continues, then you will have one country chairing the Ministerial Conference and a different country chairing the Commission, whereas it is general practice that when you have one country chairing a senior body of a particular institution, the lower body of that institution will also equally be chaired by the same country. If you have a Chairperson of SADC chairing a summit for a period of one year, all the meetings; the Ministerial Council meeting and so forth would be chaired by the Ministers from the country where the Chairperson comes from. I just do not know how the Chairmanship of the

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Ministerial Conference and of the Commission are going to tally with each other where you have a Chairperson from this country chairing for two years and from another from a different country chairing for one year. Another Chairperson will thus, take over the Commission Chairmanship while the Ministerial Conference is chaired by a Chairperson from a different country. I really need clarification on how this would take place.

Secondly, I also came across where the Secretariat of the Benguela Current was seeking some diplomatic privileges from the Ministry of Foreign Affairs and normally privileges are granted looking at the Convention that established that particular body. Therefore, it is perhaps also another issue that when the Line Ministries are negotiating Conventions, before they are signed, this issue should also be considered, so that people do not come and claim what is not included in the Convention. Had it been included in the Convention that the Secretariat should enjoy diplomatic privileges and so on, the Ministry would have no problem when this Parliament ratifies such a Convention, but to have a Convention that does not specify these things and they start claiming things that are not stipulated in the Convention is something that the Ministry will not be able to crack.

Honourable Speaker, with this few words, I support the Ratification of this Commission and I thank you.

HON SPEAKER: Thank you. Deputy Minister of Education.

HON DEPUTY MINISTER OF EDUCATION: Thank you, Honourable Speaker. I would also need a few clarifications.

Article 6 on Page 5, states that; “*each party shall authorise Ministers to attend the Ministerial Conference*” the Minister, during his Motivation said that this is a multi-sectoral Convention and in the case of Namibia, four Sectors are involved. I was trying to see whether the constitution of

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the Ministries of other countries are going to be the same and if they are not the same, will there be any effect on decision making during the Ministerial Conference? Some countries may perhaps have a separate Ministry of Fishing and a Ministry of Water Affairs; therefore, some countries may have five to six Ministries represented within the Ministerial Conference while Namibia only has four representatives. I would thus want to find out whether it will have any effect on decision making.

The other question is on Article 13 on Page 7. When one has regard to Article 5 – “*The Organisational Structure*”, it shows the Ministerial Conference, Commission and Secretariat. Article 6 – “*The Ministerial Conference*” states how the Ministerial Conference will be constituted, Article 7 – “*The Commission*”; states how the Commission will be constituted, and Article 8 – “*The Secretariat*” also states how the Commission will be constituted. However, Article 13 “*The Secretariat*”, does not state how this body will be constituted, it only states that the Secretariat shall be headed by an Executive Secretary followed by its functions. Will this perhaps be addressed in another document?

With the few remarks, I support the Ratification.

HON SPEAKER: Thank you, Honourable Deputy Minister. Any further discussions? Honourable Nujoma.

HON MINISTER OF JUSTICE: Thank you, Comrade Speaker. I rise to support the Ratification of this very important Convention. I think this is a very important Convention in the sense that the resources under the sea should be used sustainable in order for us to preserve something for the future generations as opposed to using it selfishly for ourselves now and in the process destroy the ecosystem as it was clearly elaborated here by our scientist, Honourable Amweelo.

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It is important that the three countries work together through the Ministerial Conference and the Secretariat which will be responsible for the day to day operations. I, however, also have some concerns; the seabed is so rich in natural and mineral resources some of which we are not aware of up to this day. We hear that oil has been discovered and we know the potential damage oil spills can have. BP was recently sanctioned by the Government of the United States for the oil spillage that caused serious environmental damages and it was shown on television how the birds, the fish and everything was destroyed.

Secondly, there is also the prospect of phosphate mining which has surfaced. It is a good thing that we utilise our natural resources for the benefit of our people and our landlocked neighbours. We will very soon, also be able to handle cargo from other countries, transporting hazardous materials, coal, etc. If an accident happens, all these things have the potential to damage our oceans and our ecosystem.

I would, therefore, like to know from the Minister whether this noble institution – The Benguela Current Commission will have the mandate to be able to advise Government on what measures to take because of the potential prospects for new business ventures which may come up. An oil spill can happen in Angola which is already mining in the sea and there are a lot of oil wells that are producing millions of oil barrels per day right now as we speak. If an accident happens in Angola, what will the consequences be for Namibia, will we be compensated for the loss so suffered?

Honourable Amweelo mentioned that hot water comes from there and mix with our water and the temperature has now already risen with some percentages and these are perhaps some of the potential dangers that may affect our ecosystem.

We want to have guarantees that the Convention we are ratifying will protect our natural resources and make sure that the guilty parties that will cause damages in the process of mining, oil extraction and all other potential resources will be held accountable. The Minister should also give us guarantee that the Benguela Current Commission will ensure that

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Namibia, South Africa and Angola will come to the aid of each other, should something happen in one of the said countries to enable us, sustainably use the natural resources for our own benefit and that of our future generations. I thank you, Comrade Speaker.

HON SPEAKER: Very good questions. Honourable Nambahu.

HON DEPUTY MINISTER OF JUSTICE: Thank you, Honourable Speaker. I also want to make use of this opportunity to support the Ratification of this very important instrument and also make a few observations.

I have read the document, though not in detail and I have seen that there are actually good provisions in here. We must take this opportunity to make more use of our maritime provided opportunities as a country having the sea and the long coastline. I remember that even the education that we have had in the past in this regard did not do much justice to this kind of resources that we have. Through the Bantu education we were just taught about “*Die koue Benguela Stroom*” and that was it. However, there was not much about what it does, what effect it has and what opportunities it provides. Maybe that was the kind of education they wanted us to have. However, even now when we attend our career fairs, I do not see much being done to expose and motivate our learners to take up subjects relating to the study of these resources. I see an opportunity here where education can play a role in exploring and exposing resources as well as the potentialities of our sea.

The issue of capacity also comes into play, when we have conflicts in those areas caused by anyone who is either exploring or exploiting the resources and mess up in terms of pollution and if you have to take them on, you need higher calibre of academics or experts to challenge them properly. If we are not preparing ourselves by training our own people to be able to take on would be offenders, we will have a problem because we

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will not be able to protect appropriately, have proper surveillance and be in a position to be up to the task in the event of pollution or dumping of waste.

I very much like the fact that it acknowledges the other instruments like the Law of the Sea; however, I also have one observation to make. In many of these Conventions which are international instruments, our Constitution makes it clear that upon ratification it becomes part of our Law and obligations flows out of that and sometimes we are surprised by the obligations that we have to honour because by the time of Ratification we did not interiorise what this obligations are.

I am, therefore, suggesting to you, Comrade Minister that instruments of this nature be properly workshopped to the extent that all those who will be affected and are stakeholders in the administration of these instruments are sensitised and take the necessary measures as well as create the necessary capacity so that we are up to speed with the challenges at hand. Like my neighbour was putting it, it does not come out very clearly here who the Sectors or the Ministries are that are affected. If we, the custodian Ministries do not sensitise them and expose the obligations that may flow out of this and that may affect them or expect good cooperation from them, we might not be very effective.

In conclusion, I would like to say that our academia should very seriously take up these issues and we should also demand that the Law Faculty should bring the teaching of Maritime Law, Law of the Sea, the Transboundary Convention of Shared Water Forces and the Conflict of Laws when it come to the Exploitation of Marine Resources to the front banner.

With all these many words, I support the Ratification of this instrument and I look forward to its implementation. Thank you.

HON SPEAKER: Thank you, Honourable Deputy Minister. Hourable Riruako.

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HON RIRUAKO / HON MUTORWA**

HON RIRUAKO: Honourable Speaker, I have to say to the knowledgeable meteorologist, Honourable Amweelo that, although he did a lot, he knows that there is one part he did not mention. The type of atmosphere of the Benguela Current can also create an earthquake within the ocean, however, this was not mentioned at all. Why? El Niño is all over the world now and we are facing some danger, we can, therefore, not afford to avoid mentioning that when the upstream and the Benguela Current meet, they can create an earthquake. You did not mention this as an expert. I am not saying that I am sorry, but since you want to rescue us, you must go in more detail than what you have said and be on point to make us aware of how we can handle such a situation. I thank you.

HON SPEAKER: Thank you. The Minister will take that into consideration when he has the opportunity to reply. Any further discussion. Honourable Mutorwa.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you, Comrade Speaker. If there are no further discussions, I would like to defer the response of my good friend, the Honourable Minister of Fisheries and Marine Resources to tomorrow.

HON SPEAKER: On that understanding, the intended reply will be considered tomorrow. The Secretary will read the Third Order.

**CONSIDERATION: REPORT ON FAMILIARISATION
VISIT TO CAPRIVI AND KAVANGO**

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HON AMATHILA

SECRETARY: Consideration of Report of the Parliamentary Standing Committee on the Familiarisation Visit to the Caprivi and Kavango.

HON SPEAKER: Does Honourable Amathila Move that the Report be considered?

HON AMATHILA: I so Move, Honourable Speaker.

HON SPEAKER: Honourable Amathila has the Floor.

HON AMATHILA: Comrade Speaker, Honourable Colleagues, the Committee on Economics, Natural Resources and Public Administration did visit quite a number of projects in Caprivi and Kavango and as a result submitted some recommendations based on the information shared with the Committee.

The projects visited by the Committee are silos in Katima Mulilo, the projects of Mudumu North Complex, which consists of Sobbe, Mayuni, Mashi and Kwandu Conservancies. The Committee made site visits to Mudumu South Complex, Malenga-Lenga, Wuparo, Dzoti and Shikaku and Bwabwata National Parks. The Committee visited Mayini, Masida and Sobbe Conservancies. It also visited community forest projects. It visited the Ipalila Conservancy, Kasika Conservancy, Salambala Conservancy, Sikunga Conservancy, Kabulabula Conservancy and Kalimbeza Rice Project.

Mahangu National Park was also visited, Shadikongoro Green Scheme Project was also visited. George Mukoya and Muduva Nyangana Conservancies were also visited. We also visited the Shitemo Irrigation

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Scheme Project, Ndonga-Linena Irrigation Project, Mashare Development Institute, Vungu-Vungu Irrigation Project and Musese and Sikondo Green Scheme Irrigation Project.

Honourable Speaker, let me point out and share with the Honourable Colleagues that unfortunately this visits have taken place in May last year and there has been a delay in tabling this Report to the House. A lot of recommendations contained in this Report might have been superseded by events given the time that has lapsed, but it is worth to share with the House some of the issues that we thought the various Ministries should look at.

The recommendation contained in the first bullet is addressed to the Ministry of Regional and Local Government and Housing. We found at one stage that people living on both sides of the Constituencies could not, because they did not belong to that Constituency, benefit from the services provided in that Constituency, no matter the short distances. Sometimes they have to travel long distances in order to get services, whilst the services are just next-door. The recommendation is that the Ministry should try and provide some guidelines to the various Constituencies to take care of the people next-door because they are all citizens of this country and that the demarcation lines of Constituencies should not prevent people from getting first aid when they need it.

The other recommendation was to the Minister of Environment and Tourism and we as a Committee were very impressed with the achievements by this Ministry and what they are doing for our people. Our people have responded very positively in embracing the efforts of the Ministry and taking the opportunities given to them by the Ministry very seriously. However, we feel that the Ministry should, as a matter of urgency, attend to the financial mismanagement in most of these projects and even projects which are not listed here in the Erongo and Kunene areas. Financial mismanagement is a bit of a problem.

Everybody seems to be coming to Namibia to share in the achievements of Namibia. I remember we had people from Nepal who were very impressed with what Namibia has achieved in this particular area and

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recently also people from Tanzania who also came here because they think Namibia has made a very big achievement, but it is really up to the Ministry to help the people to manage their financial resources more prudently and to be very accountable.

The issue contained in bullet two is that the people running these conservancies feel that the Ministry has to look afresh into the possibility of compensating them for the damage caused by game. Human-wildlife relationships are sometimes very problematic and the people in the conservancies feel they should be compensated for losses as a result of destruction of property by wildlife and request that the Ministry should look into that.

The third bullet is addressed to the Minister of Environment and Tourism and Power Conservancy Management for the training of some of their members as trophy hunters. We have found that most of the time hunters have to come from outside to hunt in the conservancy and it is only then that the conservancy benefits from the venison. We believe that if the people are trained as hunters in their own conservancies, they could make use of what the Government has put at their disposal without waiting for people from outside to come and assist them.

The fourth bullet was that the Ministry should investigate the alleged sewerage and oil refuse deposited in rivers by houseboats. This was experienced especially in the area of Impalila where the people living on houseboats dump waste and oil into the rivers. This seems to have affected the quality and quantity of the fish in that area.

The next bullet was that the Ministry should look into the possibility of building bridges on the road to the Bwabwata National Park because it becomes difficult for the community to access that park during the rainy season.

The next bullet contains a recommendation that the Ministry should assist conservancy committees to negotiate and draft joint venture agreements. The Government has made all these opportunities available to our people, but our people seem to be cheated when they negotiate participation

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agreements with outsiders. They do not have access to lawyers and advisors in order to improve on their negotiation capacity, thereby getting a better deal in their negotiations. We feel that the Ministry should look into this matter very seriously and find a mechanism to assist these people when they are assisting joint ventures.

People living on the islands of Impalila experience problems during times of floods when they have to pass through neighbouring countries, that is Botswana and sometimes Zambia, which has a very serious negative impact on their budgets because it is a long distance and they have to pay all kinds of fees. Therefore, we believe that the Ministry of Works and Transport should consider the possibility of reactivating the ferry. This ferry is charging a lot of money and I know that the Ministry's point of view is that it has to recover the cost, but most of these people are not employed and to charge them N\$300 on the ferry to get to Katima is, in our view, exorbitant and the Ministry has to consider subsidising the ferry so that people are not required to go via Botswana or Zambia in order to get to the administrative centre, Katima Mulilo.

To the Ministry of Home Affairs and Immigration the first bullet is that we should help our people, especially on Impalila Island, to easily pass through those neighbouring countries. I remember that we have reached an agreement with Angola where a certain zone has been created where people do not require documents. This is not the case in the area of Impalila and these people have to obtain passports every now and then to travel through Botswana, which is really not tenable for unemployed people. This also affects the children and we believe that the Ministry should look into the plight of these people.

The Ministry should also expedite the construction of a border post at Singalamwe to facilitate travel and circulation of goods and services with neighbouring Zambia.

We believe that the Ministry of Health and Social Services should look into the possibility of assisting the communities in building more clinics, because as I mentioned earlier on, some clinics may be found on one side of a Constituency and the people of the neighbouring Constituency will

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HON AMATHILA

not have access to that particular clinic and have to walk long distances to other clinics.

To the Ministry of Agriculture, Water and Forestry we tried to say in the first bullet that they should speed up the development of the Green Scheme Projects in the Caprivi. We are told that something has been promised to the people there. The Chiefs of Caprivi were brought to Kavango to see the Green Scheme there and they went back to Katima and made land available for the Ministry to start similar projects in Caprivi. Therefore, we believe the Ministry should look into that as it will definitely alleviate the economic pressure on the people.

We would also like to encourage the Ministry to find markets for people who produce more than they need, to be able to sell their goods to other areas. Eighty percent of the products produced by the Green Scheme could be bought by the Government to provide drought relief to the people, thereby encouraging the producers to produce more in the knowledge that the Government will be the first point of market for their goods.

Then we also found that the Ministry of Agriculture, Water and Forestry should look into the possibility of standardising the Green Scheme Project lease agreements. Some of the agreements are with NDC and some with the Ministry, which tend to create the impression that some people are benefiting a great deal more because some of the agreements are more lenient on some areas. Therefore, we would like the Ministry to look into this matter and see whether they could standardise these agreements so that everybody operating in the Green Scheme in Kavango is treated equally.

We are trying to convey to the Ministry of Finance to look into the possibility of reviewing the Treasury Instructions in the *State Finance Act* with a view of granting exemption to Green Scheme Projects in order to avoid processes of asset disposal or procurement of goods and services as well as payment of small-scale farmers. We were told that this is actually the situation and the people operating in the Green Scheme feel that the Ministry should study the situation to see how best it can be handled.

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HON NANDI-NDAITWAH

Comrade Speaker, this is roughly the Report of the Committee on Economics. As I pleaded earlier on, it is a bit outdated, so if any of the Colleagues in the various Ministries find that certain things have already been attended to, we obviously apologise. However, those which have not been attended to, please, we feel you could alleviate the plight of our people by freshly looking into these issues. I thank you.

HON SPEAKER: I thank Honourable Amathila for his comprehensive, if provocative, challenging Report. Any further discussion? Minister of Foreign Affairs

HON MINISTER OF FOREIGN AFFAIRS: I thank you, Comrade Speaker. Through you, I would like to thank the Committee for a very comprehensive Report which, I am sure, will help both the Government and the community in executing duties. I fully agree with the Honourable Member that the Report is old and maybe some issues need not be explained. However, it is very important that when Members of Parliament undertake such trips to meet the communities, we also need to encourage them and in a report like this one would expect the Members of Parliament to inform one another as to what advice they have given to our community members so that they can also do the right thing.

Looking at the time of the Report, that is when Comrade Herunga and myself were in charge of the Ministry of Environment and Tourism, we have to acknowledge the appreciation that particularly the staff of our Ministry got from our Parliamentarians for the work they are doing within the community and we are happy that you are encouraging them to continue doing so.

Some challenges have also been identified, particularly the issue of houseboats, and I want to inform Members of Parliament that this was really a problem, both environmentally and health-wise. Scientists from the Ministry went there and since that time of your visit these people are

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HON NANDI-NDAITWAH

under instruction to use the same system which is used on aeroplanes, so that the waste management is done properly.

It is also very encouraging that the Members of Parliament have acknowledged the benefits the communities derive from conservancies, although there are management problems. That is where the Government and the Parliamentarians should also impress upon members of the public, especially those beneficiaries, to take care of the income that they earn from the conservancies.

I know that the issue of human-wildlife conflict will continue to be debated in this House, but this House will recall that we passed a Policy on Human-Wildlife Conflict which contains the self-reliance scheme, whereby conservancies were supposed to make contributions which could be used when those incidents occur. Unfortunately, as the Parliamentarians have noted, the communities are not using their finances wisely and as a result, they are not able to make a meaningful contribution. Therefore, as a Government we are asking also Members of Parliament to impress upon the communities to take care of those finances they are getting in order to build up their self-reliance scheme, because that is the whole idea why conservancies are given those quotas, that some of the income would be for their own use and some to be invested.

Parliamentarians have also noted the situation whereby the communities are being out-manoeuvred by those who want to enter into joint ventures. That is a serious problem for the Government, particularly the Ministry of Environment. The policy is very clear to all conservancies, that they should not enter into any joint venture agreement until the Government has assisted them. Unfortunately, the communities continue to engage individual investors and come to the Ministry with agreements already reached, thus making it difficult. It will be very helpful for Parliamentarians to keep on talking to our communities that they should not do that because the Ministry, through the Attorney-General, is always at their disposal to ensure that they are not out-manoeuvred by those investors.

We have gone to the extent of putting a new Clause into the agreements,

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HON DR GURIRAB / HON AMATHILA

namely that no change may be made without the permission of the Minister. The reason why the word “Ministry” was not used is to avoid anybody from the Ministry just signing that off. That helped a lot because there are incidents where people, not having noted that, decided to go around and buy out the communities. I am happy to inform this Parliament that those people lost, because the Minister showed them that Clause and that was really beneficial to the community.

Let us as Parliamentarians guide the communities, because it is us who live with them while the Government will continue to play its role.

Once again, Comrade Speaker, on behalf of the staff of the Ministry, they are very grateful for the appreciation that you have shown for what they are doing and they will continue to improve. I thank you, Comrade Speaker.

HON SPEAKER: Any further discussion? I particularly want to echo the reminder by the Minister that these clever people go to different parts of the country and get our people to sign agreements, then end up being confronted by a *fait accompli*. It happens with fishing quotas, it happens with conservancies and it is something along those lines that the Minister is striking a caution. I hope that as we take the Parliament to the people, we would as much as possible try to prevail over them to listen to their Government, to listen to their MPs and not end up endorsing wrong things. Does Honourable Amathila wish to reply?

HON AMATHILA: Honourable Speaker, Honourable Colleagues, an exchange like this obviously puts a beautiful ankle to our work. It is a pity that, as a Committee which performs an oversight function, we could not put it on paper, but we try to help and educate people and make them wise. However, sometimes there are certain things that we cannot cross-check on the spot with the Ministries concerned and are bound to include it in the Report. Therefore, we are not failing in that respect, Minister of

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**FIRST READING: WATER RESOURCES
MANAGEMENT BILL
HON MUTORWA**

Foreign Affairs.

As I said, the whole world seems to be taking Namibia as a success story. Quite a number of people come to Namibia to learn from us and as Members of Parliament we have to fulfil that responsibility and we have just done that. I thank you very much.

HON SPEAKER: Thank you and congratulations for the job well done. The First Notice of a Motion is the one of the Honourable Minister of Agriculture, Water and Forestry. Does the Minister Move that the Bill be now introduced?

**INTRODUCTION AND FIRST READING:
WATER RESOURCES MANAGEMENT BILL [B.5 – 2013]**

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

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

SECRETARY: *Water Resources Management Bill* [B.5 – 2013].

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**SECOND READING: WATER
RESOURCES MANAGEMENT BILL
HON MUTORWA**

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

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

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

**SECOND READING: WATER
RESOURCES MANAGEMENT BILL [B.5 – 2013]**

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
Thank you very much, Comrade Speaker, for giving me the Floor to motivate the *Water Resources Management Bill* [B.6 – 2013].

The main objective of the Bill, as set out in Section 2 thereof, is to ensure that the water resources of Namibia are managed, developed, used, conserved and protected in a manner which is consistent with, or conducive to the fundamental principles set out in Section 3 of the said Bill.

The fundamental principles that are articulated in Section 3 are essentially and necessarily based on the recognition of equitable access to water as a basic human right that must be enjoyed by all. This fundamental principle must eventually form the basis for decision-making by all the administrative functionaries who are involved in the day-to-day administration of the Bill or the Act, once it is promulgated, to the extent

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**SECOND READING: WATER
RESOURCES MANAGEMENT BILL
HON MUTORWA**

where such principles are practically relevant.

In short, the principles dictate the manner in which the Bill is to be applied and to be interpreted. The said principles are also in line with those principles of State Policy as articulated in Chapter 11, Article 95 of the Namibian Constitution. Article 95(e) is of particular relevance here.

The *Water Resources Management Act* 2004 was signed by the President on 8 December 2004 and promulgated on the 23rd of December 2004, but it was soon realised after promulgation that due to certain technicalities inherent in the Act, specific and major adjustments and changes were required to streamline the practical implementation of the said Act. In the absence of such changes and streamlining, practical implementation of the said Act of 2004 became very difficult or virtually impossible. Legal experts advised the Ministry of Agriculture, Water and Forestry that it would be extremely cumbersome and difficult to only effect some Amendments to the Act. For this reason we were advised to simply re-write the whole *Water Resources Management Act* of 2004.

Factors such as partial implementation, the separation of the regulations from the Act, fines, etcetera, were some of the convincing reasons for coming to this conclusion of rewriting the whole Act.

The Office of the Prime Minister was then approached by the Ministry of Agriculture, Water and Forestry to obtain approval to acquire the services of consultants to assist the Ministry in this regard, meaning in the rewriting of the Act. Such request was granted and the consultants were subsequently appointed and in principle approval was granted by the Cabinet of the Republic of Namibia on the 22nd of June 2010 for the new *Water Resources Management Bill* to be referred to the Cabinet Committee on Legislation and Cabinet approval was also granted that the Bill be further scrutinised and finalised by the Cabinet Committee on Legislation and assigned legal drafters to advise in the rewriting of the Bill.

After the legal drafters scrutinised the Bill, it was again discussed by the

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**SECOND READING: WATER
RESOURCES MANAGEMENT BILL
HON MUTORWA**

Cabinet Committee on Legislation on the 11th of May 2012 and returned to the Ministry to include or incorporate the advice and comments of the CCL. The Ministry thereafter submitted the said Amendments to the Ministry of Justice, specifically the Legislative Drafters, on the 26th of February 2013. The Ministry of Justice thereafter submitted the redrafted *Water Resources Management Bill* back to the Ministry on 28 February for perusal and acceptance of the final changes that were made to the Bill.

Comrade Speaker, Honourable Members, the Ministry of Agriculture, Water and Forestry on the 22nd of April this year indicated to the Ministry of Justice that we are satisfied with the changes made to the Bill and it may, therefore, be finally submitted to the Legal Drafters for submission to the Honourable Attorney-General for certification and eventual tabling in Parliament. I would like to sincerely thank our Colleagues in the Ministry of Justice, particularly the Legal Advisors and Legal Drafters, for their valuable advice and inputs into this very important Bill.

Comrade Speaker, I now Move that this Honourable House considers, debates and eventually passes the *Water Resources Management Bill*. I so Move, Comrade Speaker.

HON SPEAKER: I thank the Minister for his Motivation. Any further discussion?

HON TJIHUIKO: Honourable Speaker, in the absence of any further contributions, I Move that the Debate be adjourned until the 3rd of July 2013.

HON SPEAKER: Any other Honourable who wish to take the Floor on this Motion, earlier than next week Wednesday? Well, in light of all that the further consideration of this Bill stands adjourned until Wednesday,

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ADJOURNMENT

next week.

HON SPEAKER: The Second Notice of Motion is the one by Honourable Ulenga. No show. The Third Notice of Notice is the one by Honourable Shixwameni. No show as well. Right Honourable Prime Minister that brings the Business of the House the stage where it now stands to reason that I should call you to adjourn the House until tomorrow.

RT HON PRIME MINISTER: Comrade Speaker, I Move that this House now adjourns until tomorrow, 14:30.

HON SPEAKER: Any Objection? Agreed to. The House stands adjourned until tomorrow at 14:30.

HOUSE ADJOURNS AT 17:35 UNTIL 2013.06.26 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
26 JUNE 2013**

The Assembly met pursuant to the adjournment.

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

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

**TABLING: REPORT ON MEETING OF
SADCOPAC**

HON MAAMBERUA: Honourable Speaker, I lay upon the Table, the Report of the Parliamentary Standing Committee on Public Accounts on the Meeting of the Office-Bearers Governance Council of South African Development Community Association of Public Accounts Committees (SADCOPAC) and the Joint Accountability Conference with EAPAC held in Kampala, Uganda from the 3 – 8 May 2013 for note-taking.

**TABLING: REPORT ON CONSULTATIVE MEETING
WITH PUBLIC SERVICE COMMISSION**

HON MAAMBERUA: I lay upon the Table, the Report of the Parliamentary Standing Committee on Public Accounts on the Consultative Meeting with the Public Service Commission held at the Parliament Buildings on the 22nd October 2012, for note-taking.

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**TABLING OF REPORTS
HON KUUGONGELWA-AMADHILA / HON HAUSIKU**

HON SPEAKER: Will the Honourable Member please table the Report. Other Reports and Papers? 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 following:

- (i) Town Council of Arandis for the Financial Year ended 30 June 2011;
- (ii) Town Council of Oshakati for the Financial Year ended 30 June 2012; and
- (iii) Town Council of Omuthiya for the Financial Year ended 30 June 2012.

HON SPEAKER: Will the Honourable Minister table the Reports? Deputy Prime Minister.

**TABLING: ANNUAL REPORT:
ANTI-CORRUPTION COMMISSION**

HON DEPUTY PRIME MINISTER: Comrade Speaker, I lay upon the Table, Annual Report of the Anti-Corruption Commission for the year 2011/2012.

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**NOTICE OF MOTION
HON MOONGO**

HON SPEAKER: Will the Honourable Minister please table the Report? Notice of Questions? Notice of Motions? Honourable Moongo.

NOTICE OF MOTION

HON MOONGO: I give Notice that on Thursday, the 27th of June 2013, I shall Move -

That this Assembly –

Discusses and formulates rules that the drought relief food be distributed fairly and equally in order to prevent food becoming rotten, stolen or sold by greedy individuals in Namibia.

HON SPEAKER: Before you table the Motion, do you have any reason to doubt that that it is not done properly or will you motivate that? Do you have evidence that this is not being done?

HON MOONGO: I will then only say:

That this Assembly, discusses and formulates rules that the drought relief food be distributed fairly and equally.

HON SPEAKER: Will the Honourable Member please table the Motion? The Secretary will read the First Order of the Day.

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**BENGUELA CURRENT CONVENTION
HON !NARUSEB**

RATIFICATION: BENGUELA CURRENT CONVENTION:

SECRETARY: Resumption of Debate on the Ratification of the Benguela Current Convention.

HON SPEAKER: When the Debate was adjourned on Tuesday, 25 June 2013, the Question before the Assembly was a Motion by the Honourable Minister of Fisheries and Marine Resources. Honourable Minister had the of Lands.

HON MINISTER OF LANDS AND RESETTLEMENT: I Move, on behalf of the Minister of Agriculture, Water and Forestry, that the Debate be adjourned until next Tuesday.

HON SPEAKER: Further consideration of the Motion stands adjourned until Tuesday, next week. The Secretary will read the Second Order.

**CONSIDERATION: REPORT ON 18TH SESSION OF
UN FRAMEWORK CONVENTION ON CLIMATE CHANGE**

SECRETARY: Consideration of Report of the Parliamentary Standing Committee on the 18th Session of the United Nations Framework Convention on Climate Change.

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**CONVENTION ON CLIMATE CHANGE
HON DR AMWEELO**

HON SPEAKER: Does the Honourable Dr Amweelo Move that the Report be considered?

HON DR AMWEELO: I so Move, Honourable Speaker.

HON SPEAKER: Honourable Member, you have the Floor.

HON DR AMWEELO: Thank you very much, Honourable Speaker, Honourable Members. It gives me pleasure to motivate the Report by the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration on the 18th Session of the Conference of the Parties (COP18) to the United Nations Framework Convention on Climate Change which took place in Doha, Qatar from 26 November to 8 December 2012.

Honourable Speaker, Honourable Members, allow me to present a brief summary of the Report on behalf of the Committee. The Conference was attended by more than 10,000 participants from all over the world.

A number of key decisions were taken during the twelve days meeting in Doha. The most important one was the extension of the Kyoto Protocol with a second commitment period of eight years, commencing on the 1st of January 2013 and ending on the 31st of December 2020. As you may be aware, the first commitment period of the Kyoto Protocol came to an end on the 31st of December 2012.

The Conference also approved the city of Songdo in the Republic of Korea as the location for the Green Climate Fund (GCF). The city was urged to speedily develop its funding procedures and administrative structures so that the Fund can become operational as soon as possible.

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**CONVENTION ON CLIMATE CHANGE
HON DR AMWEELO**

The Green Climate Fund will be used to help developing countries to mitigate and adapt to climate change. This means that developing countries will apply to the Fund for financial assistance to implement projects which will mitigate and adapt climate change related activities, projects and Programmes.

It was also agreed that ways to incentivise non-carbon benefits should be considered in the development of Reducing Emissions from Deforestation and Forest Degradation (REDD+). This allows issues such as biodiversity and the preservation of forests as well as deforestation to be addressed through the REDD+.

On technology, progress was also made on the issue of technology development and transfer. The Advisory Board of the Climate Technology Centre and Network was tasked to engage in the following activities:

- To provide advice and support to developing countries with regards to capacity-building and to conduct assessments of new and emerging technologies; and
- To identify currently available climate-friendly technologies for mitigation and adaptation which meet the low-carbon and climate-resilient development needs of country parties.

To conclude, COP18 ultimately achieved its two overriding goals of keeping the Kyoto Protocol operational as a transitional measure and laying the foundation for a more comprehensive international agreement for the post-2020 period to be agreed by 2015. The 19th Conference of the Parties (COP19) to the United Nations Climate Change and the 9th Meeting of the Parties to the Kyoto Protocol will take place in Warsaw, Poland, at the end of this year.

Honourable Speaker, Honourable Members, this is what I wanted to say and I look forward to fruitful discussions. I thank you.

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**REPORT ON CENTRAL GOVERNMENT
HON MAAMBERUA**

HON SPEAKER: I thank the Honourable Member. Any further discussion? None. Does the Honourable Member wish to say something?

HON DR AMWEELO: Comrade Speaker, I thank all the Members for their support.

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

**CONSIDERATION: REPORT ON CENTRAL
GOVERNMENT OF NAMIBIA**

SECRETARY: Consideration of Report of the Parliament Standing Committee on the Central Government of Namibia for the Financial Years ended 2009 to 2011.

HON SPEAKER: Does Honourable Maamberua Move that the Report be considered?

HON MAAMBERUA: I Move so, Honourable Speaker, and I would like to add to what I elaborated on yesterday, that with the tabling of this Report on Central Government yesterday we have now actually cleared any backlog regarding Reports of the Central Government. We are awaiting tabling further Reports relating to 2012 from the Office of the Auditor-General and once we have compiled them, we shall consider and

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**REPORT ON CENTRAL GOVERNMENT
HON NUJOMA**

review them before the end of the year and table same in this House. Otherwise we invite the Members' to comment on this Report. Thank you very much.

HON SPEAKER: Any further discussion? Honourable Nujoma.

HON MINISTER OF JUSTICE: Thank you, Comrade Speaker. I would like to comment on the Report of the Parliament Standing Committee on Public Accounts. I would like to thank the Chairperson for tabling the Report. The Report is very clear, however, I have some comments.

At the bottom of Page 8, the last Paragraph states that, "the Committee was able to interact freely with Ministers and also listen to their views, challenges and expectations from the Committee. Furthermore, the meeting created a platform where the Committee and the Ministers agreed to continuously follow and monitor the financial management of their respective Offices, Ministries and Agencies. The Committee's concerns were noted by Ministers and they all appreciated the Committee's initiative and regarded it as an eye-opener for them to start engaging in the affairs of their ministries. Lastly, the meeting concluded with the understanding that Ministers will engage themselves in the financial affairs of their respective Ministries and promised to improve the situation in their Ministries. Lastly, it was also agreed that should the situation not improve in these Ministries, the Ministers will be called for public hearings."

I have a problem with this statement as there is a clear demarcation of responsibilities in the *State Finance Act* that gives financial responsibility within the Ministry to the accounting officer. If you have regard of Article 40 of the Constitution dealing with **Duties and Functions of Ministers**, the functions of Ministers are clearly articulated in a very long list and there is no mention of financial responsibility with regard to the

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**REPORT ON CENTRAL GOVERNMENT
HON NUJOMA**

Ministers. It instead states that: “*Members of Cabinet shall have the following functions: to direct, coordinate and supervise the activities of Ministries and Government Departments, including parastatals, enterprises and to review and advise the President and the Parliament on the desirability and wisdom of any prevailing subordinate legislation*” etcetera. Therefore, there is no clear responsibility with regard to financial accountability placed on the Minister. The Minister is to coordinate and supervise the activities, therefore, this last paragraph appears for me that the Chairman would like to (intervention)

HON SPEAKER: Honourable Tjihuiko.

HON TJIHUIKO: Honourable Speaker, I am sorry to interrupt the Honourable Minister, but may I ask him a small question? Honourable Minister, when you were reading the first paragraph, you mentioned that the responsibility of the Minister is to supervise, regulate and coordinate. Do you not think that financial activities within the Ministry should also be supervised by the Head of the Ministry, namely the Minister? I have not seen that financial activities should not be supervised.

HON MINISTER OF JUSTICE: The Ministers do not have authority to approve payments. Why should I have to be accountable for things which I am not responsible for? The *State Finance Act* is very clear and furthermore, there has always been a balance. In my Ministry, the Minister of Justice is not responsible for prosecutions, the Prosecutor-General is responsible for everything regarding prosecutions.

I would caution that we must not tamper with the balance. Our Constitution provides for the separation of powers, which is a cardinal principle. How can the Executive now appear before the Legislature? I am just asking the question as the balance is very important.

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**REPORT ON CENTRAL GOVERNMENT
HON NUJOMA**

(Interjection). Honourable Kaura, you can explain, I am now explaining my own views, because I want that sanctity of the separation of powers to be maintained as that has kept us going. Otherwise Honourable Kaura would not have been here. You are here at the mercy of the Executive.

Therefore, before I agree to this Motion, I seek further explanation with regard to what I have just said. (Intervention).

HON LUCKS: May I ask the Honourable Minister a very small question? Honourable Minister, taking into consideration what you just said, are you actually proposing that Ministers should not be held accountable?

HON MINISTER OF JUSTICE: I did not say that, Honourable Lucks. I appreciate your new look, I do not know whether it is the Taliban or Osama Bin Laden.

That is not what I am saying, we want to be accountable, but I do not want the Legislature to parade the Ministers. I know politicians like Honourable Maamberua can be very unscrupulous and he would like to enjoy that moment when grilling a Minister. I am just expressing my views and you are entitled to yours.

HON KAURA: May I ask the Honourable Minister a question? Honourable Minister, I want to find out from you whether in the true sense of separation of powers, you expect Ministers to sit in Parliament? Right now, unfortunately, based on our Constitution you are a Member of Parliament first before you become a Minister. Now you are talking about the separation of powers, but in the true sense of separation of powers, should Ministers be Members of Parliament?

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**REPORT ON CENTRAL GOVERNMENT
HON DR GURIRAB / KUUGONGELWA-AMADHILA / HON
MOONGO**

HON MINISTER OF JUSTICE: You have drafted this Constitution and that is the reason why we are here. That is what the Constitution provides and we are elected representatives and the President chooses his Cabinet from Members of Parliament. What is wrong with that? These are elected representatives, we are on the Party list system in a democracy and that is why we will continue to defeat you. That is why you have diminished from 27 to number 2. Next time it may be zero.

Honourable Speaker, those are the issues I wanted to raise and I am entitled to my views. I thank you.

HON SPEAKER: Before I give the Floor to the Minister of Finance, I want, on your behalf and, indeed as Speaker to welcome Dr Albert Kawana who could not join us earlier because he was still tightening up the aftereffects of his beloved mother's passing on. We have through other channels expressed our condolences to you, but the House would also like to record the same sentiments now that you are back in the Chamber. Welcome back. Minister of Finance.

HON MINISTER OF FINANCE: Honourable Speaker, Thank you very much. I would like to propose that the discussions on the Report be postponed to next week Wednesday.

HON SPEAKER: Honourable Moongo.

HON MOONGO: Honourable Speaker, I would only like to support the statement made by the Chairman of the Public Accounts Committee. As Members of the Committee we had in mind that the Minister is the overall commander of his whole Ministry, therefore, he has to control everything

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**MOTION ON PLIGHT OF SHEEP FARMERS
HON KAURA**

and ensure that the Ministry's operations are run properly. Therefore, I support the statement by our Chairperson. Thank you.

HON SPEAKER: With that, further consideration of this item stands adjourned. The further Notice of Motion is the one of the Honourable Minister of Home Affairs and Immigration and Immigration. Does the Minister Move the Motion?

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: I Move that the Motion be deferred to next week, Tuesday.

HON SPEAKER: The introduction of the Motion stands adjourned until Tuesday, next week. The Second Notice of Motion is by Honourable Ulenga. No Show. The Third Notice of Motion is the one by Honourable Shixwameni.

HON MAAMBERUA: I Move, on behalf of Honourable Shixwameni, to postpone the Debate on this matter until next week, Tuesday.

HON SPEAKER: The consideration of this Motion stands adjourned until Tuesday, next week. The Fourth Notice of Motion is by Honourable Kaura. Does the Honourable Member Move the Motion? Who seconds? Agreed to.

**MOTION ON PLIGHT OF SHEEP
FARMERS IN NAMIBIA**

HON KAURA: Thank you, Honourable Speaker. Honourable Speaker, I

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**MOTION ON PLIGHT OF SHEEP FARMERS
HON KAURA**

would like to ask this august House to do serious introspection especially as far as the plight of sheep farmers in Namibia is concerned.

Honourable Members, it was reported last week that the sheep abattoir at Meatco was shut down because of the claim that Meatco is incurring a loss by keeping the sheep abattoir open. Given this scenario in the middle of this devastating drought, I felt that it was prudent to bring this issue to Parliament to revisit the decision that was taken in 2003 that stopped the sheep and cattle to go on-the-hoof to South Africa in order to add value to our mutton and beef.

Honourable Members, you may recall that I tabled a Motion in Parliament to look at the issue of weaners, young calves. Given the fact that our Green Scheme was and still is in a nascent stage, I questioned what we were going to do with the 180,000 weaners that go to South Africa every year that we are producing here in Namibia. Where are we going to keep them until they have matured for slaughter locally? We were prudent enough and allowed the weaners to go to South Africa on the hoof, but the sheep and mature cattle were to be slaughtered locally.

I was, however, surprised last week to read that Meatco has closed the sheep abattoir and further investigation revealed that many sheep farmers are operating at a loss since the closure of the border to send the sheep on-the-hoof to South Africa. Many farmers have opted to go into other lucrative ventures instead of farming with sheep, thus the sheep numbers have dramatically declined and not enough sheep are available for slaughter at Meatco and, therefore, the abattoir was shut down.

For those who farm with goats and sheep, it is more profitable to farm with goats because at auctions the price for a goat outstrips that for the sheep. While a 35 kilogram goat will get N\$15.00 per kilogram, the sheep of the same weight will get N\$10.00 per kilogram. However, if you take that sheep across the border to South Africa, it will get up to N\$26.00 dollars per kilogram. Can you see the unfairness? Goats are getting a good competitive price because they go on-the-hoof to Durban. Especially a goat whether weighing seventy to eighty kilograms get up to

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N\$1,500.00 at auctions locally here in Namibia, while a sheep weighing the same might get a maximum of N\$600.00.

Honourable Members, if we want to serve our fellow citizens equitably, we must open up the borders so that the sheep can go on the hoof to South Africa. Many of our sheep farmers that are hit by this severe drought in the Hardap and Karas Regions would be extremely grateful if we open up the borders because the issue of the value addition has brought pain, suffering and bankruptcy to both communal and commercial farmers in those Regions that depend solely on the production of small stock.

I, therefore, request this august House to dissect this issue and prudently rescind the decision of 2003 which closed the border for the live export of sheep to South Africa. Colleagues, let us open the borders immediately. I thank you.

HON SPEAKER: I thank Honourable Kaura for a matter that concerns not only farmers, but also the rest of us, the consumers. Any further discussion? Minister of Trade and Industry.

HON MINISTER OF TRADE AND INDUSTRY: Thank you, Honourable Speaker. I thank Honourable Kaura who has brought the Motion here. Inasmuch as this entails a rather complex and very intertwined relationship between many role-players, I do understand the Motion is being tabled here primarily in the light of the drought. Comrade Speaker, let me explain what I am saying.

Principally the decision of 2003 was taken to make sure that the raw materials that we produce in the Meat Sector are beneficiated to the largest possible extent and that argument still stands. If we do not engage in processing and value addition and beneficiation of our raw materials, but we maintain the position that we have to export everything in raw form, we will not be very successful in creating wealth that can be more equitably distributed, nor can we produce the necessary and very much

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desired jobs that we need to curb the unemployment situation.

That was the principle idea behind, not prohibiting, but limiting the export of both cattle, weaners and sheep on-the-hoof to South Africa and as I said, I think from a trade and industrial point of view, from an industrialisation objective point of view that argument still stands and should hold.

What we have done so far is that we have studied the situation, we have called all the stakeholders for consultations and those stakeholders are not only Meatco Abbatoirs, there are a number of abattoirs that are involved in slaughtering sheep. There are the commercial farmers that produce the sheep or the lamb and then there are still the communal farmers who do not produce lamb, but they produce older sheep that can be slaughtered and in much smaller numbers. So, they do not have the benefit of economy-of-scale in their production schemes.

We have anticipated that these stakeholders would come with a consensus decision how the sheep marketing will look like, that we are doing both, we are fair to the producer but we are also fair to ourselves in terms of implementing the beneficiation policy that we have agreed upon. So far that was very difficult to reach that consensus and I think the reason for that is that the interest of different stakeholders are very varied.

Let me start with the producers and Honourable Kaura, we have sympathy, I think the interest of the producer is to produce as much as possible for the best price. Therefore, price is very sensitive. The producers were also with us by saying they would be joining us in the drive to beneficiate, provided that the price they fetch for their animals will not be below their cost, it must still be very profitable to engage in farming. That is understood, I think everyone is sympathetic to that.

As for the abattoirs, what we have learned is that Meatco has a special place because it is a solely Namibian-owned abattoir which caters for both cattle and sheep, but the ownership of the other abattoirs is shared on both sides of the border and what has happened is that the prices offered for the sheep produced in South Africa has created a situation where the owners

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would seriously benefit on our backs by diluting our possibility to beneficiate. All the beneficiating is done in South Africa and not in Namibia and I think that was the reason why there was a curb put on the export of those animals to South Africa.

To come back to the drought, I think what we have suggested for beef so far is that for the drought period and to relieve the pressure on farmers during the drought period we will introduce a time-bound relief, where we will do away with the levies and permits on an application-based for farmers to sell. We anticipate that we do the same for sheep, but it must be a short-lived time-bound exercise that will help farmers during the drought period, but when we normalise, then of course the policy to beneficiate will override that and we will fall back to a situation where we will try to optimise beneficiation in Namibia.

I hope I have explained that situation and I hope we can go along with that. Thank you very much.

HON DEPUTY MINISTER OF DEFENCE: Thank you, Comrade Speaker. This is a very important Motion dealing with the export of sheep on-the-hoof to South Africa and we really need to go deeper into the matter rather than being seen as supporting the producer without having the interests of the country at heart.

I vividly recall when we were dealing with the issue of ostrich in this House, which was regarded as the black diamond and then the people who wanted to destroy you, pulled together, collected money and attracted you with the price. This is exactly what happened with the Mariental ostrich farming. There came a stage when one fertilised ostrich egg cost between N\$35,000 to N\$50,000, where are we today? When you come to Rehoboth you already started to get the smell of an ostrich and today you will not even see one.

Similarly, the South Africans are our competitors, they want to ensure that this country does not develop and that is why they pull together and even

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use some of our Namibian to pretend they are the buyers of weaners.

Therefore, it is in order that we during this time of drought look into this issue, but we do have unutilised facilities which can process these sheep. The facility at Ondangwa is not being utilised. When Meatco slaughter, they bring the animals to Okapuka. If we say we want to add value to our raw materials, let us look at the Otavi Abattoir and establish facilities were needed so that we can start processing and our people can see this is not a temporary measure. When we no longer have sheep here, South Africa will no longer come here.

Therefore, this is a bread-and-butter issue, it should not be politicised and done to gain support, it is a reality that the country must come first and we have to tell our producers not just to be there for the temporary “*Sotho Dollars*” and Rand on the other side of Orange River, because in the end they are the ones who are going to suffer. I just wanted to remind ourselves that we were trying, but we found that we lost a very important commodity like the ostrich. It happened in exactly the same manner, we wanted money, and the money will never be enough. Therefore, let us see how the Ministry of Trade and Industry, the Ministry of Agriculture, Water and Forestry and our producers can cooperate as Namibians, rather than be more lenient to people who will not come to our aid when we have to extinguish a fire. I end there, Comrade Speaker.

HON SPEAKER: Honourable Tjihuiko.

HON TJIHUIKO: Thank you very much, Honourable Speaker. Honourable Speaker, we are talking about a very critical and important issue. We are talking about an economic issue during a time when we need to grow the economy and create jobs for our people and this Sector is one we looked at a couple of years back, where we have taken the decision that we have taken at that particular moment, but now is the time to revisit our decision and say, yes, under those circumstances we have

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taken that decision and the consequences of our decision is this.

I think one needs to congratulate Honourable Kaura for having brought this issue in the form of a Motion. What we need to understand as politicians is that it is easier to politicise an issue than to be realistic about how the world economy operates. We as politicians can take decision on certain matters when we want to impress certain people, but we forget about the economic realities of the global village in which we are living today.

I know for a fact that when we were looking at this scheme, we were more influenced by the fact that we want to create jobs and add value to our products, not realising that South Africa does not need our meat, they are getting cheap meat from New Zealand. We are competing in that market. It is not a question of them waiting for us to deliver meat to them. Whether it is cattle, sheep or goats, we are in a competitive market and we are competing in that market. The moment you pull out of that market somebody else will come in and the moment somebody else has come in, you will not be able to enter that market again.

If we say that if we have to lose the Angolan market, we have the Zimbabwean market as an alternative, then we are talking business. That is not politics, it is a real bread-and-butter issue.

Honourable Speaker, we had a situation where we did not consider the concerns of the producers. The producers are the people who have to deliver the throughputs into the abattoirs and the moment they are not happy about the price they are getting, they will pull out and we as politicians or Government will not provide those throughputs because we are not in a position to do that. We have ignored that critical fact. (Intervention)

HON MINISTER OF JUSTICE: On a Point of Information. Honourable Tjihuiko, you mentioned other countries and it is true that they are competing with Namibia. Australia, New Zealand, Norway and others are competing with Namibia, it is true, but the problem is that they

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do the beneficiation at home. They do not export to South Africa on-the-hoof. They slaughter at home, they beneficiate, the hides are used for furniture, shoes and the seats of Mercedes Benz, etcetera. What the Honourable Minister and Honourable Ilonga mentioned is the truth, that we want to do beneficiation here. If you compare with those countries, they are only exporting the mutton to South Africa, not on-the-hoof. We have to make a distinction there.

HON TJIHUIKO: The Honourable Minister answered himself. What I am saying is that South Africa is looking for meat, they are not looking for your sheep and as long as they are getting meat, you can eat your own meat. That is the reality.

What I am saying is that as we are sitting in this Chamber you would find meat from New Zealand and Germany in any supermarket. Why? We are part of SACU, South Africa has an agreement that will allow products to enter South Africa and the moment that happens, these products also become Namibian products. How do you compete? Let us be realistic, Honourable Minister, let us see the economic situation as it is. We are not operating in isolation in this Sector and mind you, one factor that we need to understand is that you can have permanent Comrades in politics, all the neighbouring States that have supported us during the liberation struggle whom we owe appreciation to, but when it comes to the economy they are our biggest competitors, they are not our Comrades-in-economy. That we have to understand and this is exactly what is happening in this issue, we are talking about competition and not Comrades.

HON DEPUTY MINISTER OF DEFENCE: Comrade Speaker, may I ask Honourable Tjiuiko a question? Honourable Tjiuiko, clever as you are, you are talking in circles. First you say South Africa does not need our sheep, but do you want to tell us that if these sheep that go to South Africa are slaughtered in the manner they receive that meat from Australia, they cannot compete, they cannot give a better price? Why can

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we not send meat which has been processed here? I said, if we do not have facilities, why can we not improve our facilities?

HON TJIHUIKO: Honourable Iilonga, here we are talking about a company that we have established with the understanding that we are going to export meat, we are going to create jobs for our people. The company we have started has closed doors. The business people have pulled out of that Sector because they are not making money. They are not playing politics, they are talking about dollars. You can open as many abattoirs as you want, it will not help, you are wasting Government money and that is the problem with some of the politicians, you do not understand the difference between an economic reality and politics.

This is a Sector which was flourishing, but we have destroyed it. What we need to do is to go back to the drawing board and evaluate where we have gone wrong and improve on that, but not try to justify the unjustifiable.

Let me continue with what I was saying: Honourable Speaker, I believe that at the present moment there are two things that I would like us to do and the Minister of Trade and Industry has touched on some of them. First and foremost, we need to go back to the drawing board, we need to look at where we have gone wrong and try to improve on that, considering the fact that we do not have a monopoly here.

Yesterday we were trying to export our meat to Angola; Angola is now getting cheap meat from Brazil. In that market we need to revise our strategy and also in South Africa. We need to look at other markets, such as Zimbabwe. What is our strategy to get our meat into Zimbabwe? These are the practical strategic realities that we need to look at and not to justify the mistake that we have made.

I was at the Ministry of Trade and Industry when the abattoir was built in Ondangwa and it was a marvellous idea, but since 2002 we are still struggling and I will tell you what happened.

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HON MEMBER: You sabotaged it!

HON TJIHUIKO: You do not know, you only think in terms of sabotage because that is the language you have been using all these years and you do not think beyond that. Let me tell you what happened, because I was involved.

It was a marvellous idea to have the abattoir, but what happened is that the price (intervention).

HON DEPUTY MINISTER OF JUSTICE: Honourable Tjihuiko, you are using very interesting logic. If meat is brought from Brazil to Angola, why can the same meat not be brought to Zimbabwe?

HON TJIHUIKO: He is a lawyer, do not worry. When you market your product, you work out your marketing strategy and based on that you will be able to compete. If you sit back in the Ministry of Justice thinking that you will sell to our Comrades in Cuba, the Americans are selling in Cuba. You, therefore, have to develop a strategy to get into Cuba, my brother. This is not Law, this is economy.

Let me come back to my point and I am very serious about this, that what we need to do as Namibia is to sit back and look at the comparative advantage we have in this global market. What is the need in the market for our products and move into that and make use of that. This thing of thinking politics when it comes to issues of bread and butter will never get us anywhere.

Before I conclude, let me tell you what mistake we made with the tannery built in Ondangwa. As usual we assumed that the Namibians will sell their hides and skins to that tannery, but what happened is that African

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Hides was paying a better price and our people were selling to African Hides. We should not hide behind the truth, let us face it, let us learn from that and let us do the right thing, correct our mistakes and not to try and defend the indefensible, Honourable Deputy Minister of Justice.

In conclusion, Honourable Speaker; yes, we lost of money in this scheme and the best way is to seriously consider competing in the market like anybody else and that is to open the frontier. Before we have put our house in order, let our people make a living. Once we have everything in place where we can say that now we can close the border because we are able to do a, b, c, let us do that. We made a mistake by closing the border before we have done our homework and that was a mistake.

With that, Honourable Speaker, I support the Motion.

HON SPEAKER: Honourable Von Wietersheim.

HON VON WIETERSHEIM: Thank you, Honourable Speaker, I will be brief. I support the Motion of Honourable Kaura wholeheartedly and I can only support what Honourable Tjihuiko said just now, that we have made a mistake and we have to correct that mistake.

I am glad to hear from the Honourable Minister of Trade and Industry that already consideration has been given as an emergency measure to open the border under specific conditions. In that regard I would just like to call on the Minister to really speed up the process, because it sounded like it is going to take some time and the drought is on hand.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask the former Minister of Agriculture a question? Honourable Member, you talk about mistakes, but I want you to tell the

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public out there what is the mistake you are mentioning and who made that mistake? You are the one who is behind the demonstrations in Namibia, telling the people not to accept this, not to accept that. Tell the people what mistake you are referring to.

HON VON WIETERSHEIM: I was going to do just that, because I was going to motivate what I said in short. The Honourable Minister of Trade and Industry mentioned that the idea was to create beneficiation, to create more wealth, to create more jobs. Nothing like that has materialised since the closure of the border for sheep. So, that is the mistake we are referring to.

However, I see it the same way that Honourable Tjiuiko sees it, let us give way under these emergency circumstances for people to be able to market their sheep and let us at the same time sit down and look at what happened. What in fact happened is that the slaughtering of sheep went down drastically. The so-called beneficiation was just the slaughtering. They were just slaughtering the sheep and sending them over and exactly those people the Honourable Minister was referring to made the big bucks on our backs, exactly as you said, because now they had the sheep anyway in the form of a carcass and they could sell it at the South African prices over there while our farmers had to accept the prices that were offered here. This is the reality.

However, I think we are on a way out, as the Honourable Minister has stated that measures are being considered. Apart from urging for speed of decisions now, I would also like to urge the relevant Ministries to sit together again with the producers and look at the scheme that we had and see what we can do, if we really want to achieve value addition for this product, because that is what did not really happen. Thank you, Honourable Speaker.

HON SPEAKER: Thank you. Honourable Dingara.

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HON DINGARA: Thank you very much, Honourable Speaker. I have listened attentively to Honourable Kaura and I have also listened to Honourable Minister Schlettwein, Comrade Ilonga and Honourable Tjihuiko and I am asking myself what is the best way forward, because the issues involved in this discussion should not be politicised, but if you look at who is supporting who, it is clear that the matter is being politicised.

The same people who are saying it should not be politicised, such as Honourable Tjihuiko, are trying to politicise. Even the last speaker brought some politics in while this is a matter which is not supposed to be politicised, but a matter that all of us have to look at with open hearts and take a decision that will serve this Nation.

When I was listening to Honourable Kaura, I was not quite sure whether his information is completely true and correct, because he was reading from a paper. How can I confirm today that that is the complete truth? I do not know, therefore, I cannot participate and say we must put an end to it. I can also not say it should continue because I do not know if the information is the truth.

The Honourable Minister of Trade and Industry was saying that we must not be in a hurry when deciding on the long-term solution, we must investigate and find authentic information, confirmed by everybody that this is the correct information before we can decide. We decided to close the border and I do not know whether we had the correct information if we ended up in a situation like this.

Honourable Ilonga referred to the ostrich. We were convinced that it is a good idea, it is the black diamond, but after we established it, someone came to say it is dangerous and we believed it. What I am trying to say is that I know this issue is urgent in terms of what Honourable Kaura has stated, but we must not be in a hurry. We must get the correct information to enable us to take an informed decision as Honourable Kaura did not provide enough information.

I am calling upon the House to request the Ministry of Trade and Industry to establish all the true facts on this matter and give us a directive on what

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decision would be the most appropriate. Only then can we decide, but the information available today is not sufficient. (Interjection). If he is saying he is supporting the Minister, then let us go the way the Minister has proposed so that we do not decide today. Honourable Kaura has provided valuable information here, but it needs to be confirmed so that we can take an informed decision. Thank you, Comrade Speaker.

HON SPEAKER: Thank you. Honourable Van Der Walt.

HON VAN DER WALT: Honourable Speaker, Members of Parliament, it is a great honour to be able to add my voice. In the beginning I would like to say that I support the Minister and the Motion fully, but unfortunately, Honourable Speaker, we are here talking about a very important part of the economy of our country which human beings are not able to control because nature controls human beings. No human being will ever become greater than humanity and because nature is involved, it might be that our leadership made a decision, nature made another turn and there is drought, which we did not expect this year. Therefore, I cannot say that my leaders made a mistake because we are not in charge of nature.

However, I have a couple of concerns and if I look at the situation between the ACP countries and the European countries in terms of our Economic Partnership Agreement and where we may possibly lose our preferential treatment as a developed country and we speak at ACP level a lot about trade amongst each other, especially in Africa, of which South Africa is part. Of course, I believe in beneficiation and value-addition to our products, but on the other hand a huge concern is that I do not at this stage know what happened to all the hides of our sheep. The farmers slaughter their goats and sheep at Meatco and other abattoirs, the hides are bought by local businessmen who have export permits to export those hides to wherever in the world, so what value is added? I do not understand. Nakara is too small to handle all these hides.

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I believe that if you make a rule on the one hand for the farmers, where we want to add value, then I would say let us look at the Government and my leaders to put up a factory where we bring in the right people to help us and train our people, then no hide must be exported from this country.

What is also important, Honourable Speaker, the abattoirs determine the price of beef. If you want to buy our African art on the streets, the artist determines the price, but when I take my cattle or sheep to Meatco, they determine the price. I do not know what they receive from the European countries, but in Europe you pay 45 to 48 Euros for a kilogram of meat, which is N\$480.00 to N\$550.00. We receive N\$24.00 for our meat, but Meatco determined the price.

My point is that when we need to make these decisions, I understand we need to do value adding and we need to manufacture in our country, but I do not understand if we boycott our farmers to export on-the-hoof to South African, then we need to boycott that the hides need to stay in the country and we need to put up a factory and we need to produce our own leather seats and whatever.

Another concern I wish to raise with the Honourable Minister of Trade and Industry is that Angola is just next-door and in the past I have been approached by people with private abattoirs who asked whether it is possible that they can export their meat to Angola. They tried to get licences and permits to export the meat to Angola, but it is impossible. There is always something that prevents a person from getting a permit to export his meat to Angola and to be quite frank, Honourable Speaker, I have seen the prices the people can receive for their meat. I feel we need advocate on ACP level and in Europe that we need to trade amongst each other to strengthen Africa and our economic situation and not to be so much dependant on European countries.

Honourable Speaker, on that note I thank you for the opportunity.

HON SPEAKER: Thank you. Honourable Lucks.

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HON LUCKS: Thank you, Honourable Speaker. I just want to make a very brief contribution in support of the Motion. When I listened to the argument of the Minister of Trade and Industry, it is certainly a good argument. It makes sense that we in Namibia want to have the beneficiation in Namibia, we want to have the value addition in Namibia and we want to create jobs in Namibia. Those arguments are all good and they sound good and make sense. However, if you look at the real situation on the ground, the effect of certain decisions is often very much different to what was envisaged, what we have planned with those kinds of decisions.

If we look at the facts on the ground now, fact number one: Production has gone down and most likely, because production has gone down, jobs have been lost. That is one fact.

Fact number two is: Meatco has announced the closure of their slaughtering facility for sheep in Windhoek and when I read the article in the newspaper; one of the arguments was that there are enough abattoirs in the southern parts of Namibia that take up all the production, so there is not enough throughput for Meatco in Windhoek. So, fact number two is, throughput in Windhoek led to the closure and that most likely has led to the loss of jobs. (Intervention)

HON MINISTER OF TRADE AND INDUSTRY: Honourable Speaker, I am very sorry to intervene, but just for the sake of information I want to inform the Honourable Member about some statements that he made. I think it was mentioned a number of times that production of sheep went down. That is so, but in the South we also know that sheep were by and large replaced by cattle because of the weather cycle. So, overall production did not go down, that is the first point.

The second point by Honourable De Waal on what happened to the skins, if you export on the hoof it is completely lost, you give it away for free. What happens in our situation is that all the skins are either pickled or tanned to the wet blue situation and only then exported. So, we do not

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have a total value chain but at least we have partial value addition and I think it is important to know that the principle of value addition is growing, maybe not to the ideal situation, but it is growing somehow. Therefore, I think we must be careful in stating factual information which is not quite correct and I think Honourable Dingara is correct, we must separate the issue of drought and there I am sympathetic, I think we must do that to relieve the current situation, that is good, but the long-term policy of beneficiation cannot be sacrificed altogether. Thank you.

HON LUCKS: Honourable Minister, I hear what you say, the fact still remains that sheep production has gone down and the fact still remains that great parts of Namibia, especially the southern parts, are not ideal for cattle production. So, you cannot just say cattle production will replace sheep production. You can produce cattle in the southern parts of Namibia, but not to the same effect that you can produce sheep, not to make the same amount of profit per hectare. That is just not possible.

The other problem with the closure of the slaughtering facility in Windhoek, Meatco, there are not only sheep producers in the southern parts of Namibia, there are also sheep producers north of Windhoek, in areas like Otjiwarongo, for example. Whereas in the past these producers had to transport their sheep to Windhoek, now all of a sudden they have to transport their sheep to Mariental, Keetmanshoop or wherever and that is a very big inhibitor. That will certainly destroy the sheep production in the northern parts of Namibia. Those are the facts.

I have not been part of the decision-makers that made the decision to close the borders in 2003, so I will not say whether that was a mistake or not, but what I can say is that Laws are passed by this House that makes perfect sense at the time, but situations, factors around those Laws change. Maybe it is a natural change, like the drought that we have, but sometimes we are just forced to revisit the decisions that were made in the past and there is nothing wrong with revisiting this decisions and say yes, this decision does make perfect sense, we want to have beneficiation in Namibia, we want to have value addition in Namibia, we want to create

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jobs in Namibia, but maybe the effect of that decision was not quite as good as we envisaged.

In supporting this Motion, I would like this House to refer this Motion to the Standing Committee on Economics and Natural Resources. As Honourable Dingara has stated, we are politicians, I am not a farmer, we do not know all the factors around these Laws that are passed here, so maybe the best decision for this House would be to refer this Motion to the Standing Committee on Economics and Natural Resources to see if the situation that led to the decision to close the borders partially in 2003 still exist, has the situation maybe changed and is the drought that we currently experiencing not a very good wake-up call to just revisit the Laws that we made about ten years ago. I thank you.

HON SPEAKER: Honourable Nambahu.

HON DEPUTY MINISTER OF JUSTICE: Comrade Speaker, my intervention was prompted by Honourable Tjihuiko who just walked out, who made a very erroneous remark, by saying that we have a problem in Angola because they get cheap meat from Brazil, therefore, we can export to Zimbabwe, as if the Zimbabweans cannot do market research and find out that there is cheap meat coming from Brazil and they can source it from there. He made this argument as if others cannot do their own research and find a cheaper source. This does not make much sense and when these kinds of statements go out there unchallenged; people take them as the truth.

The point is that I also see the deficit in knowledge, the deficit in research, the deficit in information available regarding this topic and it was pointed out by Comrade Dingara in substantiating the stand of the Minister of Trade and Industry, that this issue needs to be researched, because the information that we have at hand does not bring all the ingredients on the table so that we can take an informed decision.

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HON LUCAS

Comrade Speaker, we used to say that there is a need for research capacity in Parliament so that when others do their own research, you are able to kind of check and verify that. However, research can also be manipulated if you do not have your own. A person can set up research, already having concluded what they want to achieve. I do not know whether you have followed the recent Debates on the genetic modified food. This one is promoting it, saying there is nothing wrong; the other one says it is terrible and it is all based on their own research. As long as we continue depending on other people's researches without creating our own capacity in the organograms of our Ministries, our Parliament and our parastatals, we will continue to be manipulated like this. It is critical that we heed this and even apportion enough resources in the Budget for the research capacity.

The countries of the BRICKS, the Indian cows, Chinese cars are maybe even competing with North Korea, but because they are not investing much money in research, who is buying the Chinese cars? Research appears to be a waste of money, but at the end of the day there is a lot of potential when you invest in this kind of thing.

Therefore, my argument is that there is a deficit of knowledge and we should create our own capacity so that we can do our research and based on that come to a conclusion and take an informed decision. Also, there is no lasting solution, the strategy has to be updated as the situation changes and I can only implore Parliament and the Government as a whole to embrace this so that we do not have a knowledge deficit and update our decisions as time goes. I thank you.

HON SPEAKER: Thank you. Honourable Lucas.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Honourable Speaker, I Move that the Debate be adjourned until next week, Wednesday.

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ADJOURNMENT

HON SPEAKER: This Motion stands adjourned until Wednesday, next week. We have come to the end of the Business scheduled for today.

HON DEPUTY PRIME MINISTER: I Move that the House adjourns until tomorrow, 14:30.

HON SPEAKER: Any Objection? Agreed to.

HOUSE ADJOURNS AT 16:25 UNTIL 2013.06.27 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
27 JUNE 2013**

The Assembly met pursuant to the adjournment.

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

**OATH/AFFIRMATION BY
NEWLY ELECTED MEMBER**

HON SPEAKER: The Business of the House is called to order. I, on your behalf and on my own behalf, welcome back Chief Justice Shivute to the House for the Business that only he can perform and that is, in this instance, the swearing in of Honourable Becky Njoze-Ojo.

THE CHIEF JUSTICE administers the Oath to the Member.

HON SPEAKER: You are duly welcomed. The female Honourable Members are understandably happy about this addition and did not even give me the opportunity to thank and welcome the Honourable Member back to the House. We have changed a lot, but not as much as you would have expected. Welcome back and congratulations.

May I once again thank His Lordship for the national duty that he has performed and to invite him to go back to the Chamber where he belongs and carry out national duties. Once again, thank you very much.

Any Petitions? Any Reports of Standing Committees? Honourable Taeyele-!Nawases.

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**TABLING OF REPORTS
HON TAEYELE-!NAWASES / HON PROF KASINGO**

**TABLING: REPORT ON VISIT TO THE
PARLIAMENT OF NETHERLANDS**

HON !NAWASES-TAEYELE: Thank you, Honourable Speaker. I lay upon the Table, the Report of the Parliamentary Standing Committee on Constitutional and Legal Affairs on the visit to the Parliament of Netherlands from 19-23 November 2012.

HON SPEAKER: Will the Honourable Member table the Report? Deputy Speaker.

**TABLING: EXPLANATORY NOTE:
PAN-AFRICAN PARLIAMENT**

HON DEPUTY SPEAKER: Honourable Speaker, I lay upon the Table the Explanatory Note entitled Aide Memoire from the Pan-African Parliament explaining the current status of the Review Protocol of the Protocol Establishing the Pan-African Parliament for information and note-taking. But before that, allow me to explain and emphasise some of the features contained therein.

Honourable Members, you may recall that PAP was established in Sirte, Libya on the 9th of September 1999 and the purpose, amongst others, was to create a common platform for the African people to be involved in discussions and decision-making on issues of development and other problems facing the Continent.

The PAP was then inaugurated and became functional on the 15th of March 2004 in terms of Article 25 of its Protocol.

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**TABLING OF REPORTS
HON PROF KASINGO**

Honourable Members, at its 12th Ordinary Session held in Addis Ababa, Ethiopia in February 2009, the AU Assembly of Heads of State decided, *inter alia*, as follows: “*To request the Commission to initiate and review the process of the Protocol in consultation with the Permanent Representative Committee (PRC), taking into account the view of Pan-African Parliament and further request the Commission to carry out a comprehensive study on the review of the Protocol based on the terms of reference, of course taking into account the view of PAP*”

The terms of reference of the review are as follows, namely:

- The function to look into the following matter: the function, operation and effectiveness of the Protocol;
- The system of representation in the Pan-African Parliament with a view to ensuring that the objectives and purpose of the Protocol are upheld.

Some of the important recommendations in the Draft Amendment of the Protocol are, for example, the elections. It is proposed that in future the members of Pan-African Parliament should be divorced from the National Parliaments so that they do not have dual functions and it is also proposed that the National Parliaments of Member States should convert itself into an electoral college to elect those members and also to establish the linkage between those members and accountability. The Heads of State did not have a problem with that particular provision, however, they had a problem with Articles 8(1) and (2) which deal with the legislative and oversight functions.

It is on those matters that this brief note explains the process and the current status. In the nutshell, the Review Protocol has been deferred to the Summit to be held in January 2014 to enable further consultations to take place.

The AU Member States are divided, some being for, others against the proposal, but I would like to state that we have nothing to fear because the term “*legislative function*” differs from the legislative power. The power

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**TABLING OF REPORTS
HON MAAMBERUA**

will still lie with the Heads of State Summit which will decide on which areas the PAP can deliberate and propose legislation, with a continental and regional effect.

That is it in a nutshell, very brief and to the point for information, however, if the Members feel that we need to Debate, we are ready to Move a Motion during the next Session. With that said, allow me to table this short Aide Memoire. I thank you.

HON SPEAKER: I allow you to do so. We have five able representatives at PAP who will guide us when we get to the relevant stages on what is required of the National Assembly. Honourable Maamberua.

**TABLING: REPORT OF AUDITOR-GENERAL
ON STATE-OWNED ENTERPRISES**

HON MAAMBERUA: Honourable Speaker, I lay upon the Table the Report which was tabled last year, but then expired, namely the Report of the Parliamentary Standing Committee on Public Accounts on the Review of the Auditor-General's Reports on the State-Owned Enterprises for the Financial Years ended 31 March 2006, 2007 and 2008, respectively, for discussion. I so Move, Honourable Speaker.

HON SPEAKER: Will the Honourable Member table the Report? Honourable Van Der Walt.

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**TABLING OF REPORTS
HON VAN DER WALT / HON KUUGONGELWA-AMADHILA**

**TABLING: REPORTS ON WORLD
TRADE ORGANISATION**

HON VAN DER WALT: Honourable Speaker, I lay upon the Table:

- The Report of Parliamentary Standing Committee on Economics, Natural Resources and Public Administration on the World Trade Organisation held in Geneva, Switzerland from 15-16 September 2012;
- The Report of Parliamentary Standing Committee on Economics, Natural Resources and Public Administration on the World Trade Organisation Steering Committee held in Brussels, Belgium, from 28-29 May 2013, both for note-taking.

HON SPEAKER: Will the Honourable Member table the Reports. Other Reports and Papers? 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:

- (i) The Directorate of Customs and Excise within the Ministry of Finance for the Financial Years 2008, 2009, 2010 and 2011;
- (ii) Ministry of Mines and Energy,
- (iii) Ministry of Lands and Resettlement, and

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**MINISTERIAL STATEMENT
HON DR KAMWI**

(iv) Agronomic Board for the Financial Year ended March 31, 2012.

HON SPEAKER: Will the Honourable Minister table the Reports? Notice of Questions? Notice of Motions? Ministerial Statements?

MINISTERIAL STATEMENT

HON MINISTER OF HEALTH AND SOCIAL SERVICES:
Honourable Speaker, Honourable Members, I rise to give an update on the status of a suspected case of dengue fever.

The Ministry of Health and Social Services, having noted the notice by the World Health Organisation about dengue fever outbreak in Luanda since March this year, responded by activating our health surveillance system. We have put in place all the mechanisms to detect. Through the system, measures were put in place to detect importation of dengue fever by travellers from any part of the world where such disease is being reported. As a result, a suspected case of a Namibian has been detected in Okahandja Hospital and we transferred this case to the Windhoek Central Hospital immediately under isolation for further diagnostic and observation measures, as was announced in the media earlier this week.

Honourable Speaker, I now have the honour to inform the Nation at large that this case has indeed now been confirmed by a WHO accredited laboratory as a true dengue fever case. Close monitoring of close family members has been on-going and no further suspected cases were reported. All regional district staff were put on alert.

I also wish to reassure the Nation that they should not panic. Chances for a local case of dengue fever to occur in Namibia are extremely slim. The reasons are very simple: We do know that the only known vector for

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**MINISTERIAL STATEMENT
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dengue fever, just like in the case of yellow fever, is *Aedes Igypti*. We do have *Aedes Igypti* in Namibia.

HON SPEAKER: What is that?

HON MINISTER OF HEALTH AND SOCIAL SERVICES: *Aedes Igypti* is a species of mosquito, it is known as *Aedes Igypti* because it was isolated in Egypt and named *Aedes Igypti*. We have it here in Windhoek but it is not a vector in Namibia.

The other factor is that with the cold temperature that we are experiencing, even if there would be some *Aedes* from the neighbouring country, it may not pose a danger because such chances are not there. However, we wish to reiterate our advice and that is for all Namibians visiting Angola, especially around Luanda, to immediately report themselves to the health authorities when experiencing the following symptoms: Flu-like illness, high fever of temperature around 40 Celsius and headaches, upper respiratory infection conjunctival inflammation, i.e. eye infection, and severe pain when moving the eyes as well as severe joint pains, not being able eat or sleep, abdominal pain, skin rashes like those of measles and then enlarged non-tender lymph-nodes and lastly, small spots of bleeding. Once such symptoms are recognised, we are asking that they report themselves to the nearest health facilities. Our men and women are out there, they are well informed and we have the means to contain it. Thank you very much indeed.

HON SPEAKER: Thank you very much. Minister of Finance.

MINISTERIAL STATEMENT

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**MINISTERIAL STATEMENT
HON KUUGONGELWA-AMADHILA**

HON MINISTER OF FINANCE: Honourable Speaker, I rise to make a very short statement in the form of an announcement, specifically to call the attention of the House to a publication that I have distributed in this House, titled “*Consumer Education Bulletin*”, published by NAMFISA. I distributed it about two days ago and it contains valuable information about financial management, providing advice to us on understand insurance policies, medical aid policies, how to save your money and budget properly. This is part of a series of publications that are being issued by the Authority in order to enhance the understanding of the public on financial matters.

I know that on numerous occasions we have discussed and expressed concerns in this House about the way some of the institutions in the Non-Banking Financial Sector are treating members of the public and we have called for change. I believe that the only way that we can bring about change is if we know our rights and assert our rights as far as it regards the services that are provided by these institutions to us. I want to encourage all of us here to peruse this publication and acquaint ourselves with its contents and where there are questions, to address them to the Authority or myself and I will be happy to facilitate for the Authority to provide explanations, if you would like that. Thank you.

HON SPEAKER: Thank you. Any further Ministerial Statements? I will Move on to Response to Questions.

RESPONSE TO QUESTIONS

QUESTION 08:

HON MOONGO: I put the Question.

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**RESPONSE TO QUESTIONS BY HON MOONGO
HON NGATJIZEKO**

HON MINISTER OF SAFETY AND SECURITY: Honourable Speaker, I wish to reply to the Question raised by Honourable Moongo, the Vice-President of the DTA.

Honourable Moongo moved on the 12th of February that I should provide information to this august House on the conditions faced by ministerial drivers. The Honourable Member pointed out that those drivers were treated unfairly, exploited, underpaid and not benefiting from the conditions as provided for under the *Labour Act* (Act 11 of 2007).

I am glad that Honourable Moongo has raised an issue which my Ministry has been tackling since the establishment of the Namibian Police Force way back in 1990. The Government, and more especially the Ministry responsible for the Police tried and is still continuing to address the working conditions of men and women in uniform. However, our efforts are also constrained by the limited resources that are sometimes allocated to the Ministry.

We are all aware that the VIP drivers of the Ministers and any other VIPs and Office-bearers who are making use of these drivers are all members appointed by the Inspector-General of the Namibian Police, which means that these drivers are Police Officers. Therefore, their conditions of service are determined in accordance with the availability of resources allocated to the Very Important Persons Directorate of the Namibian Police every Financial Year.

To answer the question by Honourable Moongo, drivers and bodyguards assigned to Ministers and Office-bearers are entitled to a host of benefits, among others, danger and clothing allowance in addition to their monthly salaries. Yes, I agree that such benefits may not necessarily be on par with the work they are performing on a daily basis, however, they are still being taken care of reasonably well, depending on resources availed to the entire Force and more specifically to the VIP Directorate.

Police Officers are expected to devote all their time and energy to the State, to be on duty 24 hours a day, thus rendering overtime is a non-issue when it comes to the drivers that I have just referred to who are also

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WIETERSHEIM
HON KAAPANDA**

working on Sundays and public holidays.

Therefore, most of the Ministers' drivers were expected to be serving as Police Officers, however, there are exceptional cases whereby some Ministers and VIPs are using civilian drivers and their conditions of service are, of course, regulated by the *Labour Act*.

Before the current Budget there were consultations with the Office of the Prime Minister on the improvement of conditions of service of the lower ranks of the Force. I am happy to state that those consultations yielded positive results. By now it is history that the conditions of service of the drivers of Ministers and other VIPs have been significantly improved and we would continue as a Government to look at the conditions of not only the drivers but all Civil Servants in the Namibian Government and where resources allow, obviously the Government would always improve the conditions of such employees. I thank you very much.

HON SPEAKER: Question 9 is by Honourable Von Wietersheim addressed to the Minister of Information and Communication Technology.

QUESTION 09:

HON VON WIETERSHEIM: I put the Question.

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: Thank you, Honourable Speaker. This question was supposed to be answered on the 6th of March 2013, but due to technicalities this was not done.

The Honourable Member questioned the rationale behind the continued

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WIETERSHEIM
HON KAAPANDA**

subsidisation of *NamZim* Newspapers which owns and publishes the weekly regional newspaper, *Southern Times*, which he regards as a non-entity and which does not attract meaningful and profitable advertisements and sponsorships.

The answer is as follows:

NamZim (PTY) LTD and *Southern Times* was established jointly by the Government of the Republic of Namibia and the Government of the Republic of Zimbabwe in order to promote regional multilateral ties in the fields of politics, culture, trade, commerce, education and generally to promote regional integration. The distribution of the paper, which the Honourable Member regards as a non-entity, in the region is as follows:

Angola, 1,000 copies are distributed per week;
Botswana, 2,000 copies;
DRC, 1,000 copies;
Namibia, 5,000 copies;
Zambia, 1,000 copies;
Zimbabwe, 4,000 copies;
South Africa, 6,000 copies.

These figures are likely to improve in due course while efforts are being made to distribute the paper to Malawi, Swaziland and Lesotho once distributors in these countries are found. It is true that the *Southern Times* has not been able to attract adequate advertisements thus far, however, efforts are being made by the marketing unit to devise strategies to attract more advertisements. However, the reason for which the paper has been created has been achieved, which is to tell a story of the region from our own perspective.

Question 2: In light of the above, can the Honourable Minister explain how will he enforce an improvement of the situation after Government subsidisation has, according to the last published audit, accumulated to N\$32 million, while the company also owes *New Era* publications more than N\$14 million and the Zimbabwe newspaper another N\$3 million?

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WIETERSHEIM
HON KAAPANDA**

N\$14 million allegedly owed to the *New Era* and N\$3 million to Zim Paper represent a shareholders' contribution which will be converted to share capital as agreed by the respective shareholders in order to improve the company's financial position. The two Governments are supposed to make equal contributions, 50/50 contributions. However, due to the current financial situation prevailing in Zimbabwe, the latter has been unable to make its contribution as expected. In other words, as the contributions stand at the moment and if converted into shares, it is 70% in favour of Namibia and 30% for Zimbabwe.

The major expense item for any newspaper is the printing cost. At the moment they rely on third parties, in fact our competitor, to provide printing services. Printing prices are not market related and hence, are impacting negatively on *Southern Times'* financial position.

Question 3: Is the Honourable Minister aware of the fact that NamZim is registered under the *Companies Act* and is technically bankrupt? What is the Honourable Minister going to do about it?

The main aim of publishing the newspaper was to promote regional multilateral ties in the field of politics, culture, trade, commerce, education and generally to promote regional political stability. NamZim Paper was not established with a commercial motive. The two countries established it with the clear purpose of telling a regional story from an African perspective and NamZim Paper has been doing just that. The two countries would finance the operation of the *Southern Times* until they become financially viable. In addition, the current *Southern Times'* difficulties are exacerbated by the illegal and unwarranted Western-driven sanctions against Zimbabwe, which has affected their economy adversely. Hence Zimbabwe has not been able to make its 50% contribution to the joint venture.

Question 4: In addition, is the Honourable Minister aware of the fact that NamZim during last year's audit deducted PAYE taxes amounting to more than N\$1.1 million from its employees which it did not pay over to the Receiver of Revenue? What is the Honourable Minister going to do about

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WIETERSHEIM
HON KAAPANDA**

it and for that matter, I am wondering what the Honourable Minister of Finance is going to do about that.

According to the management, the issue will be discussed with the Minister of Finance in order to find an amicable modality of repaying the outstanding amount in a trade and the Ministry of Finance is looking at waiving of interest rate. There is one issue that needs to be discussed by the two parties. The Ministry of Finance owes the paper a sizeable amount in VAT which would be set off against the PAYE outstanding amount.

Question 5: To add insult to injury, Honourable Minister, the Board of Directors of NamZim is now proposing a substantial increase of 30 to 38% in their annual fees and sitting allowances, which is not only contrary to the principle of remuneration of performances, but is far above the directives of the State-owned Enterprise Council. Will the Minister accept and defend this?

I personally as the Minister did not receive such a request. However, if such a request lands on my desk, I will deal with it on its merits.

Question 6: Can the Honourable Minister inform this Assembly in detail what the Board of Directors, under the Chairmanship of Mr Ben Mulongeni, are actually doing in terms of meetings per year, travelling, etcetera, to justify the proposed increase from N\$90,000.00 to N\$136,000.00 per year for the Chairperson and from N\$96,000.00 to N\$132,000.00 per year for the Deputy Chair, from N\$92,000.00 to N\$120,000.00 per year for each of the four Directors and from N\$562,000.00 to N\$748,000.00 year while the company is being directed deeper into bankruptcy with every passing year and our taxpayers' money is thrown after it for good measure?

Honourable Member, we have not received such a request. You could imagine, this Question has been on this Order Paper and what is alleged in your question did not reach our office hitherto. In our view it is purely an allegation.

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VON WIETERSHEIM**

With this, Comrade Speaker, I rest my case.

HON VON WIETERSHEIM: Honourable Speaker, I have a few follow-up questions. Can the Honourable Minister tell us for how many years this paper, *Southern Times*, has been in existence, because he is saying they have not been able to attract profitable advertisements thus far and I think that is quite a number of years?

The Minister mentioned the number of issues supplied to various countries, which add up to 20,000. Unfortunately I do not know how many of the normal papers in our country are distributed daily by each one of them, but it is certainly more than this number.

A major question which I think is important is that if NamZim is registered under the *Companies Act* and is technically bankrupt, is it legal to apply taxpayers' money to keep it going from one year to the next?

Lastly, the fact that the PAYE taxes have not been paid over, notwithstanding possible discussions with the Finance Minister, which are probably long overdue, is it not illegal as such and demands criminal action? Thank you Honourable Speaker.

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: *Southern Times* is not a daily newspaper and secondly, NamZim (PTY) is a joint venture between two countries and knowing too well the conditions under which a sister country finds itself, it would be shameful for Namibia to withdraw from this joint venture, knowing what Zimbabwe is going through is of external creation. You say that as the Opposition, but our position is that we need to defend a friend in a difficult situation until Zimbabwe pulls itself through and definitely will be able to make a meaningful contribution and the situation you are alluding to will be a thing of the past. Thank you.

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RT HON DR GEINGOB**

HON SPEAKER: Question 13 is by Honourable //Gowases to the Right Honourable Prime Minister.

QUESTION 13:

HON //GOWASES: I put the Question.

RT HON PRIME MINISTER: Thank you, Comrade Speaker. Since I am asked a question by Honourable //Gowases, I thank her, but I will give some background.

After Independence we had eleven Governments in this country with eleven Civil Services. It was irrational and we had to rationalise that to create one service. We were also very honest, considerate and kept the former colonial Civil Servants on board. Then, to balance, we had to bring on board those who were left out unfairly and those who were left out were mostly freedom fighters, revolutionaries, those who were demanding fair-play in governance and in everything, asking for a free press, democracy. They were left out as that was a crime they committed. To be fair and balanced, we had to bring them on board and thereafter we tried to rationalise and also downsize the Public Service.

We brought in at least a system whereby we advertised the posts. It was not there when we were left out, but we decided to advertise so that everybody in all corners of the country can know there is a vacancy. It is a novelty we brought in.

Then you also have a method of internal advertisements, so that you can allow those who are already on board, who ought to move up, to move up by applying and being promoted internally. Then, of course, you also have headhunting in some specific areas, then the advertisement comes.

We have also issued clear-cut instructions that all the Permanent Secretary posts must be advertised where possible. Why am I saying that? There

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RT HON DR GEINGOB**

are some sensitive posts. How do you advertise the post for Permanent Secretary for Intelligence? Therefore, one must understand that if we fill certain posts without advertising, we are within the Laws with headhunt.

However, in the interest of transparency we ordered that posts must be advertised and that is happening.

When I met the Permanent Secretaries at Mokuti, I told them that when they have advertised, they have gone public. People are going to apply and they have to set up interview panels which are composed of also some people outside the Public Service. When you have interviewed professionally and you have ranked them, then you must take the person who scored the highest. That is the ideal instruction given. Human beings being involved, here and there you might find some situations where it does not happen, but the person so treated can challenge that and that happens.

That is what we have done and, therefore, we think that a balanced restructuring has been achieved in the sense that those who were left out are on board without kicking out those who were serving the colonial Civil Service and that we endeavour to advertise posts because that is a good practice. It would be good that a person who is in Katima must know there is a vacancy. We are striving towards that, but we are not yet there. We are advertising posts and we are trying to balance, because we want to have people from all parts to be part of the Public Service and also to get those who may have the requisite qualifications.

Comrade Speaker, that is my short answer to the Honourable Member.

HON //GOWASES: Thank you, Right Honourable Prime Minister, I am very happy and satisfied with the information and answer. Thank you.

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HON MUTORWA**

QUESTION 22:

HON MOONGO: I put the Question.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Honourable Speaker, it is not my intention to respond to Honourable Moongo's questions in the letter and spirit in which the said questions were formulated and asked. The Political Parties, namely RDP and SWAPO, that Honourable Moongo is mentioning in his questions have their own competent elected leaders and spokespersons.

The Ministry of Agriculture, Water and Forestry and the Minister are not the competent authority to speak on behalf of the mentioned Political Parties, as Honourable Moongo wants me to do.

Let me, nevertheless, make use of the opportunity that Honourable Moongo's questions created to educate ourselves and the public at large about Trade Unions' place in the constitutional democratic dispensation of our country.

Article 21(1)(e) of the Namibian Constitution states the following: "*All persons shall have the right to freedom of association, which shall include freedom to form and join Associations or Unions, including Trade Unions and Political Parties.*"

Honourable Moongo, persons, including the members of the Mangetti Farmers Association, do not require ministerial permission to form their Associations or Unions. Furthermore, Farmers Associations and Unions are not integral parts of the Ministry of Agriculture, Water and Forestry's organisational structure. The Ministry of Agriculture, Water and Forestry accepts and regards Farmers Associations and Unions as very important stakeholders and partners to advance and promote the national agenda in terms of agricultural development and food production and, therefore, I must disappoint you, that it is not my duty or "*high time now*" as you said in question 3, for me to go down and advise the two sections to work

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HON NAMOLOH / HON LUCAS**

together and to regard politics as a dirty game. You could probably do that better. Thank you.

HON SPEAKER: Question 23 is by Honourable Moongo, addressed to the Minister of Regional and Local Government, Housing and Rural Development .

QUESTION 23:

HON MOONGO: I put the Question.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, first and foremost this question is misdirected. We in the Ministry of Regional and Local Government and Housing do not deal with the NBC buildings. It is like telling your child, “*let us go to church*” and then you go to a shebeen in Uukumwe. I thank you.

HON SPEAKER: Question 24 is by Honourable Moongo.

QUESTION 24:

HON MOONGO: I put the Question.

**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND
FORESTRY:** Thank you, Honourable Speaker. I would like to respond to Question 21 as put by Honourable Moongo and my response will be

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HON LUCAS**

preceded by an introduction.

The Ministry of Agriculture, Water and Forestry and NamWater fully support the implementation of the provisions of the Labour, and the *Labour Amendment Act*. The most pertinent provisions of these Acts, which are relevant to the current matter, relate to the abolition of labour hire and same treatment for persons performing the same or comparable work. Naturally these provisions entail that changes have to be introduced and corrections made as and where needed. These changes can only be done by adopting a thorough process which will ensure that everything is done correctly and that consultations are held where necessary. As such, it takes time and money to effect these changes. NamWater Management has taken on the challenge since March 2011 to correct a problem that dated as far back as 2007. In as far as the questions posed by the Honourable Member of Parliament are concerned, my categorical response is as follows:

Question 1: Can the Minister inform this House as to whether NamWater does abide by the terms and conditions of work with its casual employees and as to whether the employees get sick leave, compassionate leave, whether they are registered with Social Security, etcetera?

My response is as follows:

All former casual workers are now on contract with NamWater since the 1st of June 2012. They enjoy all statutory benefits as per the *Labour Act* of 2007. In other words, they are registered with the Social Security Commission and get sick leave, vacation leave, etcetera.

Question 2: What prompted to pay its casual workers ten to fifteen days after month-end?

Casual employees used to get delayed payment because of the process whereby their payments were only processed after actual completion of work. This practice has been found wanting and since corrected. These workers were put on an additional payroll and have been receiving their salaries with all other NamWater employees since June 2012.

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HON LUCAS**

Question 3: Is it not high time that the Ministry upholds restorative justice and implement retreat policy, that NamWater casual employees are underpaid and that their time and patience have run out as they could not longer tolerate the meagre salaries, while other employees are remunerated fairly and are paid decent salaries as per Casual Circular of 2004?

The Ministry is aware of the concerns related to the then casual workers and fully informed about the measures which were taken in order to be in full compliance with the *Labour Act*. All these contract workers are now paid, effective from the 1st of June 2012, in accordance with approved pay rates for the different categories as per NamWater Circular 8/2004.

Question 4: Is it true that casual wages were cut without any consultation or agreement signed and as a result these employees now receive peanuts? For example, some were brought down from N\$100.00 to N\$50.00 and N\$120.00 to N\$80.00, etcetera?

The affected worker's remuneration was corrected in accordance with the approved pay rates and those who received lower pay were paid out for the difference, for leave entitlement, and an ex-gratia amount retrospectively from their respective times of appointment. Slightly more than N\$2 million were spent on this endeavour.

Question 5: When is NamWater going to employ casual workers on a permanent basis, especially those who have worked for more than eight years?

All those who had worked for more than eight years as at 31 May 2012 were actually given fulltime employment on consideration of the specific work they were performing.

Question 6: When is NamWater going to refund or pay back these casual workers' right amount of salaries which they have not been receiving since May when they signed contracts with the utility?

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NamWater records indicate that all affected workers were in fact paid out as in Question 4 above. The company is currently busy with the third phase of a project to correct all anomalies pertaining to former casual workers who are now on contract.

The third phase relates to the implementation of the requirement of the *Labour Amendment Act*, which stipulate that casual workers should be paid the same salary and same benefits like all persons who perform the same or comparable work, regardless of them being permanent or non-permanent workers.

Finally, Honourable Speaker, in conclusion, all casual workers in NamWater have signed contracts on a specific duration, which spell out the relationship between the two parties. Implementing the requirements of the *Labour Amendment Act* is in progress, which will enable NamWater to be fully compliant with the Law within the next two to three months. I thank you.

HON MOONGO: I would like to thank the Deputy Minister for the detailed answer, which is a good example to other Ministers.

HON SPEAKER: The Notice of Motion is the one of the Honourable Moongo. Does the Honourable Member Move the Motion? Who seconds the Motion? Any Objection? Agreed to. Honourable Moongo has the Floor.

HON MOONGO: Honourable Speaker. Honourable Members, it is a well-known fact that drought relief food was stolen. (Interjections). Yes, they were nearly taken to Court. Drought relief food was stolen and some was sold in the Regions and Constituencies. The food was not distributed fairly to cater for the intended purposes, namely to prevent extreme

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hunger.

I, therefore, appeal to the Honourable Governors, Councillors and Village Committees to refrain from these malpractices. Let the food not become rotten, let it be distributed as soon as it arrives.

Some of the Ministers, Governors, Councillors and Committee members must ensure that the corrupt practices should not be repeated during the current distribution of drought relief food. People are starving and need the food, thus the distribution should not be delayed until the situation becomes out of hand. We have a serious drought and the people need food.

Honourable Speaker, Honourable Members, it is embarrassing that these culprits are using drought relief aid in order to win voters and gain political points by delaying the distribution to see who is voting in favour of their Parties. This is prohibited in Article 10 which states that all people are equal before the Law and must benefit equally from the resources of Government and also Article 95 which promotes equal welfare benefits to the unemployed, the incapacitated and the disadvantaged.

We are tired to hear that food is sold by individuals, which is very bad and we want this to be stopped and not to be repeated again. I want to see all people distributing food adhering to Article 18 which stipulates that administrative action should be fair and reasonable in the interest of all the people. Some of the Governors and Councillors even have the audacity to campaign on NBC Radio, telling certain villagers to go and receive drought relief food from their Government which they voted for. Politicking is not a good thing while people are starving. This unethical behaviour by Governors and Councillors who are campaigning through this donated drought relief food should stop.

Honourable Speaker, Honourable Members, it is this unfair distribution of drought relief food in certain Regions which resulted in some community members not receiving any drought relief food, such as minorities like the Bushmen. (Interjections). Everybody knows they survive on wild fruits

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from the bush. I no longer want to hear of children starving in Kunene and suffering from malnutrition and we do not want that to be repeated in other Regions. Was the distribution delayed deliberately because the people are not supporting the Party in power?

Honourable Speaker, Honourable Members, some distributors and Community Committee members are selling this drought relief food to enrich themselves and their families. Some of this food was reportedly stolen by some of the greedy distributors. Some of the Councillors are side-lining certain members of our society, which cannot be tolerated. They first look after their friends and family members.

Those living in shanty towns such as Oneshila and others do not benefit from this drought food because they are in towns, but they are in towns because they need land. Therefore, I appeal to the Prime Minister, Regional Councils and Village Committees that drought food should be distributed equally and fairly to all those who are affected, because when God gives rain, He gives to all people and when He gives drought, He gives to all people. That is why we must apply the same principle and give food to everybody. The difference should only apply to the number of people in the household. Those with many “*okwakwiyu*”, meaning many children, must get more food than those who have only one or a few kids. It should not benefit only those who are known to be friends of the Ruling Party, but everyone so that hunger can be eradicated.

Honourable Speaker, Honourable Members, it is shameful and shocking that Regional Councillors and Village Committee members are practising favouritism, nepotism, etcetera. Everybody wants food to be distributed equally so that the needy people can survive. I thank you very much.

HON SPEAKER: Any further discussion? Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you, Comrade Speaker. This is

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supposed to be a Motion, but I am answering it now so that the Debate can stop.

Firstly, we are dealing with the plight of our people and we should not use that to try to score cheap political points.

When the drought was observed, the responsible Government had assessment missions all over the country. It came and said the whole country is affected and, therefore, the President was asked to declare a state of emergency. That was done to allow even Foreign Missions and countries to help where they can.

Then, being conscious of some people who are irresponsible, like somebody who was just speaking, we called all the Governors, all the Chairpersons from the thirteen Regions with their CEOs to the Office of the Prime Minister to try and give them the guidelines as to how the drought relief must be used and also to warn them that the food must reach those who are needy. We warned them against misuse of the drought relief food. That was clear, it was on television and in newspapers.

After that we started distribution. We were told the problem area was that of transport. The food is sometimes taken to warehouses and dropped there, it does not reach those needy ones because the transport is not reaching there. We asked the Honourable Minister of Defence to help where necessary with Government military trucks to move the food.

Yesterday I was in Omusati, in the Ruacana area. When we hear there is a problem, we go and see and when we talk, we talk with information we have, not just politicking here as the Honourable Member was doing.

There again we realised that transport is a problem and we authorised that private trucks can be used, but apparently what we are paying is not enough and people, being selfish, were saying they could not do at N\$25 per kilo. We have increased that so that the food can reach those who are needy.

We are enjoining the Minister of Defence to avail the trucks where they

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are and also private people. We are concerned that the food must reach those who need it.

I went to Aminuis, again to go and see for myself and that is not a SWAPO controlled area. I was well received, people gave their information. The NUDO Councillor there took me around, showed me, we worked very well together and we identified water as a serious crisis, not food *per se*. We went to Otjinene from there, where I even met Honourable Ngatjizeko. Again it is a question of water. We addressed these issues as people who are concerned, who are honest about this issue.

However, the Honourable Member of DTA, the Vice-President – I could have said my counterpart, but I am not going to reduce myself – is apparently campaigning, but I can tell you that with this kind of propaganda I realised why DTA is going down from 21 to 2. With this kind of cheap propaganda it might be zero after the next election.

Honourable Moongo, even if that happens, those are thieves and you and I must work to stop them, as we are doing, but you are acting as if it is allowed by us, where as we are saying do not steal drought relief food. We told them that, we were acting on that. To stand there and say it is the Ruling Party is cheap propaganda that does not sell. The people know what is happening. As I said, I was there in Omusati and I will be going to all thirteen Regions, unlike you, to go and see what is happening.

Comrade Speaker, we are a very responsible Government, we are not going to let our people starve. The kids died from malnutrition in January and February and when it happened, I called the Governor of Kunene immediately. I was looking for the Chairman, I could not get him, he was supposed to come back to me too and he reported to the office what happened. It happened since January before we started distributing. You are right that that area is a special area, but malnutrition is not having a balanced diet. We should not confuse poverty, with the lack of rain, hunger caused by lack of rain with the hunger caused by chronic poverty, which we have. Malnutrition comes from chronic poverty.

Please, let us not play with our people's lives. We are a responsible

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Government, we take care of our people. Thank you very much.

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

HON MOONGO: Honourable Speaker, I hope that every Member here is now aware of the situation and will tell those who distribute food not to be corrupt and sell the food, but that everyone must benefit from the relief food. We are all suffering as a result of drought, therefore, let us share the little we have in order to survive. I thank the Prime Minister for what he said and we will consult the communities on their problems.

HON SPEAKER: I now put the Question, that the Motion be adopted. The House is divided. Those in favour of the Motion please rise. Those against. Abstentions?

In favour:	1
Against:	29
Abstentions:	4

Motion Rejected.

ANNOUNCEMENT

HON SPEAKER: Before I ask the Honourable Prime Minister to adjourn the House, Dr Amweelo, the Chairman of the House' ICT Committee asked me to announce that all Members of the Assembly are

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invited to the handing over of ICT gadgets gifts from friends, intended to enhance their capacity and to empower them during the time where they *take the Parliament to the people*.

The Cabinet may be considered next time, but for now it is only for Backbenchers which will include the Party Secretary-General I suppose.

Honourable Prime Minister, the Floor is yours to adjourn the House to until Tuesday, 14:30.

RT HON PRIME MINISTER: I Move that this House now adjourns until Tuesday, the 2nd of July 2013.

HOUSE ADJOURNS AT 16:36 UNTIL 2013.07.02 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
02 JULY 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 scheduled for this afternoon is called to order. I have some announcements to make. I would like to acknowledge the presence of four Members of the Ugandan Parliamentary Standing Committee on Equal Opportunities in the Speaker's Gallery who are on an exchange visit to our Parliament. The parliamentary delegation is made up of Honourable Yatuma Wilberforce, leader of the Delegation, Honourable Anie Evelyn, Honourable Alumu Santa, Ms Victor Manzi, Clerk of the Committee. Welcome.

The second announcement has to do with the Electoral Commission's request that we avail ourselves during tea-break to listen to the experts telling us about the good of the Electronic Voting Machine. We had a go at it during the Debate, we have true believers on both side. There are those for it and I count myself among those true believers, but there are those who are vehemently against it. We will have another opportunity to listen to what the experts will tell us.

Any Petitions? Any Reports of Standing Committees? Honourable Ncube.

**TABLING: REPORT ON CONSULTATIVE MEETING WITH
CAREGIVERS OF ORPHANS AND VULNERABLE CHILDREN**

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**TABLING OF REPORTS
HON MANOMBE-NCUBE / HON SWARTZ**

HON MANOMBE-NCUBE: Honourable Speaker, I lay upon the Table, the Report of the Parliamentary Standing Committee on Gender Equality and Family Affairs on the Consultative Meetings with Caregivers of Orphans and Vulnerable Children in the Ohangwena, Oshikoto, Omaheke, Otjozondjupa and Kunene Regions during January to June 2012.

**TABLING: REPORT ON CONSULTATIVE
MEETING PEOPLE WITH DISABILITIES**

HON SWARTZ: Honourable Speaker, I lay upon the Table, the Report of the Parliamentary Standing Committee on Gender Equality and Family Affairs on the Consultative Meetings with People with Disabilities, Organisations and people caring for them in the Karas, Hardap, Oshana and Omusati Regions during 23 July 2012 to 3 August 2012.

Honourable Speaker, Honourable Members, it gives me immense pleasure and honour to be granted this opportunity to motivate the Report of the Standing Committee on Gender and Family Affairs on the Consultative Meeting with People with Disabilities, Organisations dealing with them and Caregivers.

The Committee on Gender and Family Affairs wishes, first and foremost, to express its gratitude to the National Assembly for giving the opportunity and resources to undertake a mission to Karas, Hardap, Oshana and Omusati Regions. The Committee also wishes to thank the regional offices and stakeholders.

HON SPEAKER: I should not have let you do that. I keep on announcing that the Honourable Members should just simply say what the Report is about. What we are going to read you are telling us. Otherwise there is no point in submitting the Report. Just introduce the Report, the

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HON KUUGONGELWA-AMADHILA**

title and submit it and all of the Members can read it.

HON SWARTZ: I so Move, Honourable Speaker.

HON SPEAKER: Very good. Thank you very much for your cooperation. Any further Reports and Papers? 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:

- (i) Ministry of Foreign Affairs for the Financial Year ended 31 March 2012;
- (ii) National Council for the Financial Year ended 31 March 2012;
- (iii) Agricultural Bank for the Financial Year ended 31 March 2012.

**TABLING: ANNUAL REPORT:
BANK OF NAMIBIA**

HON MINISTER OF FINANCE: I lay upon the Table, the Annual Report of the Bank of Namibia for the year 2012.

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**TABLING OF REPORTS
ESAU**

HON SPEAKER: Will the Honourable Minister table the Reports?
Minister of Fisheries and Marine Resources

**TABLING: ANNUAL REPORT:
FISHERIES OBSERVER AGENCY**

HON MINISTER OF FISHERIES AND MARINE RESOURCES:
Honourable Speaker, I lay upon the Table the Annual Report of the
Fisheries Observer Agency for the year 2011/2012.

HON SPEAKER: Honourable Minister, please table the Report. Any
further Reports and Papers? Notice of Questions? Honourable Kaura.

NOTICE OF QUESTIONS

QUESTION 28:

HON KAURA: Honourable Speaker, I give Notice that on Thursday, the
11th of July 2013, I shall ask the Honourable Minister of Works and
Transport the following:

1. Have you ever travelled on the newly constructed tar road from
Gobabis to Otjinene?
2. If you did, have you experienced how poorly constructed that road is,
because that is the most bumpy tar road I have travelled on in Namibia
and I have travelled on all the Namibian roads and the world over.

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3. What company constructed that road and would that company qualify to continue with the construction of the portion from Otjinene to Grootfontein? If it is the same company, think twice, Honourable Minister.

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

**RATIFICATION: BENGUELA
CURRENT CONVENTION**

SECRETARY: Resumption of Debate on the Ratification of the Benguela Current Convention.

HON SPEAKER: When the Debate was adjourned on Tuesday, the 25th of June 2013, the Question before the Assembly was a Motion by the Honourable Minister of Fisheries and Marine Resources. The Minister now has the Floor to reply.

HON MINISTER OF FISHERIES AND MARINE RESOURCES:
Thank you for the Floor, Honourable Speaker. Honourable Members, in response to the questions and remarks made by the Honourable Members, I will try to respond as follows:

Honourable Dr Amweelo posed eight questions. He asked about the Benguela Nino on marine life in our region in relation to the Convention.

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For the past fifteen years our scientists have been working closely with Angolan, South African and other international scientists and academic institutions of the areas of environmental research and monitoring. This includes collection of oceanographic data with measuring instruments on board research vessels of the three countries. The Convention is trying to strengthen this exercise of working together as well as sharing of marine and environmental data much easier.

On the concern raised by Honourable Amweelo on how pollution caused by anthropogenic activities can be addressed or mitigated, I can assure the Honourable Member that the Convention addresses the pollution issues to the greatest extent, taking into account that there are instruments that deal specifically with pollution issues which Namibia is party to.

Namibia is currently in the process of acceding to the Abidjan Convention that deals specifically with the combating of pollution in cases of emergency and the Ministry of Works and Transport will lead this process in Namibia. A number of workshops on oil spill risk assessments, sensitivity mapping and oil spill contingency planning in collaboration with the International Maritime Organisation (IMO) have been conducted in the Benguela region and Namibia has benefited significantly from these interventions. The three countries are now better prepared to combat pollution together and the Convention will reinforce the existing efforts.

Another concern raised by Honourable Amweelo was duplication with reference to the four Ministries involved in the implementation of the Convention. I can assure the Honourable Member that the Convention's objective is to promote a coordinated regional approach to the long-term conservation, protection, rehabilitation and enhancement and the sustainable use of the Benguela Current large marine ecosystem. Achieving this and by adopting a multi-sectoral approach the Ministries have retained their respective areas of their responsibilities, that is the Ministry of Works and Transport, the Ministry of Environment and Tourism, the Ministry of Fisheries and Marine Resources and the Ministry of Mines and Energy.

Dr Amweelo has further raised very interesting issues on meteorological

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approach to the dumping of toxic waste. This matter is addressed in Article 8(c) of the Convention where it states that the Commission shall agree, where necessary, on measures to prevent, abate and minimise pollution caused by, or resulting from dumping from ships or aircraft, exploration and exploitation of the continental shelf and seabed and its subsoil and land-based sources. Furthermore, under the general principle, Article 4, it is stated that those who pollute our waters shall be responsible for cleaning it up.

On the question of sustainability of the Benguela Current Convention, Dr Amweelo again raised another question with regard to the implementation issues, resources utilisation and partnership strategies. Yes, as Member States we are contributing towards the funding of this Commission.

Dr Amweelo enquired about the technology to be used in monitoring, controlling and surveillance. In this regard the Convention shall promote collaboration amongst the three Member States to prevent, deter and eliminate illegal unreported and unregulated fishing activities in the waters of our three Member States. One such technology shall be the adoption of a Vessel Monitoring System (VMS) via satellite technology and which is already in place here in Namibia.

The Honourable Member also enquired about the office of the Commission and its location. In this regard I am pleased to inform the House that in the year 2011, at the request of the Commission, the Cabinet decided to offer permanent office space to the Commission. My Ministry is currently hosting the Secretariat at the National Marine Information Centre in Swakopmund. The possibility of expansion of the BCC headquarters remains and in future could warrant a separate office.

On the issue of capacity-building, allow me, Honourable Speaker, to inform Honourable Amweelo that capacity and skills development throughout the BCC Sectors and institutions are at the forefront of the Commission to enable the implementation of the ecosystem-based management and ocean governance.

Concerning the remarks by Honourable Amweelo about challenges

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regarding the issuance of visas between Angolan and South African citizens to travel between these two countries is currently being addressed at Government level and I trust that it will be positively concluded, as advocated under the SADC family.

I thank Honourable Amweelo for his remarks and support to the Ratification of this Convention.

Honourable Deputy Minister Mushelenga has raised a question regarding the chairmanship of the Ministerial Conference and the Commission. This particular matter was discussed extensively by the respective countries' Convention negotiating teams prior to the signing of the Convention in March this year. Consensus was reached by the parties that this procedure of chairmanship of the two structures would not cause any problem as the Commission is focusing on operational matters, whilst the Ministerial Conference is providing policy guidance.

Honourable Mushelenga has also raised the question about privileges and immunities of the Secretariat. I concur with Honourable Mushelenga's observations that this issue is not covered under the Convention. However, as an international organisation established under the UN Convention on the Law of the Sea, it has to comply with certain standards applicable to similar organisation, such as the South-East Atlantic Fisheries Organisation (SEAFO), whose headquarters are also in Namibia at the coastal town of Swakopmund. The situation can be addressed in a similar manner as that of SEAFO where a headquarters agreement will be negotiated and signed between the BCC and the host Government after the Ratification of this Convention. Article 21 states that the headquarters of the Commission shall be established in Namibia. I once more thank Honourable Mushelenga for his remarks as well as the support to the Convention.

The *Honourable Deputy Minister of Education* has raised an important question about the composition of the Ministries in a Ministerial Conference and whether that will affect decision-making during the Ministerial Conference meeting. On this I can elaborate that all the main Sectors in the three countries are proportionally represented. These are

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the Ministries of Environment, Fisheries, Works and Transport, Mines and Energy, Petroleum, Minerals and Resources. Therefore, the decision-making process will not be compromised.

Concerning the second question of the Honourable Deputy Minister, I can state that the BCC Secretariat, as per Article 13 of the Convention, is headed by the Executive Secretary and professional staff recruited regionally and general staff recruited among the Namibian nationals as approved by the Commission. Once more, thanks to the Deputy Minister of Education for her remarks and support.

Honourable Minister of Justice, *Comrade Utoni Nujoma*, I would like to make it clear that the Commission will advise the Member States on the issues that have transboundary consequences, as outlined in Article 4(2)(a).

On the concerns raised by Honourable Nujoma on the oil spill and consequences for Namibia, the Convention makes provision under Article 4(1)(d) for the prevention, avoidance and mitigation of pollution and in Article 4(1)(e), the “*polluter-pays*” principle is adopted in the spirit of the objective of this Convention. To this end and in giving effect to the objectives of this Convention, parties will undertake a coordinated regional approach to the long-term conservation, protection, rehabilitation, enhancement and sustainable use of the Benguela Current Large Marine Ecosystem. Once more I want to thank the Honourable Minister of Justice for his remarks, questions and support.

I concur with the *Honourable Deputy Minister of Justice* here about the need for appropriate education, training and capacity development at national and regional levels. The BCC will continue to play a significant role in supporting training and strengthening of capacities in areas covered by this Convention according to Article 8(1).

Regarding internalising the Convention and its obligations, I am pleased to inform the Honourable Deputy Minister of Justice that the negotiation process for the Convention was highly consultative and participatory and included all four Line Ministries plus the Ministry of Foreign Affairs and

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the Ministry of Justice, Parliament as well as relevant Industries and NGOs. I thank the Honourable Deputy Minister of Justice for his remarks and questions as well as support.

Finally, I take this opportunity to express my utmost appreciation to the Members for the interest shown in this Convention. I also most sincerely thank my Colleagues in the Ministry of Environment and Tourism, the Ministry of Mines and Energy, the Ministry of Works and Transport as members of the BBC Ministerial Conference and for their involvement in the development of this Convention. It has been a long walk to where we are today.

I trust that I have addressed the concerns raised and look forward to the Ratification of this Convention. I thank you for your support.

HON SPEAKER: I thank the Minister for his elaborate and eloquent reply and now put the Question that the Convention be ratified. Any Objections? Agreed to. The Secretary will read the Second Order of the Day.

**CONSIDERATION: REPORT ON CENTRAL
GOVERNMENT OF NAMIBIA**

SECRETARY: Resumption of Consideration of the Report of the Parliamentary Standing Committee on the Central Government of Namibia for the Financial Years ended 2009 to 2011.

HON SPEAKER: When the Debate was adjourned on Wednesday, 26

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June 2013, the Question before the Assembly was that the Report be adopted. Honourable Amathila.

HON AMATHILA: Honourable Speaker, I Move that the Debate be adjourned until consultation have taken place between the Mover of the Report and the Minister of Finance. I so Move.

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

**CONSIDERATION: REPORT ON AUDITOR-GENERAL
REPORTS ON STATE-OWNED ENTERPRISES**

SECRETARY: Consideration of Report of the Parliament Standing Committee on the Review of the Auditor-General's Reports on the State-Owned Enterprises.

HON AMATHILA: Honourable Speaker, I suspect that this item falls in the same category as the previous one and I would like to Move that the Debate be adjourned until consultation have taken place between the Mover and the Minister. I so Move.

HON SPEAKER: The First Notice of Motion is the one by the Minister of Home Affairs and Immigration. Does the Honourable Minister Move the Motion?

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HON IIVULA-ITHANA**

MOTION ON GENDER-BASED VIOLENCE

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: I so Move, Comrade Speaker.

HON SPEAKER: Any Objections? Agreed to.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: Honourable Speaker, Honourable Members, on the 21st of February 2013, our Speaker, Honourable Dr Theo-Ben Gurirab in an unprecedented move tabled an All-Party Unopposed Motion on behalf of this House, a Motion on Gender-Based Violence. By its nature an Unopposed Motion calls for consensus, thus limiting the possibility for divergence of opinion from the Floor. On the said day many of us wished to express our support to the Motion but the Rules did not permit. Consequently, we supported the adoption of the Motion without a Debate.

However, as the issue of Gender-Based Violence has reached such a worrisome level, the Speaker and I agreed for the Motion to be tabled in the ordinary way, thus allowing a fully-fledged Debate for those who wish to do so.

Honourable Speaker, Honourable Members, borrowing from the publication entitled, “*National Plan of Action on Gender-Based Violence, 2012 – 2016*”, Gender-Based Violence refers to all forms of violence that happen to women, girls, men and boys because of unequal power relations between them. Causes of Gender-Based Violence include customs, tradition and beliefs, illiteracy and limited education, unequal power relations and low status of women.

The two most common forms of Gender-Based Violence in Namibia are

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rape and domestic violence, both of which disproportionately affect Namibian women more than men. However, domestic violence has a significant impact on Namibian children as well. Children in abusive homes are more likely to be abused themselves and children exposed to abusive relationships may be more likely to become abusers themselves later in life. Stalking, emotional abuse and sexual exploitation are also linked to Gender-Based Violence.

What is violence against women? The Legal Assistance Centre of Namibia describes it as *“those violent acts directed at women and includes acts that inflict physical, mental, psychological or sexual harm or suffering, threats of such acts, coercion or other deprivations of liberty.”* The United Nations Commission on the Elimination of All Forms of Discrimination Against Women (CEDAW) defines Gender-Based Violence as *“violence which is directed at a woman because she is a woman or which affects women disproportionately.”*

The above definitions make it clear that violence against women can occur in families as well as in the community and it occurs regularly.

Honourable Speaker, Honourable Members, the Motion on Gender-Based Violence is one that pulls at the heartstrings of many Namibian citizens as so many of us can directly relate to this issue due to the fact that Namibia is consistently been robbed of its daughters, mothers, sisters and the nation-builders by crimes we call passion killing, rape and murder. Not only that the country is losing its citizens, but families are being deprived of their members, while children are robbed of their mothers, sisters or aunts.

Studies show that at least one in five men from all walks of life or layers of society perpetrate some form of physical violence or sexual abuse against a partner during their lifetime. By the way, the most common form of rape or sexual assault is not carried out by a stranger, but by an intimate male relative, the husband or boyfriend. This is where entitlement or ownership comes into play.

Tightly linked to the first source of men’s violence against women is

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men's privilege and the sense of entitlement to privileges. It is a privilege for a man to expect that when he arrives home from wherever, his food must be right there on the table and on time. He expects his wife or female relative to wake up earlier to get breakfast ready and to get all her household chores done even though she may also have a fulltime job outside the home.

At the core of many of our societies, particularly the African society, is the perceived ownership of men over women, whether as wife, female partners or relatives.

Honourable Speaker, Honourable Members, Gender-Based Violence as of late dominated the front pages of our daily newspapers and the media as a whole in recent years. The Editor's Corner of the *Namibian Sun* of the 5th of March this year made reference to "*female specie under threat of extinction*." I hope you have read the article. That editorial highlighted the case of a 17-year old schoolgirl, Rina !Nau/gawases, who was raped and killed. This incident is reminiscent of the manner and fashion in which another schoolgirl, Magdalena Stoffels, was raped and murdered by someone who up to now is yet to be apprehended. These despicable acts of violence against women and children are perpetrated despite stringent Laws enacted to curb gender-related violence against women and girls.

This Assembly, Honourable Speaker, has enacted a plethora of legislations aimed at safeguarding the rights and protection of women and girls, such as the *Combating of Rape Act* (Act 8 of 2000), the *Combating of Domestic Violence Act* (Act 4 of 2003), the *Criminal Procedure Amendment Act* (Act 24 of 2003) that is related to vulnerable witnesses, the *Labour Act* (Act 11 of 2007) in relation to sexual harassment.

Michael Wandati of the Workers Magazine, a Ugandan journalist, describes violence against women as "*having remained endemic in most of Africa despite the enactment of Laws to combat it. Rape and violence against women and girls are grave actions and the most shameful human rights violations and perhaps the most pervasive. This barbaric act knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making progress towards equality, development*

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and peace.” He concludes.

Honourable Speaker, Honourable Members, Gender-Based Violence is currently seen as a strange phenomenon and our society is struggling to come to terms with it. The killing of women by their partners in what some call passion killings, is so frequent that all of us seem to be stunned by its occurrence. Almost every month a woman is raped and killed. I feel so embarrassed that the society I hail from has lost a sense of compassion and love and the son I gave birth to have lost a sense of history and human behaviour. What has gone wrong, Comrade Speaker, Honourable Members?

Inasmuch as we feel embarrassed by how some men have become a danger to society, apparently the root cause of such behaviour is not foreign to the way our society has been organised. Social psychologists have identified this phenomenon as deeply rooted into our culture and tradition – the patriarchal system which is dominant in developing countries and more so in Africa. Our tradition culture are said to be fitting very well into domestic abuse of women by men.

But what is “*patriarchy*?” The Oxford Dictionary defines it as a system whereby society is led and controlled by men. Wikipedia defines “*patriarchy*” as the term used to describe the society in which we live today, characterised by current and historical unequal power relations between women and men, whereby women are systematically disadvantaged and oppressed. This takes place across almost every sphere of life, but is particularly noticeable in women’s under-representation in key State institutions, in decision-making positions and in employment and Industry. Male violence against women is also a key feature patriarchy.

Dr Solomon Whittaker, our own psychologist, a clinical psychologist, explains that Gender-Based Violence is stemming from patriarchy. He explains that patriarchy has historically been linked to ownership of property, ownership of wealth and the position of power. Conversely, when anthropologists looked at societies with violence against women and children and among men, they found that in each and every case these

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were societies based on inequality, first between men and women, then later between people of different classes and skin colours.

According to the United Nations Population Fund (UNFPA), studies of very young boys and girls show that although boys may have a lower tolerance of frustration and tendency towards rough and tumble play, these tendencies are magnified by the importance of male socialisation and peer pressure into gender roles. Most violent men are not mentally ill, they are exercising what they perceive as their natural right to exhibit manhood.

The prevalence of domestic violence in a given society, therefore, is the result of tacit acceptance by that society. The way men view themselves as men and the way they view women determines whether they use violence or coercion against women.

It is frightening to think that at any time your or my daughter, sister or mother can become a statistic if this trend is not reversed immediately.

The traditional practice in our society, Comrade Speaker, is such that male members, in whichever relationship they are, should be property owners and property, in the minds of many people in our society, includes women. This situation is compounded by the system brought about by colonial arrangement of cash economy which required able-bodied men to migrate in search for work in the mines and other places away from home, while women should stay home to work in the fields and do all the household chores. Cash which men earned through labouring away from home brought with it a sense of importance and priority in the minds of those who earned it.

In almost all our cultures in Namibia women are raised to serve men. Traditionally women should stay home to produce and provide food for the family. This situation, Honourable Speaker, has created deep-rooted mentality of both a superiority as well as inferiority complex in both male and female, respectively. Males feel that they are naturally the owners of properties which, in their view, include women, while women feel powerless or nothingness as long as there is no male person in their lives.

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Honourable Speaker, Honourable Members, it gives me a sense of strength and hope that today as I address this august House, my Party, the Party of the majority of the citizens of this country, the SWAPO Party, has taken a bold step to break the patriarchal bondage under which women of this country have suffered physically, emotionally, economically and culturally. The decision by the SWAPO Party at its Extraordinary Congress of the 21st to the 23rd of June 2013 for 50/50 gender representation in decision-making bodies is a milestone on the African continent, if not in the world and a trend-setter. The power relations between men and women is systatic, hence it cannot be redressed through cosmetic treatment but to address it in a meaningful way by breaking its bedrock.

In the words of Pastor Michael Amey, one of the pastors here in Windhoek whom I watched addressing the issue of gender relationship, says; *“a woman is an enhancer in one’s life, a reflector and a life-giver.”*

Honourable Speaker, Honourable Members, the Amendment of the SWAPO Party Constitution to make it compulsory for equal gender representation in leadership positions is a ground-breaking achievement for our society as a whole and for women in particular. I, therefore, congratulate the leadership of my Party for paving the way for others to follow. While what the SWAPO Party has done is not a mean achievement, the challenge lies in the operationalisation of such a decision.

Critics point to women’s tendency to apparently prefer to be led by men over their fellow women. Be that as it may, the challenge before this Nation cannot be left to women alone to redress the historical legacy of patriarchy compounded by colonial oppression. As we, members of the SWAPO Party took a decision to change the Constitution equally and together we must fight against the retrogressive tendencies of wanting to either resist the change or side with retrogressive women who prefer to be led only by males. This must be our joint undertaking to educate the Nation to understand the letter and spirit of the new Constitution of the SWAPO Party.

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Comrade Speaker, having said that, Gender-Based Violence has permeated the fabric of our society, hence the reversal process will require concerted efforts from all quarters of our society. While the SWAPO Party has broken the gender barriers among its ranks, other significant institutions and other Civic Organisations need to follow suit in order to engender the respect for the equality principle to grow roots in Namibia.

The upbringing of our children in the homes and civic education in schools have to amplify and give meaning to the political commitment undertaken by the SWAPO Party. This is where our roles and influence as leaders are called upon. It is not long ago when I bemoaned in this House the fact that many of our young men nowadays grow up in an environment where there is no father, no uncle or a male father figure or a role model other than Hollywood, in the words of Honourable Tommy Nambahu.

Comrade Speaker, Honourable Members, as this Motion is meant to supplement the Unopposed Motion of the Honourable Speaker on the same issue, I therefore, recommend that the outcome of these deliberations be referred to the same Standing Committee for further enhancement. I thank you for your attention and I rest my case.

HON SPEAKER: I thank the Honourable Minister for motivating her Motion. Any further discussion? Minister of Gender Equality and Child Welfare

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you very much, Comrade Speaker. I rise to contribute to the very important Motion tabled by Honourable Pendukeni Iivula-Ithana, Member of Parliament and the Ministry of Home Affairs and Immigration. The Motion was previously tabled by Honourable Dr Theo-Ben Gurirab, the Speaker of the National Assembly on 26 February 2013 as an Unopposed Motion and I am very happy that we are going to discuss this Motion shortly after the Mighty SWAPO Party's

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extraordinary Congress has shaken Namibia and Africa with the Amendment of her Constitution for a 50/50 representation of women in its political structures from section to national level. SWAPO is the ever first-born of the mother in Namibia for her Independence struggle and post-independence developmental Programmes via her manifestos to the policy of the Government of the Republic of Namibia. I, therefore, would like to congratulate His Excellency President Hifikepunye Pohamba and the entire leadership of the SWAPO Party for promoting gender equality and women economic empowerment, which is the key to reduce Gender-Based Violence, poverty and unemployment in the brave motherland, Namibia.

Comrade Speaker, the Government of the Republic of Namibia mandated the Ministry of Gender Equality and Child Welfare to deal with the matters of gender equality and to cooperate with other stakeholders, such as Civil Society, Non-Governmental Organisation, Faith-Based Organisation, just to mention a few, to fight together against the inequality and inequity which is one of the basic root causes of Gender-Based Violence.

Honourable Speaker, Honourable Members, before I am going to discuss the recommendations of the Honourable Minister, I would like to bring the following points under your attention:

Forms of Gender-Based Violence in Namibia:

Violence against women and children is a global concern which takes various forms across history, cultures and experiences. It inflicts much suffering on women, their families and the society at large. Why I am saying this? Because I spent my whole life in a rural area and along the common border, specifically where I learned that the root causes for physical and psychological diseases of most of the patients that nurses and doctors attended to were, and still are, related to Gender-Based Violence. Women and children were mostly the victims in this regard.

I am not going to define Gender-Based Violence because I think it has already been done by the Minister, but what are the different forms of

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Gender-Based Violence in Namibia?

Physical Violence can be defined as the intentional use of physical force or a weapon or any object to harm or injure a person. This includes slapping, pushing, punching, lynching, threatening to use a weapon or directing it against her or him. Many women in Namibia and in the globe experience such violence on a daily basis.

Sexual Violence includes coerced sexual contact with a woman or forcing her to have sexual intercourse without her consent. It also includes having incomplete or complete sexual intercourse with a sick person or crippled woman or under pressure or under the influence of alcohol or other narcotic substances.

Rape and Sexual Harassment include sexual exploitation, such as when the husband or boyfriend forces his wife or girlfriend to have sex with him against her will, practising sex out of fear that she might be exposed to harm or coercing a woman to do sexual practices which make her feel humiliated. These are the most common forms of Gender-Based Violence in Namibia.

Psychological Violence, on the other hand, means dominating a woman, isolating her in her own bedroom while the man is going out, humiliating or embarrassing her. This can be done through verbal abuse, insult, degrading her self-esteem in front of others, threatening or intimidating her in a deliberate way through crying out, throwing her belongings outside the house or divorce. Other forms of psychological violence include threatening to harm the woman in a direct or indirect way, preventing her from going out to visit her relatives, work or receive health care after being slapped by the partner.

Economic Violence implies preventing the woman from obtaining basic resources or controlling such resources. For example, some men do not allow women to get mahangu from the silos, even though the most productive persons in agricultural production in Namibia and Africa in general are women.

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Violence at Public and Private Workplaces:

Honourable Speaker, Honourable Members, as the former Deputy Minister of Labour for five years and also as an in-charge nurse for nineteen years who was supervised by men and supervised men and women, I have been exposed to this subject and have more to tell you about Gender-Based Violence at workplaces.

The variety of behaviours which may be covered under the general rubric of violence at work is so large. The borderline with acceptable behaviour is often vague and the perception in different contexts and cultures of what constitutes violence is so diverse that it becomes a significant challenge to both describe and define this phenomenon. With the new era of industrialisation it became a new notable syndrome disease on a daily basis at all workplaces.

The practice of Gender-Based Violence at public and private workplaces may include a wide range of behaviours, such as homicide, rape, robbery, wounding, physical attacks, kicking, biting, punching, scratching, squeezing, pinching and related actions, harassment, including sexual and racial abuse, bullying, mobbing, victimising, intimidating, threatening, leaving offensive messages, aggressive posturing, rude gestures, hostile behaviour, swearing, shouting name-calling, innuendo, deliberate silence, ignoring a colleague when greeted. Those are all forms of Gender-Based Violence.

Most cases of Gender-Based Violence in Namibia, in my own opinion, are sexual harassment, bullying and mobbing. Sexual harassment is also practised at schools by some teachers towards learners and students, which is the cause of most teenage pregnancies. Sexual harassment may include touching, remarks, looking, attitude, jokes or the use of sexual-oriented language, allusions to a person's private life, references to sexual orientation, innuendos with sexual connotations, or remarks about dress or figure, or the persistent leering at a person or at his/her body.

Bullying constitutes offensive behaviour through cruel or humiliating attempts to undermine an individual. Such humiliation may become a

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cancer which will affect such an individual's family, that might result in a hostile and hazardous situation within the family after work, because such a person is frustrated by his or her work environment. Therefore, when we are discussing Gender-Based Violence, let us not exclude Gender-Based Violence at our workplaces, being public or private institutions. Marriage of convenience may also be used as a tool of Gender-Based Violence to intimidate women and children.

Stages of Gender-Based Violence:

Violence sometimes starts at a very early stage of or a woman's life, which we call pre-natal stage, and it continues throughout their childhood, at school, marriage and after marriage when they are old. Even in the Bible you never read about a girl child who was born during such a time and follow their milestones, you only read about the boy child until the birth of Jesus Christ. I believe there were some dynamic girl children during that time, but due to the fact that women were not counted, their contributions at that time were not recorded and one only comes across their history at a later stage, such as Hanna, Mary and others.

I summarised some of the milestones of a girl child up to maturity related to Gender-Based Violence as follows:

Pre-natal and Infancy Stages:

This is represented by inducing abortion based on preferring males to females or neglecting female infants, baby dumping, albino female babies, due to fear that they will give birth to the same albino children in the future; female twins as this is a taboo because they will multiply and give twins or triples in future or in terms of their health care and nutritional status. I have experienced this in rural areas as a midwife and community nurse working closely with traditional birth attendance. These are beliefs in some communities of our society, which is contributing to Gender-Based Violence.

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Childhood:

Female African children are the most vulnerable in our different societies. They are the ones most exposed to sexual violence by their uncles, stepfathers and even by their grandfathers, nephews and, to some extent, their brothers. They are forced to engage in prostitution or practise obscene acts to earn money. Sexual trafficking in females and child labour is also happening on a daily basis, more specifically from rural areas to urban areas.

Adolescence:

Some of the above cases of violence against a girl child can result in the girl practising prostitution, engage in early marriage or being exposed to psychological violence or rape. Marriage of convenience is also part of violence against women and girls, especially by some foreign business people in order for them to obtain national documents. This is a serious concern not only in Namibia but in other countries too, where summer marriages take place at coastal towns and cities.

Reproduction Stage:

Violence at this stage includes honour crimes, killing because of the woman's dowry or lobola. Violence on the part of the husband's sexual harassment and trafficking violence against domestic maids and intimidation.

The Elderly Stage:

Elderly women and widows are exposed to mistreatment at this stage. They are sometimes called by names, such as witches and sometimes they are being killed or their huts put on fire, like the recent incident at Sikondo Village in Kapako Constituency in Kavango Region. During this stage inheritance is the common violence against women and children, not only in Namibia but across most African countries.

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In Namibia we have two categories of violence: **Domestic violence** involves violence by an intimate partner or member of the family within a domestic relationship, while **communal violence** is more practised by strangers or persons other than members of the family.

In Egypt, 97% of married women have been subjected to domestic violence and in Namibia many married women are subjected to Gender-Based Violence.

Teenage pregnancies are also another kind of Gender-Based Violence. Namibia's national teenage pregnancy rate stands at 15%, with Kavango Region at 34%, followed by Kunene Region with 30.5%. This is a serious concern for parents, teachers and all leadership, including politicians, religious or business leaders who have to educate our children to refrain from early sexual relationships, which is another form of Gender-Based Violence.

Honourable Speaker, Honourable Members, the Government of the Republic of Namibia has done a lot, more specifically in this august House. There are several legislations enacted to fight against Gender-Based Violence in all spheres of our lives. This is complemented by the provision of Article 6 of the Namibian Constitution that speaks about the protection of life. The Ministry of Gender Equality and Child Welfare, together with Line Ministries, are in the process to come up with a massive awareness campaign in our communities to let the community understand that without their efforts in the fight against Gender-Based Violence, the outcome will not sound successful. Furthermore, the Ministry together with other stakeholders are in the process to conduct research in order to get to the root causes of Gender-Based Violence in Namibia.

However, with the questionnaires introduced in 2007, it seems that the greatest cause of Gender-Based Violence in Namibia is alcohol and drug abuse, cultural dimensions and dependency syndrome of women on their male counterparts due to the high unemployment rate of women in Namibia; incomplete education of the girl child in Namibia due to teenage pregnancies, forced marriages and early school dropouts.

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The Ministry of Gender Equality and Child Welfare is now at the implementation stage of the National Plan of Action on Gender-based Violence, 2012-2016, which was launched by His Excellency the President of the Republic of Namibia, Comrade Hifikepunye Pohamba, in 2012.

My Recommendations are as Follows:

- All Members of Parliament to include topics of Gender-Based Violence in their meetings, as we did with the HIV/AIDS, because Gender-Based Violence is related to HIV/AIDS;
- All women to come together and discuss Gender-Based Violence through women caucuses and come up with durable solutions;
- All security Line Ministries to work together with the Ministry of Gender Equality and Child Welfare to strategise in addressing the issues of Gender-Based Violence through existing structures from Constituency to the national level by using the National Plan of Action booklet as an instrument.
- To come up with Women National Council within the Ministry of Gender Equality and Child Welfare to replace the Gender Directorate in order to mainstream the gender equality to all Public and Private Sectors, which is the co-principle to fight against Gender-Based Violence. It works very well in other parts of the world, I have many examples of implementation regarding such institution and how it addresses the above-mentioned matters.
- All Ministries and Agencies to prioritise gender budgeting and gender mainstreaming as it is the key to address Gender-Based Violence and women economic empowerment.
- The girl child education to be addressed to empower future women in economic emancipation and addressing gender equality simultaneously.

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- Print and electronic media to play their social responsibility to educate communities on the danger of Gender-Based Violence and inequality in a positive way.
- The Ministry of Gender Equality and Child Welfare, in collaboration with the Ministry of Education, to come up with an institution to train unemployed women and men in basic handworks, such as cleaning of houses, schools, offices, planting of grass, kitchen gardening, planting of trees in urban areas, baby and children care, catering through promoting traditional foods, etcetera, just to mention a few.
- Such groups can form companies and through them the Public and Private Sector can employ those graduates from this institution that will later be decentralised to all Regions and Constituencies. To accommodate all unemployed women and men, including school-leavers, TIPEEG should be the source of funding in this regard so that we can eradicate poverty and root out Gender-Based Violence in our society.
- Hours of selling alcohol to the public to be restricted through Amendment of our liquor related Laws.
- Proper research be done to determine the main causes of Gender-Based Violence.

I agree with the Honourable Minister that this Motion be referred to the responsible Parliamentary Standing Committee for more inputs and advice. Let us all speak out, get counselling and forgive our trespasses. Stop Gender-Based Violence, report it! I thank you.

HON SPEAKER: Thank you, Honourable Minister. On that note, I, with your concurrence adjourn the House until tomorrow afternoon. The Honourable Prime Minister may adjourn the House until tomorrow at 14:30.

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ADJOURNMENT

RT HON PRIME MINISTER: I Move that the House be adjourned until tomorrow at 14:30.

HOUSE ADJOURNS AT 16:26 UNTIL 2013.07.03 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
03 JULY 2013**

The Assembly met pursuant to the adjournment.

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

We start with the Business of the House as scheduled for today. Any Petitions? Any Reports of Standing Committees? Other Reports and Papers? 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) Ministry of Environment and Tourism;
- (ii) Ministry of Trade and Industry;
- (iii) Office of the Auditor-General for Financial Year ended March 31, 2012.

HON SPEAKER: Honourable Minister, please table the Reports. Any further Reports and Papers? Minister of Works and Transport

**TABLING: ANNUAL REPORT:
NAMIBIA AIRPORTS COMPANY**

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**TABLING OF REPORTS
HON NGHIMTINA**

HON MINISTER OF WORKS AND TRANSPORT: Honourable Speaker, I lay upon the Table, the Annual Report of the Namibia Airports Company for the year 2009/2010.

HON SPEAKER: Notice of Questions? Honourable Moongo.

NOTICE OF QUESTIONS

QUESTION 29:

HON MOONGO: I give Notice that on Thursday, the 11th July 2013, I shall ask the Ministry of Works and Transport the following question:

1. Is the Honourable Minister aware or did he ignore the persistent leakage of sewerage water in almost all houses of NBC countrywide and Oshakati in particular?
2. When will the Minister allocate special funds in order to fix or replace the pipes to avoid the horrible smell?
3. Can the Minister explain as to why the Ministry failed dismally and it takes so long to repair the pipes?

HON SPEAKER: Can the Honourable Member table the Question? Any further Notice of Questions? Notice of Motions? Ministerial Statements? Honourable Deputy Prime Minister.

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**MINISTERIAL STATEMENT
HON HAUSIKU**

MINISTERIAL STATEMENT

HON DEPUTY PRIME MINISTER: Comrade Speaker, Honourable Members of the National Assembly, I have the honour to provide information on the celebration of the Africa Public Service Day, 2013.

Comrade Speaker, the Africa Public Service Day will be celebrated this year in Swakopmund, Erongo Region, from the 3rd to the 5th of July 2013 under the theme, “*African Public Service in the Age of Open Government: Giving Voice to Citizens.*” The sub-themes are the following:

- Strengthening citizen participation;
- Enhancing accountability, transparency and Integrity; Enhancing Access to Information; and
- Empowering Management Development Institutes to build capacity in the Public Service Improvement.

This day is celebrated as a result of a decision taken by the Pan-African Conference of Ministers responsible for Public/Civil Service, held in Tangier, Morocco in 1994 that the 23rd of June should be celebrated as the Africa Public Service Day to “*recognise the value and virtue of service to the community.*”

The meeting recognised the significance of the Africa Public Service Day initiative as part of the continental strategy to enhance public administration and governance Programmes across the continent. Due to other equally recent meetings in June this year, the Office of the Prime Minister decided that the main event will be celebrated on the 5th of July 2013, this Friday.

Comrade Speaker, Honourable Members, the Africa Public Service Day enables to:

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**MINISTERIAL STATEMENT
HON HAUSIKU**

- Reflect on the functions of the Public Service, its mission, objectives, Programmes and projects, challenges and successes;
- Give recognition to and make known the importance of the Civil Service, its positive contribution and benefits to Public Servants, population, Civil Society, Private Sector and Government;
- Motivate and encourage Public Servants to continue the good work done and produce new initiatives and innovations; and
- Prepare the Public Service and administration for a better future by proposing changes for the social well-being of our population.

Namibia has been celebrating the Africa Public Service Day successfully since 2001 under different themes and sub-themes. The overall theme for the 2007 Africa Public Service Day was, *“Promoting Good Governance with the Emphasis on Anti-Corruption and Ethics.”* This theme was informed by the following three sub-themes:

- Enhancing transparency and good governance as tools for effective and efficient service delivery to citizens;
- Building public trust through zero tolerance to corrupt practices;
- Promoting the highest level of integrity among Public Servants to serve the citizens better.

The 2008 event took place under the theme, *“From Policy to Results-based Implementation.”* This theme was further informed by the following two sub-themes:

- Policy implementation as the key towards the realisation of Vision 2030;
- Promoting good governance through effective public service delivery.

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The 2009 event took place under the theme, “*Fostering Partnership and Collaboration for Sustainable Development and Improved Service Delivery in Africa.*” The sub-themes for Namibia underpinning the main theme were:

- Capacity development for the future capability of the Namibian Public Service; and
- Strengthening the interface between the political and administrative divide to meet citizen’s expectations.

The overall theme for the 2010 event was: “*Strengthening Leadership and Management for Improved Public Service Delivery in Africa.*”

Comrade Speaker, Honourable Members, following the outcomes of successive evaluations of past Windhoek-based celebrations, we decided to take the annual Africa Public Service Day celebrations to different Regions. The Karas Region successfully hosted the 2011 Africa Public Service Day celebrations from 22 to 23 at Keetmanshoop under the theme, “*Transformative Leadership in Public Administration and Innovation in Governance: Creating a Better Life for All.*” The theme was informed by three sub-themes:

- On-going leadership and management challenges on the continent;
- the long-term strategy on the African Governance and Public Administration Programme of the Conference of Ministers for Public/Civil Service in Africa which requires transformational leadership for its effective and efficient implementation; and
- The fact that service delivery has been given a pivotal role through the adoption of the Charter on the Values and Principles of Public Service and Administration by the African Union Commission Heads of State and Government at their January 2011 Summit.

The 2012 event was celebrated in Gobabis, Omaheke Region on 22 June 2012 under the theme: “*Capacity Development for the Implementation of*

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the African Charter on the Values and Principles of Public Service and Administration Towards Capable Developmental States.” The sub-theme was: “Empowering Regional and Local Authorities to Promote and Provide Quality Public Services to the Citizenry.”

Comrade Speaker, Honourable Members, as indicated earlier, the 2013 Africa Public Service Day will be hosted by the Erongo Region at Swakopmund from the 3rd to the 5th of July 2013 under the theme, “*African Public Service in the Age of Open Government: Giving Voice to the Citizens.*” The sub-themes are:

- Strengthening citizen participation;
- Enhancing accountability, transparency and integrity;
- Enhancing access to information; and
- Empowering management development institutes to build capacity in the Public Service improvement.

A special item on this year’s Africa Public Service Day agenda will be the recognition of the Office of the Auditor-General and the Kavango Regional Council for their continuous efforts in the implementation of the performance management system. Last year we gave certificates to three Ministries, namely the Ministry of Mines and Energy, Ministry of Gender Equality and Child Welfare and another one.

Comrade Speaker, I would like to formally inform and invite all the Honourable Members of this august House to attend this important national event in recognition of the work of all Public Servants, often rendered under very difficult circumstances. I thank you for your attention.

HON SPEAKER: Invited or not invited, I shall be there. Deputy Minister Muheua.

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**MINISTERIAL STATEMENT
HON MUHEUA**

MINISTERIAL STATEMENT

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:

Honourable Speaker, Honourable Members, I rise for the purpose of briefing the Members of this House and the Nation at large on the landmark victory achieved by the Government against the exploitative and abusive practice of labour hire.

The Honourable Members may have undoubtedly taken note that on the 27th of June 2013 the High Court delivered a Judgment in favour of Government in the matter of African Labour Services versus the Ministry of Labour and Social Welfare and the Government of the Republic of Namibia. In that case the High Court dismissed the Application of African Labour Services, a labour hire company, to declare unconstitutional certain Sections of the *Labour Amendment Act, 2012* and consequential amendments to the *Employment Services Act, 2012* that pertain to the protection of labour hire workers and to the practice of private employment agencies, including labour hire agencies. The Court affirmed the constitutionality of these statutory provisions.

Before discussing the implications of this victory for Namibian workers and the employers and for the Namibian people generally, I would like to remind you of the background of this case.

In the mid-nineties several hire labour agencies, also known as labour brokers, were established in Namibia. They offered to Namibian employers the possibility of renting the services of workers on either a temporary or indefinite basis for a specific price per worker. The agencies marketed their services to employers as a means to achieve total flexibility and to avoid the risk of responsibilities of employers under the Labour Laws. This was achieved by the agency and the user enterprise by entering into a contract that designated the labour hire agency as the employer of the workers who were placed with the user. In this way the user enterprise could hide behind its labour hire contract to avoid dealing with Trade Unions dealing with employees' grievances, adhering to health

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**MINISTERIAL STATEMENT
HON MUHEUA**

and safety requirements or ensuring that workers enjoyed the basic conditions of employment guaranteed to the employees by the *Labour Act*, such as annual leave, sick pay, overtime pay and the right not to be unfairly dismissed.

As a result, many employees in the labour hire system were deprived of basic rights enjoyed by other employees and were among the lowest paid, most marginalised workers in Namibia. They were often uncertain as to who was their employer.

To put an end to this hated system, our Parliament adopted unanimously the *Labour Act* of 2007 which in Section 128 made the practice of labour hire a crime. When the Act came into effect in 2008, Africa Personnel Services, known today as Africa Labour Services, with the support of the Namibian Employers Federation, lodged an action in the High Court to challenge the constitutionality of the ban on labour hire.

The Court, per Judge Parker, upheld the constitutionality of Section 128 and dismissed the employers' application. However, on appeal the Supreme Court held that Section 128 was an unconstitutional restriction on the right to conduct a business. The Supreme Court noted, however, that Government was free to introduce regulation to regulate labour hire.

The *Labour Act* 2012 takes a new approach to the problem of labour hire by ensuring protection of the employees working in the system. The *Amendment Act* designates the user enterprise as the employer of the employees placed with it by a private employment agency. This means that the user now has the same duty under Law as any other employer towards the placed employees.

The *Amendment Act* also provides that the employees placed with the user enterprise shall enjoy the same rights as any other employee in relation to their employer, including the right to organise a Trade Union. The new law also includes Amendments to the *Employment Services Act*, 2 of 2011, that regulates directly the conduct of the private employment agencies providing labour hire services.

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Honourable Speaker, Honourable Members, last year Africa Labour Services again took Government to Court, claiming that the provisions of the *Amendment Act* violated its constitutional right to do business. The High Court disagreed. In an extensive Judgment of Judges Geier and Liebenberg the Court found that the new Law was a rational response to the gap in the existing Law that enabled the user to contract out of the *Labour Act*, 2007 and that left workers without the provisions of that Law.

The Court observed that: *“The Amendment legislation gives effect to one of the fundamental objectives of State policy which is aimed at the protection of workers and more importantly, which is aimed at preventing persons from bypassing the Labour Act, 2007. This, correctly viewed against the purpose of Labour Law, which is usually aimed at cutting back the exercise of the more dominant contractual power of employers and to provide employees with rights that they cannot normally obtain at the time of contracting their contracts of employment.”*

It goes on that: *“The Court recognised the purpose of the Act was to close loopholes in the existing statutory framework. The message is clear, labour hire is no longer to come at the expense of the most vulnerable link in the chain, the worker. The Legislature has signalled its intention. From now onwards, labour hire comes with a package, that is the same package that comes with the agreement of all labour.”*

The Court also stated that: *“The Legislature has intended to ensure thereby that the labour hire agency worker can no longer be treated as a commodity and that their human and social rights as workers are respected and protected with the same respect as the protection afforded in labour legislation to employees in standard employment relationships.”*

The Court scrutinised the specific provisions of the *Amendment Act* and held that they do not constitute a material barrier to Africa Labour Services to conduct business. It found that such regulatory measures were permissible and in accordance not only with the Namibian Constitution, but also with international labour standards.

It is important for this House to note that in the Africa Labour Services

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Judgment the Court acknowledged the restriction on its role in reviewing the constitutionality of an Act of Parliament that regulates aspects of the economy. It affirmed the important principle that the Court is obliged to give deference to a rational policy which was made by the Legislature, citing the Judgment in *Namibia Insurance Association versus Government of the Republic of Namibia* where the High Court stated: “*Economic regulation inevitably involves policy choices by the Government and the Legislature. Once it is determined that these choices are rationally made, there is no further basis for judicial intervention. The Courts cannot sit in judgment on economic issues. They are ill-equipped to do this and in a democratic society it is not their role to do so.*”

Thus, Honourable Speaker, Honourable Members, the action taken by Parliament to end the abusive and exploitative labour hire has been vindicated.

Honourable Speaker, Honourable Members, I wish to inform this House that the Labour Inspectorate and the staff of the Employment Services Bureau of the Ministry of Labour and Social Welfare will conduct inspections in the near future of both user enterprises and private employment agencies to ensure compliance with the provisions upheld by the Court. For the benefit of the Honourable Members and the public, I wish to summarise a few requirements of the new Section 128 and Amendments to the *Employment Services Act* as follows:

The key requirements of Section 128 are:

1. The user enterprise is the employer of the employees placed with it by a private employment agency.
2. The placed employees shall enjoy the same wages and other terms and conditions of employment as the incumbent employees hired directly by the user enterprises who perform the same or similar work or work of equal value. A violation of this requirement is subject to a maximum criminal penalty of two years imprisonment and N\$80,000 fine.

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3. The placed employees shall have a right to join a Trade Union and to bargain collectively with the user company.
4. A user enterprise must not differentiate in its employment policies and practices between the placed employees and its incumbent employees. A violation is also subject to criminal sanctions.
5. A user enterprise must not employ an employee placed by a private employment agency –
 - (a) during or in contemplation of a strike or lockout; or
 - (b) within six months after the user enterprise has, in terms of Section 34, dismissed employees performing the same or similar work or work of equal value. Violation of these requirements is also a crime.
6. The placed employees have a right to refer to the Labour Commissioner for arbitration any dispute concerning violation of their rights by the user enterprise.

The key requirements of the Amendments to the *Employment Services Act* are:

1. Private employment agencies must not refer persons for specific employment to an employer or user enterprise that is not in good standing with the requirements of the *Affirmative Action Employment Act* or the *Social Security Act* or who has an outstanding compliance order issued by a labour inspector.
2. Complementing Section 128, the Amendments to the *Employment Services Act* require that a private employment agency must not place persons with an employer unless the employer or prospective employer undertakes to ensure that every individual is employed on terms and conditions not less favourable than those that are applicable to its incumbent employees who perform the same or similar work or work of equal value.

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3. In addition, a private employment agency must not place persons with an employer during or in contemplation of a strike or lockout within six months after the user enterprise has, in terms of Section 34, dismissed employees performing the same or similar work or work of equal value.

Honourable Speaker, Honourable Members, I wish to thank and congratulate this House on its determination to end the abuse and exploitation that Namibian workers have suffered through labour hire. The message is clear, while there is a legitimate role for private employment agencies in Namibia, they may not profit at the expense of the rights of the workers. The Court's Judgment should encourage us to remain vigilant to address new forms of exploitation, should they emerge, that could undermine all or any of these rights. I thank you, Honourable Speaker.

HON SPEAKER: I thank the Deputy Minister. The Secretary will read the First Order of the Day.

**RESUMPTION OF SECOND READING:
WATER RESOURCES MANAGEMENT BILL [B.5 – 2013]**

SECRETARY: Resumption of Debate on Second Reading – *Water Resources Management Bill* [B.5 – 2013].

HON SPEAKER: When this Debate was adjourned on Tuesday, the 25th of June 2013, the Question before the Assembly was a Motion by the Honourable Minister of Agriculture, Water and Forestry, that the Bill be read a Second Time. Honourable Tjihuiko adjourned the Debate. Any

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further discussion? Minister of Defence.

MINISTER OF DEFENCE: Thank you, Honourable Speaker. Firstly, I would like to thank the Honourable Minister of Agriculture, Water and Forestry for tabling this voluminous Bill in this House. As we all know, water is life and this Bill is talking about water and particularly in Namibia water is a precious resource.

I would like to contribute to the discussion of this Bill with regard to Clause 30 which talks about rural water supply.

A couple of years ago Government invested a lot in rural water supply, especially in the northern Regions and this water which is used in the northern Regions is a gift from the people of Angola. However, despite that heavy investment, many of the water points are not working. They are closed because the villagers do not want to invest in water. They do not want to pay for water and I understand why, because traditionally water is a commodity which was never sold. If you dig a well and you find water, you cannot refuse somebody to get water from that well, especially for dinking. Therefore, the villagers do not want to make a contribution and I suspect it is not as a result of poverty. I think the contribution is something like N\$20 per month, but they do not want to part with that N\$20 for clean water. Some have resorted to digging their own wells and drinking dirty water and giving the same water to children. As a result you have children suffering from diarrhoea and in the process lives are lost.

The question to the Minister is really what should be done to encourage villagers to see water as a health issue, rather than just water as water. I think perhaps there is a need for social motivation. Perhaps the extension workers should mobilise communities that, *“Government has provided you with clean water, why are you drinking dirty water? Government is giving you a social pension every month, why do you not spend part of that pension to access clean water so that you can save the lives of your children and grandchildren?”*

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I see the Bill provides for the creation of water committees and other institutions, but I think this is just to legalise them as they already exist. However, those water committees work under difficult circumstances. Sometimes they are insulted by the villagers who do not want to pay and sometimes they have to beg the villagers to pay for the water point to remain open and I am not quite sure what should be done to educate our people that water is part of your health needs and clean water is being provided for that reason.

Honourable Minister, I support the Bill.

HON SPEAKER: I thank the Minister of Defence for his contribution. Honourable Jankowski.

HON JANKOWSKI: Honourable Speaker, I must thank the Ministry of Agriculture, Water and Forestry for this Bill. I am very pleased to see the Bill and we think this will be very helpful to put certain measures in place.

Honourable Speaker, I want to congratulate the Government for providing our people with clean water and my contribution is based on Page 21, the determination of the price of water. At this point in time the price of water to bulk suppliers has not been determined and I see that the Minister said that we must develop. Therefore, I would like to know how the price is currently determine if there is no policy which can be applied.

I see that the advisory council must consist of eight people and I want to know in which manner it will be of assistance to our people. Our people are struggling, they cannot pay for water, our water regulator is supposed to help our people to maintain the water pipes and attend to leakages. I support the Bill.

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HOUSE ADJOURNS AT 15:40

HOUSE RESUMES AT 16:00

CONDOLENCES

HON SPEAKER: The Business of the House is called to order. When we commenced the Business for the day this afternoon, I was unaware that our Foreign Minister, Honourable Netumbo-Ndaitwah, had lost her mother. I would want us to rise and observe a minute of silence in solidarity with her.

HOUSE OBSERVES A MINUTE OF SILENCE

HON SPEAKER: We continue with the *Water Resources Management Bill* and I give the Floor to Honourable Schlettwein.

HON MINISTER OF TRADE AND INDUSTRY: Thank you, Honourable Speaker, for giving me the Floor. I rise to support the Bill, I think we all take note that it is actually the second time that it comes and it comes now as an amended Bill not because of a principle that is questionable but of practicalities with implementation that were smoothed out.

I have three small questions that I want to pose to the Honourable Minister

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and the first one deals with Part 2, that is the functionaries of the Minister and under 5(d) the Minister has the power to ensure an adequate supply of water for domestic use. The question I have is whether it is deliberate that it is only an obligation to ensure water supply for domestic use or whether to ensure water supply for Strategic Industry would not also be an appropriate power to be given to the Minister. There are certain Strategic Industries that may be Wet Industries that are as necessary as the water itself for the sustenance of human life and, therefore, the question why industrial supply for Strategic Industries is not included in the powers of the Minister.

The second question is with regard to Part 4, that is the water regulator and water pricing policy. Up front here, I think we must recall that the cost of doing business is an issue that has been discussed quite a number of times and the cost of utilities has been mentioned as an issue that is spiralling up and negatively influencing our competitiveness on the industrial side. If we introduce an elaborate system of regulation, that is not a wrong thing for a basic commodity like water, so I am not saying that regulation of the Water Sector is a wrong thing, but if the function of the water regulator is as per 12(a), which is, “*to determine the tariff of fees and change or the maximum tariff fees*”, then I think one should question the sustainability of this type of approach. If the objective is to maximise charges on a commodity that directly influences competitiveness of Industries, I would caution whether that is a wise approach and I am sure that the Honourable Minister will explain how that maximisation of tariff setting is intended to work.

I think we must then also go to the last query that I have and that is on the Tribunal. There are two questions on the Tribunal. Firstly, it appears, if I have not read it wrongly, that anyone can go to the Tribunal with an appeal. It is an individual, it is a company, it is anyone who has been refused a licence or whatever. But interestingly, any decision of the water regulator is not to be appealed and I here want to know whether that is a deliberate thing or not, because decisions on tariffing can very seriously impact on Industries and their ability to make business. Maybe we can also, in order to improve transparency, make decisions of the regulator with regard to tariff setting a matter that can be heard by the Tribunal on

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appeal. I thank you.

HON SPEAKER: Thank you Honourable Minister. Honourable Mwaningange.

HON MWANINGANGE: Thank you very much, Honourable Speaker, for the opportunity given to me to contribute on the Bill before us.

Honourable Speaker, I would like to thank the Minister for giving us the opportunity to take part in this Debate. I know very well that various stakeholders were involved in the formulation of this Bill, however, I also have some observations to make or need some clarifications.

On Pages 27 and 28 deals with the various categories of committee, such as water point committees and local water committees at the various levels. If I recall well, these water committees were deliberated upon during the tabling of the first *Water Resources Management Bill*, especially the management and control of water points and looking at the functions of the committees here, they are well articulated, however, I am questioning what happens on the ground. Thorough training is very essential for these committees to manage these water resources as water is a scarce commodity in our arid country and needs thorough management and control.

I have seen some communities that only the leaders are provided with training, but the rest of the community do not have a clue, which is a challenge in the sense that water committees may not be very well conversant with meter readings. As a result they end up telling the people to read their own meters and calculate how much has to be paid, which is problematic as these people may also not be conversant with the mathematical calculations. Therefore, this training needs more attention and especially the chairperson and members of the committee should be literate persons.

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Furthermore, I wish to deal with the maintenance of the water points itself. The officials of the Ministry of Agriculture, Water and Forestry have to follow up and see whether this Programme is going well, otherwise it will result in water wastage. When some of the old pipes are leaking, these officials come and say, “*you have wasted water, your readings are too high*” while in fact it is water wasted in the scheme itself, but because there are no technicians attending to the water pipes.

I have a question on Section 92 which deals with dams and boreholes. I do not see earth dams being included in these dams. When earth dams are dug, water catchment is provided and I know water from these dams is not very clean, but it is useful for animal consumption, gardening and brickmaking. Therefore, it serves as a substitute to clean treated water which can be used for cooking and drinking.

These are some of the issues on which I need clarity from the Minister and with these few remarks, I fully support the Bill. I thank you.

HON SPEAKER: Thank you. Attorney-General.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Thank you very much, Honourable Speaker. I rise to add my voice to what the other Honourable Members have said regarding the Bill and I wholeheartedly support the Bill. I commend my dear friend and Comrade for the hard work and that we are seeing results in that Ministry because of his commitment to service delivery. This issue is indeed important as we are discussing about water, especially in rural areas where the majority of our people reside.

I am aware that in southern Africa, Namibia is the driest country as it has no perennial rivers inland, followed by Botswana and, therefore, water is a very precious commodity because of this history.

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Comrade Minister, we have heard about a large volume of underground water discovered in Ohangwena and if that is true, are there plans to exploit that water to open up areas, such as Mangetti, for agricultural projects? We were made to understand that it is a large volume of water which can last for four hundred years or more, therefore, I believe we can open up that part of our country in terms of provision of water for agricultural projects.

Otherwise, Comrade Speaker, I once again commend my good friend for a job well done. Thank you.

HON SPEAKER: Thank you. Honourable Moongo.

HON MOONGO: Honourable Speaker, I thank the Minister for tabling this Bill and I have a question on Page 21.

People making use of water points in the villages make payments to the water committees and this poses a problem as it becomes a temptation to somebody carrying so much money while earning only a small allowance. I read here on Page 21 that members of the water regulator who are not in the fulltime service of the State must be paid from money appropriated by Parliament and I want the Minister to elaborate on this because we are concerned, the people are poor and they have to collect this money on behalf of NamWater. It is high time that we now have to reconsider their remuneration for these services.

With this, I also support the Bill.

HON SPEAKER: Thank you. Honourable Ankama.

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**HON DEPUTY MINISTER OF FISHERIES AND MARINE
RESOURCES:**

Thank you very much, Comrade Speaker. I fully support this very important Bill and it is indeed also time that we start discussing it thoroughly before it is enacted into a Law.

My question is on the Basin Management Committees mentioned on Page 22. I basically want to find out what it really refers to and I want to touch on two issues, namely the aquifers, the underground water, and then the irrigation activities.

The aquifers will probably be anywhere, the underground rivers as we call them in our local language. Those who know nature will definitely tell you there is water here and they will even go to the extent of telling you that this is good water or this is salty water before they dig.

When it comes to private boreholes, I do not really know the regulation thereof, whether I have to apply and pay a minimum fee, because although these people make the boreholes themselves, they may deplete the aquifers.

Regarding the shared irrigation activities, be it from the boreholes or from any other source, the question is on the management thereof and I want to connect this to flood waters. We have perennial rivers where the water run through and we have the natural lakes. Of course, these days natural lakes are no longer to be seen, they have been filled up with sand and maybe they need some dredging. How are we going to deal with these lakes that we have all over, particularly in the northern areas where we have quite a number of natural lakes? There are those that keep water throughout the year, but there are those that have been filled up with sand and no longer keep the water for the duration of the year. It is a question of regulating. At the moment everybody takes his cattle there, they drink. How are we going to make sure that people will continue taking their cattle for drinking and they do not pay?

The other issue I want to connect with this one is the floodwater. I have said repeatedly in this House that we have a lot of floods. For six months we have enough water, people even have to move from their homes to the

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highlands. Six months later we have water rations. To me it is very strange that when you have such abundant water and six months later you have zero.

When I was in Calueque I reported to my Colleagues that we expect some problems there. From my Ministry we do not have good water to keep the fingerlings alive, from *Etaka* you do not have any water for the gardeners there and you should even expect some kind of rationing for electricity. Therefore, what we are saying is, can we really allow this floodwater to continue coming and going just like that? Perhaps there is a plan and I want to find out from the Minister whether there is a plan.

Someone was suggesting manmade lakes and I can give the example of the Kariba Dam there close to us. I can also think of dredging some of the dry lakes that I have visited. Maybe the Minister has a plan how to harvest this water for irrigation purposes and other activities.

I generally support this very important Bill. I thank you.

HON SPEAKER: I thank the Deputy Minister. Honourable Bezuidenhout.

HON BEZUIDENHOUT: Thank you, Honourable Speaker. I am more or less out of my depth here, because water, nature and animals are not my domain, but I just want the Minister to educate me on some of the things I noticed.

I fully appreciate that the reality of Namibia is that the cost of water is pushed up because of our circumstances. As Honourable Kawana said, we are by nature a very arid country and, therefore, we need to distribute and use the little water we have properly, but even in the distribution there is a cost involved as well as the reality of Local Authorities where wastages occur because of leakages. This calls that we must manage the

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little water that we have properly and this is the purpose of the Bill.

I quite like the fundamental principles on which this Bill is based, where the right to equitable access to water is called a human right, which is consistent with this beautiful document of ours. My question would be in relation to equitable access by all people as a basic right versus the current reality of non-payment. At what point do we decide that no, you cannot continue not paying and keep on receiving your human right?

It also seems that the many layers in the water management, such as the various councils, advisory councils and local and regional structures, may push up the price of water. At what point do we say we are not going beyond this point, because we incur a cost to deliver and to manage the water, but yet the financial resources must come from the users and if the user is entitled to equitable access to water but is unable to pay, how do we go about that? That is one area on which the Minister can enlighten me.

Another question is on the water regulator. It is part of proper management of water, but we have also experienced that where regulators come into play, for example, the electricity regulators, that the Industry can make quite good, convincing arguments why the price of the commodity should be increased with 15, 20 or even 30% over the next three years, which again results in burning a hole in the pockets of our people. I do not see specific interventions with regard to the decisions of the regulator or would that be like any opportunity for aggrieved people to approach the Court as to the fairness of such an increase? We must remember that there is the wholesale supplier of water, then there are retailers and then there are users and everybody wants his cut of the dollar, which may just increase the cost of water.

I am one of those who would open a tap and there is water, but I do not necessarily understand what the background of that tap is. At the background of that tap is a lot effort, a lot of money and how do we balance all these?

I regard Part 10 as the further liberalisation of water supply because that is

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where water service providers are discussed. To me that seems to come very close to the pure commercialisation of water, where a private person can apply for a licence to provide water and like in the Health Industry, provide an excellent service at a cost, where you exclude certain people based on access to the Namibian Dollar. We should ask ourselves whether it is a good idea. Yes, it will save the State a lot of money if private people can supply water, but again it is a matter of cost. How do we balance it between the right to water as a human right and the recovery of cost?

The final point I want to make is on Part 12 where this Bill expressly prohibits a land owner to extract water from his private property without a licence. Does that now mean that he becomes a water service provider unto himself and his family and animals? Is that a prohibition on property owners who have the natural resource on their farm or do we read it in terms of Article 100 where the State is the first owner of everything under the ground? I know if I find minerals on my farm it is not mine, the State must have the first right of refusal before I can get it. Is it the same with water? If the Minister could assist me in understanding the Water Industry with those few questions, I would appreciate it. Thank you, Honourable Speaker.

HON SPEAKER: Thank you. Honourable Riruako.

HON RIRUAKO: Honourable Speaker, water is stolen every day. Water running in open canals through farms is stolen every day. We do not have to beat about the bush, the fact is that the Government can control the water as usual, as it happened during the colonial days, the Government used to controlled that water. Why is it that the water at this juncture is not controlled in the best way? Where does the stealing come from? It is impossible to watch individuals throughout the country.

Therefore, my proposal is that the water must be taken over by the

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Government and the losses can be subsidised by the Government from moneys which I can call “*aloof*” in certain departments. What I mean by that is that the money is there all the time and not used. This money can be gathered to pay for those areas that cannot take care of themselves. That can be done, but not through what we are talking about, stealing is a method and it becomes a burden to those who pay regularly.

Look at the salaries of Water Affairs personnel, it is going to heaven but God does not even ask, “*what are you doing with this?*” Do we want to give this money to the Civil Servants but not to the people who are in need? God himself will ask them, “*what are you doing with this wealth?*” Can you allow this and even the Parliament does not say anything? What are we doing? Do we really mean business? Take Water Affairs back to Government, then we can find a way to take care of it as a Nation and not that particular individuals benefit from it while the others suffer.

HON MOONGO: I want to ask the Chief whether it is not high time that the Government explores the old African method of finding underground water?

HON RIRUAKO: We have our own boreholes and wells but we still have to pay the Government. There is no difference, so why are you asking?

HON SPEAKER: It is like stolen diamonds, not reported. The water sources must be reported. The Honourable Minister, being a teacher will appreciate these contributions.

HON DEPUTY MINISTER OF JUSTICE: I Move that the Debate be adjourned until tomorrow.

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HON MUTORWA

HON SPEAKER: The Debate is adjourned until tomorrow. The Secretary will read the Second Order of the Day.

**MOTION ON EXPORT OF SHEEP ON-THE-HOOF
TO SOUTH AFRICA**

SECRETARY: Resumption of Debate on Export of Sheep on-the-Hoof to South Africa.

HON SPEAKER: When this Debate was adjourned on Wednesday, 26 June 2013, the Question before the Assembly was a Motion by Honourable Kaura, that the Motion be adopted. Honourable Deputy Minister of Agriculture, Water and Forestry adjourned the Debate on behalf of the Minister and he now has the Floor.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
Thank you, Honourable Speaker. I thank my Colleague, the Deputy Minister, who has adjourned the Debate on my behalf, as we have agreed.

Honourable Katuutire Kaura, President of the DTA, on the 26th of June 2013, tabled and motivated a Motion in this Honourable House entitled, the **Plight of Sheep Farmers in Namibia**. As the line Minister for principally the livestock producers in this case, I am taking the Floor to make a contribution to the Debate, thereby clarifying some fundamental issues, but also amplifying what my Honourable Colleagues from the Ruling Party's benches have said.

It is a fact that the Cabinet of the Republic of Namibia, on the basis of the facts presented to it then took the decision to limit or restrict export of live

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cattle and sheep to South Africa in 2003. The said decision was reviewed in 2010, but still not all parties directly involved in this business are completely happy thus far. The parties involved are the producers of livestock, the processors or abattoirs of those livestock products and, obviously, the regulator, meaning the Government through the Ministries of Agriculture, Water and Forestry, Trade and Industry and also Finance.

The interests of the mentioned stakeholders or parties could be explained and summarised as follows:

Firstly, what are the interests of the Government? Surely the Government would like to see this very important Industry contributing maximally to local job creation. Secondly, for the Industry to contribute to skills development and skills transfer in our country. Thirdly, in our view, for the Industry to contribute to industrial development and value addition in the country. Fourthly, to promote a harmonious and symbiotic relationship of the various stakeholders involved and lastly, to create a conducive vibrant policy and legal environment for the long-term growth and competitiveness of the Small Stock Industry.

Let us look at the fundamental interests of the producers or farmers. Naturally and correctly so, the farmers' main objective is to realise maximum financial benefits from their animals. At various consultative forums the farmers, through their farmers' organisations but also as individuals, have expressed their clear support for the Government's main objective with regard to local value addition, skills transfer, job creation and fair prices for their animals as a matter of principle.

The abattoirs or the processors of these livestock products naturally and correctly so aim at realising maximum financial profits from their investment and their operations, which is correct. However, like their colleagues, the producers, the abattoirs or processors do support the Government's policy on value addition, beneficiation, industrialisation, job creation and skills transfer as a matter of principles. There are no differences as far as the principle is concerned.

What is the fundamental core of the problem? To explain the core

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problem in simple terms, permit me, Comrade Speaker, to make reference to the Namibian Nation's struggle for genuine political freedom and Independence, just by way of illustration to see the complexity of the matter.

Many Namibians did sacrifice their lives for freedom and Independence. Countless others in various forms supported the struggle for political emancipation, freedom and Independence. Some people, on the other hand, looked at the possible attainment of freedom and Independence as a potential threat for their vested individual, economic, financial and political interests. Hence, if we reflect back on the protracted negotiations with regard to the implementation of Resolution 435, for example – and a young man like me cannot lecture you on that, Comrade Speaker and many of your Colleagues – it was not easy to agree until certain concessions, guarantees and clarifications were made.

In the case of the issue that we are debating, we admit that the Government's value addition policy is maybe not as yet quite well articulated in detail and, therefore, not well understood and accepted as a matter of fact by all the different role-players involved. For example, the producers look at value addition, as it is currently implemented in the Sheep Industry, as not benefiting them adequately. When we here as elected representatives of our Nation, and it is my contention, that when we debate this matter, we should also not lose sight of the fact that this is an important bread-and-butter issue and rightly so. For the Government, on behalf of the people, on behalf of the economy of the country, it is also a matter that cannot be divorced from the overall economic welfare of Namibia and all her people as articulated in Chapter 11, Articles 95 to 101 of the Namibian Constitution, the chapter that deals with the welfare of the Nation or the State.

Both my Colleague, the Honourable Minister of Trade and Industry and myself, together with our senior officials were already tasked by the Cabinet to come up with a formula that will benefit both the producers and abattoirs equitably and fairly. We are also in continuous dialogue with the leadership of the producers and abattoirs in this regard. Hence, Comrade Speaker, Minister Schlettwein was correct when he stated in his

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Contribution that: *“We have called all the stakeholders for consultations. We have anticipated that these stakeholders will come up with a consensus decision how sheep marketing will look like. So far that was very difficult to reach that consensus and I think the reason for that is that the interest of the different stakeholders are very varied.”*

I remember very vividly when our Prime Minister now, when he was the Minister of Trade and Industry, in his usual way of accommodating various views, did call a meeting one day at the Ministry of Trade and Industry where all the various stakeholders were present and you could see the emotions and hear the different views. However, we are not done yet, we are continuing with that process of engaging them.

I have carefully listened to the Honourable Kaura’s Motivation Statement, I have also carefully and critically analysed and studied the Honourable Member’s text of his speech. At the end of that Statement Honourable Kaura is requesting this Honourable House, *“to dissect this issue and prudently rescind the decision of 2003 which closed the border for the live export of sheep to South Africa.”* That is now the request which this House at the end of the Debate will be asked to decide on.

Comrade Speaker, after various speakers from this side and myself have argued and stated the facts thus far, it is my humble and honest advice that there is absolutely nothing wrong for this Honourable House to discuss, debate and dissect this issue, but we have a fundamental problem with the second component of Honourable Kaura’s request and that second component is, *“to prudently rescind the decision of 2003.”*

Let me explain. The 2003 decision was not taken by the Legislative arm of the Namibian State, but by the Executive arm or organ of the Namibian State. I think Honourable Members will agree with me that clearly the Legislature or Parliament cannot and may not rescind a decision of the Executive Branch, or vice versa.

As a Line Minister for producers of both livestock and crops, I am able to publicly state here that we in the Government have empathy and sympathy for the current situation in which livestock producers of particularly small

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stock find themselves and this predicament is aggravated by the prevailing drought. I know the Minister of Trade and Industry will at an appropriate time make an announcement, but because we work closely together, I know that very soon the Government, through the Ministry of Trade and Industry, will announce some specific short-term relief measures to the sheep farmers, particularly during the duration of the drought. However, at the same time I, as a member of the Cabinet, have full understanding and unwavering and uncompromising support for Government's policy of industrialisation and value addition in line with the Vision 2030. Vision 2030 calls upon us to work hard so that by 2030 Namibia is a developed and industrialised State or Nation. Thus, the challenge for the Executive, the Legislature, the producers and abattoirs is to find a fair, balanced middle-line that must benefit both the country's economy, the producers and processors equally and fairly. That is our challenge and we have to work hard to arrive there.

As such we must continue to engage one another in an honest and unbiased manner to eventually find that balance, that formula, and I would like to add, we will find that balanced formula not through emotions, but through logic and sound reason.

Both my Colleague, the Honourable Minister of Trade and Industry and myself, together with our senior officials, as I already said, were tasked by the Cabinet to come up with an acceptable formula, that we should not come up with unilaterally, but that must emerge from consultation with those stakeholders involved, a formula that would benefit both the producers, the abattoirs and the country's economy equitably and fairly. We are thus in continuous dialogue with the leadership of the producers and abattoirs in this regard.

Parliament is an oversight body over the Executive and surely the Honourable Members, as elected representatives of the people, have a role to play in engaging the producers and abattoirs, as the Government is currently doing, to eventually reach that acceptable formula.

Comrade Speaker, when the producers argue that they are ready to support the policy – and this is what they are telling us, that they are ready to

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support the policy of value addition and beneficiation provided that the prices they fetch for their animals will not and must not be below the cost of producing those animals, Government has to support that view, and when the abattoirs, the processors, also come up with strong convincing arguments that they will support the policy of value addition on condition that their profits are worth their financial investments, they too are correct and Government should support them.

We understand Meatco's closed abattoir is a solely Namibian-owned abattoir that used to cater for both cattle and sheep. The closing was explained in the press, I think it is because they are not making profits from that company. However, we as Honourable Members should be informed that the ownership of some other abattoirs, not the one of Meatco that was closed, is apparently shared on both side of the border, in Namibia and in South Africa. In those cases the beneficiation or value addition is done outside Namibia. In simple terms and in such cases Namibia literally exports her jobs to others and such a situation is unacceptable to Government and as a matter of policy and principle we have to correct it, we cannot allow it.

I hope that soon after our envisaged consultations with the producers and abattoirs, consensus and an acceptable formula will be reached and found that will result in the adoption of a much fairer formula for the producers, abattoirs and the country's economy. I know it is complex, it has taken almost more than ten years now, but when that eventually happens, the Ministry of Trade and Industry and the Ministry of Agriculture, Water and Forestry will be in a position to jointly submit a new memorandum to the Cabinet, requesting the Cabinet to reconsider and review the 2003 and 2010 relevant Cabinet decisions with regard to this matter.

In conclusion, we are thus, on the basis of the facts and arguments presented so far, opposed to any request for this Honourable House to agree and pass the said Motion rescinding the Cabinet's 2003 decision. However, we as Government shall not have any principle objection if the Motion is referred to the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration, specifically requesting that Committee to also engage the producers and abattoirs to

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find a common ground or consensus to deal with this matter and thereafter the Committee to submit its report to the Whole House Committee during the next Session of this House for adoption and approval as well as processing to the Cabinet for consideration, because that is what the Executive is currently doing and if, through Parliamentary Committee, the Legislature also comes in to engage the stakeholders and try to get an acceptable formula, I do not think that should be rejected. We believe that in doing so, both the Executive and Legislature will be seen to be working in a complementary fashion and not in a contradictory and confrontational manner to find a commonly acceptable formula and solution to this issue of the marketing of sheep in our country.

Comrade Speaker, that is my contribution and I rest my case.
(Intervention)

HON LUCKS: Before the Honourable Minister concludes, I would like to ask him a small question. Honourable Minister, I did not want to interrupt your speech, but I would like to take you back to the point that you made about the relief measures. I do not want to pre-empt any announcement that is going to be made by the Minister of Trade and Industry, but in your reference to the relief measures you put special emphasis on the fact that it will be short-term relief measures. Could you perhaps tell us what is meant by short-term, firstly, and secondly, in the event of a prolonged drought situation of two, three, four years, will you be able to prolong this relief or what do you envisaged to be the situation in the event of a prolonged drought situation? Will this short-term relief maybe become a medium or longer term relief or what can you tell us about that?

HON SPEAKER: There is also a question here. Do you want to take the question now so that you can reply to both?

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HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Comrade Speaker, I am not the mover of the Motion, I only made my contribution, but the previous speaker specifically asked a question emanating from my Statement and, therefore, I will be comfortable to answer.

I think I was very clear in my Statement and you said that you do not want to pre-empt, but you have already pre-empted through your question. Short-term means the duration of the drought. Now let us not imagine that the drought will continue for five or six years, because then there will be no goats and sheep. However, the plan is that through this engagement with the producers and the abattoirs, probably in a relatively short period of time a long-lasting, permanent formula would have been worked out, accepted and processed through the Cabinet for implementation. That is what we anticipate and I thank you.

HON RIRUAKO: Honourable Speaker, we have listened very carefully and it is for us now to add to what we think should be adopted. The fact remains that one does not know the duration of the drought and we want to know how you could come to an agreement with a producer and what kind of money is involved when comparing ours this side and that of South Africa. That is another issue, but we did not do our homework yet. When we do our homework, we have to look at what happens here, N\$600.00, N\$700.00 per sheep is the amount of money involved and the other side N\$800.00 per sheep. We have not looked at the value of a sheep to do the comparison and to tell the stakeholders how far you have gone.

To relinquish the whole Programme, you have to come to a formula that would benefit both us and those on the South African side. We cannot give our benefits to the other side, it has to be balanced and you did not mention this in your report. That amount was not even mentioned at all. There has to be a balance and we cannot allow ourselves to be misused. You need to come up with some details in order to solve the problem. That is what is supposed to be done. I thank you.

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HON KAURA

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Honourable Speaker, the Honourable Chief is essentially supporting the main thrust of my arguments and the Government's position as it relates to achieving a formula that will benefit all of us. Therefore, I agree with the Chief and let all of us work together to reach there in an inclusive, engaging kind of manner. Thank you.

HON SPEAKER: Thank you. Does Honourable Kaura wish to reply?

HON KAURA: Thank you, Honourable Speaker. I Move that the Debate be adjourned until next week Tuesday for my reply.

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

**MOTION ON PREVAILING GENDER-BASED
VIOLENCE AGAINST WOMEN AND CHILDREN**

SECRETARY: Resumption of Debate on the Prevailing Gender-Based Violence against Women and Children in Namibia.

HON SPEAKER: When the Assembly adjourned yesterday, 2nd July 2013, the Question before the Assembly was a Motion by the Honourable Minister of Home Affairs and Immigration, that the Motion be adopted. Any further discussion? Honourable Kavetuna.

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HON KAVETUNA

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

Honourable Speaker, Honourable Members, allow me to first recognise the coherent voices of unity illustrated by leaders of the people in this august House. You have truly shown that despite our political and other kinds of differences we all know the necessity of emphasising that we must stand together and support those in severe suffering.

My role models, both the Minister of Home Affairs and Immigration and the Minister of Gender Equality and Child Welfare eloquently elaborated on this devastating state of affairs in our daily lives.

Honourable Speaker, for me there is no better time to add my humble voice to this Motion on the undesirable act of violence against members of our society in our beloved country. My theme today is, “*the time to act is now.*” There is no more time to talk about why and who is responsible for these barbaric acts of violence in human history.

Honourable Speaker, on the 18th of March 2009, I tabled a similar Motion for a second time after it was previously tabled in the Third Parliament Session and it read as follows:

“To deliberate on the negative impacts of Gender-Based Violence on our society, the effectiveness of policies and Programmes of various stakeholders dealing with gender promotion and issues related to Gender-Based Violence. Despite the Laws and Programmes put in place by the Ministry and Civil Society Organisations, men, women and children in our country are still suffering in different ways. All their suffering is related to these inhuman acts.”

This Motion was referred to the relevant Parliamentary Standing Committee for further deliberation.

Honourable Speaker, the issue here is for us to move away from talking and to act. Therefore, I would like to state the following:

The Nation had in all endeavours, in various capacities and different

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HON KAVETUNA

Spheres, done everything in their power to show severe objection to Gender-Based Violence. We held peaceful demonstrations and handed over petitions. We pleaded with Magistrates not to release the offenders on bail. We called for stiffer punishment for perpetrators, we did almost everything that we thought could stop this Gender-Based Violence. Women organisations went to the extent of calling for a boycott in private bedrooms. Actors have tried to raise awareness on these inhuman acts in various plays. The religious leaders used their platform to denounce these acts. It seems that these bad acts needs leadership, it needs action from our leaders.

John Maxwell said, *“leadership is about knowing the way, going the way and showing the way – let us lead the way.”*

Honourable Speaker, Honourable Members, I have to say I am really pleased and very appreciative of the fact that I started as a backbencher. It has taught me to listen to people and to act in accordance. Being a backbencher in a Parliamentary Committee I have heard horror stories of Gender-Based Violence during public consultations. We saw mothers who lost several children to Gender-Based Violence in front of them, who absolutely broke down emotionally in public meetings, crying uncontrollably. We heard Gender-Based Violence tales that started with a mere slap until it ended in a gunshot. We heard Gender-Based Violence victims sent away with restraining orders time and again. We sometimes in these meetings cried along with mothers who told us how their babies were raped, sodomised and strangled to death in severe cases. We saw distressed Members of Parliament with tears in their eyes when we are leaving meetings of this nature, but we also saw hope in the faces of the community members who witnessed the death of their beloved ones because we have come to listen to them, even if it is the fifth time that they are telling us the same story.

With this, Comrade Speaker, I recommend that this Motion should not be referred for public consultation any longer. We should go back to the Reports that were tabled in this House with dozens of recommendations directed to relevant institutions for action, action and action.

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HON DR ANKAMA

Finally, Honourable Speaker, let me conclude by quoting Napoleon Bonaparte who said: *“As leaders we should be the dealers in hope.”* I thank you.

HON SPEAKER: I thank the Deputy Minister. Any further discussion? Honourable Ankama.

HON DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES: Thank you, Comrade Speaker. Honourable Members, Gender-Based Violence has been a topical issue worldwide for some time now, however, the violence against women and children, on the most, is one of the oldest strain inflicted on fellow humans with impunity and at times went unreported and/or even downplayed.

It is said to affect every society in the world and represent a significant (intervention).

HON SPEAKER: Can you be brief because I am about to adjourn the House?

HON DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES: I Move that the Debate be adjourned until tomorrow.

RT HON PRIME MINISTER: I Move that the House now adjourns until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:52 UNTIL 2013.07.04 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
04 JULY 2013**

The Assembly met pursuant to the adjournment.

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

We commence the Business of the House as scheduled for today. Any Petitions? Any Reports of Standing 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) Ministry of Labour and Social Welfare;
 - (ii) Ministry of Youth, National Service, Sport and Culture, both for the Financial Year ended 31 March 2012.
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HON SPEAKER: will the Honourable Minister table the Report? Any other Reports and Papers? Notice of Questions? Notice of Motions? Ministerial Statements? Honourable Minister of Home Affairs and Immigration.

MINISTERIAL STATEMENT

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**MINISTERIAL STATEMENT
HON IIVULA-ITHANA**

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:

Thank you, Honourable Speaker, Honourable Members. I rise to make a Ministerial Statement and to clarify certain issues emanating from the implementation of the *Immigration Control Act*, the *Investment Act*, the *Labour Act* and any incidental matters related thereto.

Honourable Speaker, Honourable Members, Namibia has become an investment destination of choice and home to many foreign nationals as we continue to mobilise the international community worldwide, inviting potential investors to come to Namibia in our quest to create employment opportunities for our people and for the economic development of our country.

The Ministry of Home Affairs and Immigration is the gatekeeper for entry into Namibia. One of our mandates is to facilitate lawful entry into Namibia. We are also responsible for the issuance of permits, being it work or residence permits and visas. It is our expectation that our guests, in the form of investors, abide by the provisions of the *Immigration Control Act*, the *Investment Act* and the *Labour Act* and eventually assimilate with the local population. Our expectation is also that their engagement with the Namibian population at whatever level, either as employees or customers ought to be guided by the principles of mutual respect, personal dignity and decency.

Inasmuch as we appreciate their contribution in providing the much needed employment to our people, this should not be at the expense of our people's human dignity.

Comrade Speaker, Honourable Members, I believe that all of us have followed media reports on some unsavoury incidents regarding deplorable working conditions meted out to our people by certain employers. Some of these revelations came as a result of joint regular inspections by officials from the Ministries of Labour and Social Welfare and Home Affairs and Immigration. We have picked up foreign nationals being in the country without the required resident permits, while others conduct business without work permits. At almost the same time we have also learned that amongst some of our investors with valid residence and work

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permits are those whose attitudes and conduct towards their employees can be characterised as inhuman and degrading treatment, a conduct our Constitution outlaws under Article 8 thereof. These unethical conducts by some of employers are unacceptable as they are unconstitutional and, hence, cannot be tolerated.

As a result, all those involved in contravening the Namibian Laws and our Constitution have accordingly been dealt with in terms of the *Immigration Control Act*, while some of the cases are still enjoying the due process of the Law.

Honourable Speaker, Honourable Members, I wish to acknowledge with appreciation and applaud the efforts of His Excellency Mr Xin Shunkang, Ambassador of the People's Republic of China to the Republic of Namibia, for convening a meeting on Saturday, the 29th of June 2013 with the Chinese community in Namibia for the purpose of clamping down on those who might have made themselves guilty of the mentioned contraventions.

Honourable Speaker, Honourable Members, the Republic of Namibia and the People's Republic of China enjoy excellent bilateral, diplomatic and economic relationship. The People's Republic of China is one of Namibia's long-standing friends and this friendship dates back to the period when only true friends would stand by us. I am talking about the period of the liberation struggle waged by SWAPO of Namibia. It was the People's Republic of China, the former Soviet Union and other Eastern European countries who stood by us. This is reality and every Namibian knows about this historical fact.

This excellent bilateral relationship between our two countries and peoples must be guarded jealously, as those who started this relationship wished it to grow from strength to strength and in fact it has blossomed. The action the Ministry of Home Affairs and Immigration has taken against some individual foreign nationals who have contravened either the *Immigration Control Act* or the *Labour Act* should be seen as isolated cases.

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HON NGHIMTINA**

Namibia will continue to be hospitable and accommodative to all our foreign guests who are prepared to respect our Laws and live in harmony with our people. Those expatriates or investors who willingly violate our Laws will unfortunately have their status reviewed with a view to revoking them and subsequently deporting them from Namibia.

I wish to finally caution that if there are expatriates of whatever persuasion living in Namibia and subjecting our nationals to deplorable, inhuman and degrading treatment, they are pushing us into a corner and we will be left with no alternative but to show them the exit. It is my wish and hope that what had happened during the past few months will not be repeated again for the sake of peace and harmony in the country.

I thank you, Honourable Members, for your kind attention.

HON SPEAKER: Thank you, Honourable Minister. Question 3 is by Honourable Moongo. Does the Honourable Member put the Question?

RESPONSE TO QUESTIONS

QUESTION 03:

HON MOONGO: I put the Question.

HON MINISTER OF WORKS AND TRANSPORT: Thank you, Honourable Speaker. Honourable Moongo said that it was a very good idea that the Government provided some tractors to the veterans in order to plough the communal land for the disadvantaged poor communities and in his first question asked whether the Minister could confirm or deny that

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Namibia does not have mechanical experts for the different types of tractors provided by the Ministry of Veterans Affairs and if so, when is the Ministry going to start training local mechanics so that they will be able to repair these foreign types of tractors as part of the Black Empowerment Programme. Lastly, the Honourable Member asked whether it is not high time that the Ministry can request the Programme of Black Empowerment from the Ministry concerned so that they can provide loans to the existing local garages in order to expand and accommodate new spare parts for the abovementioned tractors.

Honourable Speaker, I consulted with the Minister of Veterans Affairs and the types of tractors which we provided are the Holland tractors which can be repaired by many garages in Namibia, which also have representatives looking after these tractors.

It is true that we do not have mechanical experts in our country, but even the televisions we see here, the watches, Toyotas, Land Cruisers, Mercedes Benz, even bicycles were not produced here in Namibia but we know how to use it. Therefore, it is not an issue to be only isolated to the tractors but it is a reality in our country. Fortunately we have representatives attending to these tractors wherever they are. The owners can only phone, they will come and repair those tractors or even do the services.

We only need to encourage our young people and our educational institutions so that young people can be trained in all technical fields, not only for the tractors, so that we can go ahead with the development of our country. I thank you very much.

HON SPEAKER: Thank you Honourable Minister. Question 25 is by Honourable Von Wietersheim. Does the Honourable Member put the Question?

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**RESPONSE TO QUESTIONS BY HON
VON WIETERSHEIM
RT HON DR GEINGOB**

QUESTION 25:

HON VON WIETERSHEIM: I put the Question.

RT HON PRIME MINISTER: Thank you, Comrade Speaker. The question is whether the Prime Minister can confirm to this Assembly that the ministerial investigation into the operations and finances of Air Namibia under his chairmanship, which was announced in response to my request for an extensive parliamentary investigation into the affairs of Air Namibia, has started and is progressing satisfactorily.

The answer is that I am not aware that the Committee I am chairing has responded to his question. The Committee is a Cabinet Standing Committee in charge of State-Owned Enterprises and is, therefore, charged to discuss everything that happens in State-Owned Enterprises. Therefore, in Air Namibia's case, obviously it is on the agenda of our Committee and, therefore, not because of his request. We approve the Budget, we approve everything and in that light we are of course meeting with them, ask them questions to explain certain things about their operations, the expenditures, etcetera. So, yes, regular meetings, like any other Cabinet Committee meeting, are taking place. We were supposed to have met even last Monday, but since the Line Minister was out of the country, we postponed that meeting. However, we have been working, we are continuing, we are progressing to our satisfaction and, therefore, we will complete the task as we have oversight over all of them.

“When does the Prime Minister expect to table this Report on the results of this investigation?”

Again, we are not investigating to come and table a Report here, we are discussing, providing oversight role as a Committee and Committees do not necessarily Report to the Parliament. Thank you very much.

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VON WIETERSHEIM
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HON VON WIETERSHEIM: Thank you, Honourable Speaker. I did not imply that the investigation was a response to my Motion, I said it was announced as a response, because only then we became aware. Now my question there is, in fact then that is not an investigation Committee into the affairs of Air Namibia, but a General Committee overseeing the State-Owned Enterprises?

RT HON PRIME MINISTER: We are doing our work of oversight and, therefore, we ask questions, we require answers. If that questioning is not investigation, those are your words, choose the words. Thank you.

HON SPEAKER: Thank you. Question 23 is by Honourable Von Wietersheim. Does the Honourable Member put the Question?

QUESTION 26:

HON VON WIETERSHEIM: I put the Question.

HON MINISTER OF WORKS AND TRANSPORT: Thank you, Honourable Speaker. In responding to the questions by Honourable Von Wietersheim, Member of Parliament, on the questions he posed concerning Air Namibia's forensic audit:

Question 1: Can the Honourable Minister confirm to this Assembly that the forensic audit into the financial state of affairs of Namibia which he announced in response to my question for a parliamentary investigation has started and is progressing satisfactorily?

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HON DR KAMWI**

Yes, the forensic audit into the financial state of affairs at Air Namibia has commenced on Monday, the 8th of April 2013 and the progress is quite satisfactory. The Air Namibia Board of Directors has appointed Deloitte Namibia as successful bidder out of five tenderers. I was, however, informed that a draft report was already submitted to the management of Air Namibia on the 25th of June 2013.

The discussions between the auditors and the management took place on the 27th of June this year and by Friday, the 5th of July, which means tomorrow, the management will provide their comments to Deloitte. If convinced, Deloitte will then update the report by incorporating those comments and submit the final report to the Board of Air Namibia on the 15th of July 2013.

Question 2: When does the Honourable Minister expect the report on the result of the forensic audit?

Taking into account that the Board may need some time to study the report, I expect the report to be handed over to me as soon as they are done. I think, I have provided the information that was required.

HON SPEAKER: Thank you. Question 27 is by Honourable //Gowases. Does the Honourable Member put the Question?

QUESTION 27:

HON //GOWASES: I put the Question.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker, Honourable Members. Let me start by thanking Honourable //Gowases for the interest shown. In a way by her

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HON DR KAMWI**

asking this type of a question is one way in which the general public out there are informed about this Fund, so thank you for that contribution. Let me get to your questions.

I want to reiterate and I agree with the remarks by the Honourable Deputy Minister of Health and Social Services that yes, quite often we see some Namibians with health-related challenges appearing on NBC Television, asking for assistance as if Government is not caring, whereas we have this Fund. On many occasions the Honourable Minister of Finance would call me when seeing it on NBC-TV. We have spoken to NBC to assist us, yet we keep on seeing this.

To be specific on your questions; recently the NBC reported about a baby that was born without eyes, but the parents do not have money for specialised operations. I wish to respond by saying that I personally spoke to NBC to assist us to inform these parents and I made a follow-up, they were informed and still they went ahead to ask for some additional assistance.

The second one is; the lady by the name of Loide Iyambo from Rundu who was diagnosed with heart related problems and who is now in need of surgery. According to her medical passport her doctor wrote, “*currently no funds available.*” This is very unfortunate. I do not know how true it is, but I do know that to this end the finances are still good. We have a sum of N\$12 million which is still intact and we have on many occasions informed the Nation about the state-of-the-art cardiac unit which is not only in Namibia, but in the SADC region. It is up and running and yet we get these types of questions.

Thirdly: “*Who is responsible for ensuring that the Namibian public is fully made aware of the existence of this Fund?*”

Honourable Speaker, I will combine this with Question 4, which reads: “*What strategies did the Ministry put in place to publicise the existence of the Fund?*”

Firstly, we have a Public Relations Officer for the Ministry and she is on

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HON DR KAMWI**

record informing the Nation about this. Indeed, since the 2009/2010 Financial Year, I have on an annual basis been updating this Chamber and the Nation at large about the finance related to the Special Fund. You may wish to check with the Hansard, you will find it there.

The other vehicle is through the Regional Directors, the CMOs, the PMOs who are instructed to inform those who are physically challenged about where to go. We have had many press conferences with the media, NBC, *New Era*, etcetera, and on an annual basis since 2009/2010, I had been attending annual meetings of the Council of Traditional Leaders where I had taken it upon myself to inform the Traditional Leaders. I have informed the Honourable Members of Parliament and you, Honourable Member, are one of the vehicles, including the Regional Councils.

For the purpose of informing those who may not know about this Fund, and I agree with you that deep in the rural areas some certainly do not know, but the moment they get to the clinics, health centres and district hospitals, they will be informed how to go about it.

The following should be followed for the patient to access assistance from the Fund: If a patient presents him/herself to a clinic and the health workers at the clinic cannot treat the condition of such a client, the health practitioners will refer the patient to a health centre or district hospital. If this level cannot treat the condition of the patient, the patient will be referred to the intermediate hospital. If at that level it is also unable to treat such a patient, the next level is Windhoek Central Hospital, which is the specialised hospital in the country. Should Central Hospital then be unable to treat such a patient, specialists will identify where such a patient needs to be referred to. In SADC we normally refer to South Africa, but if South Africa does not have such a specialist, we refer them anywhere, be it USA, UK, Germany, name it. We have done so.

The specialist will then refer the patient to where he/she is going to be treated and at the same time apply for assistance from the Special Fund if Windhoek Central Hospital Budget cannot pay for the treatment, meaning that even our specialised hospital, that is Windhoek Central Hospital, has a Budget which is specifically allocated or assigned to take care of cases

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that may not be handled in the country. This means that only specialists at Windhoek Central Hospital can apply for financial assistance from the Special Fund. No individual patient may do so directly to the Special Fund.

Honourable Speaker, Honourable Members, from September 2012 to the 31st of May 2013 a total number of 117 patients have benefited from the Special Fund. Sixty-three of these patients were referred to different health facilities in Cape Town for treatment, operations and various complications that we are not able to treat locally due to lack of specialised personnel in such fields. Another thirty-five patients were referred to Windhoek Kidney Dialysis Centre for haemodialysis, also with the assistance of the Fund. The recent beneficiary, as you may be aware by now, is a baby who was born with four limbs in Katima Mulilo. The baby was successfully operated in South Africa and is back in Namibia and I do know that a sum of around N\$500,000 was spent on that. These are some of the procedures that are followed. Thank you very much.

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HON KAURA: As a point of interest, about two weeks ago there was an article in one of our daily newspapers that a child who has started school with a debilitating disease known as noma was operated on in South Africa a few years back and NamWater made that contribution and now when this child goes to school, other children are teasing that child because the face is not looking good, they refer to her as a monster. She has to go again for surgery but NamWater must pay this bill. I am surprised that the medical practitioners are not aware of this Fund where they could refer this child automatically for assistance. This child goes to hospital and one expects the hospital to automatically refer this child for treatment, but then this child is sent home and ultimately it is in the newspapers and NamWater is the Good Samaritan who assists this child. How does this happen? I am reading this in newspapers and most

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probably you have read it too. This child is living here in Windhoek. What is happening there with the medical practitioners?

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you very much, Honourable Speaker, and may I thank the Honourable Senior Colleague for the question. Indeed, I recall that I read it and we called on NBC to assist us if they come across this young lad.

It is about the referral system. I want to repeat that we have a Special Fund in place. They must be referred to the institution and the medical doctors are aware. I want to appeal, please, the Fund is there, let the parents of this child go to Katutura Hospital and Katutura Intermediate Hospital know where to refer the child and that is Windhoek Specialised Hospital. They will certainly take care.

You may recall that about five years ago we had a similar noma case which was not even referred to South Africa, but was referred to Germany. Since then I have never seen that case, it was well attended to, treated and healed. This one can still be attended to successfully. Thank you.

HON MOONGO: I would like to pose an oral question to the Deputy Minister of Youth. Is it true that in Berg Aukas there are workers who have been working for more than five years as temporary workers and are only paid N\$1,000 while they have big families? Is the Ministry not adhering to the *Labour Act* in terms of Social Security and other benefits?

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you very much for the question. You mentioned that these people are from Berg Aukas which falls under the National Youth Service. Therefore, I would have to get the relevant

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information in that regard and come back to you.

HON SPEAKER: The Secretary will now read the First Order.

**RESUMPTION OF SECOND READING:
WATER RESOURCES MANAGEMENT BILL [B.5 – 2013]**

SECRETARY: Resumption of Debate on Second Reading – *Water Resources Management Bill* [B.5 – 2013].

HON SPEAKER: When this Debate adjourned yesterday, the 03rd of July 2013, the question before the Assembly was the Motion by the Honourable Minister of Agriculture, Water and Forestry that the Bill be read a Second Time. Honourable Lucks had the Floor.

HON LUCKS: Thank you very much, Honourable Speaker. I would like to start off by thanking the Honourable Minister for this rather thick and detailed document, considering that the previous Act was very difficult to implement, I am looking forward to the successful implementation of this one.

I have a few questions to the Honourable Minister regarding the Bill. The first one deals with Clause 36(1) on Page 31; where it is stated that the Minister must ensure that all Namibians have access to water. The question I have here is; if we look at the recent situations where water was cut off, for example, in Rehoboth, Kalkrand and I believe there were also other places as well. I would like to know if this provision would make

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the Minister legally bound to interfere in cases where, for example, NamWater cuts off the water supply because of non-payment, will this situation then cause the users of the water to be able to take legal steps to force the Minister to comply with this Clause, that he must ensure all Namibians have access to water?

The next one is Clause 71 on Page 49 and it reads as follows; *“the Minister may upon application by any person, exempt that person in writing from any provision of Section 70 and authorise the person to discharge effluent from any septic tank, trench drain or similar private sewerage facilities serving a single household into a water resource including into a borehole or well”*. I am extremely worried about this Clause. Honourable Minister, we have many unscrupulous people in this country who may apply to have effluent discharged into water courses and in the process do not only discharge effluent, but might add any other chemical or oils substance or whatever. Once the Minister has, under this provision, exempted such a person and actually allowed such a person to discharge effluent, especially into a borehole or well and afterwards finds out that harmful substances have also been discharged, you can hold that person responsible, but you will not be able to clean up the mess that has been caused, especially in a borehole or a well because the water is underground and there is nothing you can do about cleaning up the water and it may have very harmful effects on other water users. My question is, can this Clause not be altered so that such an eventuality could not occur?

The other one is Clause 130 on Page 86, where it is stated that this Act binds the State. I have a question relating to binding of the State; the State owns many boreholes and wells throughout Namibia, especially in communal areas and our national parks wherever they are in huge numbers. How will these boreholes be administered, do you have the required human resources to do that? Some of the boreholes are very old while others have been drilled many years ago and there are many of them, how do you plan to administer this Clause that the Act also binds the State?

Then the implementation of the Act; the division of Law administration

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currently only has a handful of people, if I am correct, I believe that there are only five people working within the Division of Law Administration. This Bill is a very technical Bill and requires a lot of expertise, I have concerns regarding the implementation. With such few human resources and a lack of expertise, how will you be able to implement this Bill?

Regarding the Councils and Committees that are to be established according to this Bill, my question is, will the Ministry oversee them and again, do you have the resources to oversee all these Councils and Committees? The establishment of the Advisory Council and the Regulator is a welcome improvement on the previous Act. I have a question regarding Basin Management Funding; this was up until now funded by the GIZ, we know that the GIZ is withdrawing in November of this year. My question is; when they withdraw and the funding is withdrawn, has the Ministry made provision to fund Basin Management in the Budget?

Another question also relates to the resources that you have available. In emergency situations like we currently experience in a drought situation, where it is required to drill emergency boreholes within a very short period of time, would you, under such emergency situations, be able to issue a permit for a borehole to be drilled within, let us say, 24 hours, would that be possible?

Then Clause 134 on Page 88, under number 2 states that; *“different dates may be determined under Sub-section (1) in respect of different provisions of this Act and subject to any conditions as may be imposed in the Notice”*. This basically means that the Act can be implemented in different stages. My question is; will you be able to put all the different regulations and policies in place before different provisions of this Act are enacted? When I look at this Act, there will be a lot of regulations and policies that have to be put in place; will you be able to do that?

My second last question relates to sustainability assessment, the assessment of the sustainability of the ground water resources. The Ministry of Environment and Tourism has a three-year cycle while permits for boreholes under this new Act are valid for five years. There is

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a bit of a conflict, the permit is valid for five years and the cycle with the Ministry of Environment and Tourism is only three years. Maybe the Minister can elaborate on that.

I read Clauses 40 and 86; Clause 40 deals with the right to collect meteoric water and Clause 86 deals with the effect of declaration of the water protection area. Can a person still harvest rain water according to Clause 40 if this person lives in a water protection area, will that still be possible?

Clause 76 on Page 53, states that the Minister may establish laboratories to ensure water quality etcetera, this is a very costly exercise as laboratories have to adhere to certain standards and equipment adhere to international standards, do we have qualified scientists that are available to operate these laboratories?

Finally, I have a general question regarding the Orange River on the southern border of Namibia. We all know that the official border is the northern shore of the Orange River; can the Minister tell this House what can be done to ensure that Namibia has access to this water, which according to the current international Laws belongs to South Africa (interjections)?

HON SPEAKER: One Honourable Member at a time, the Honourable Member still has the Floor.

HON LUCKS: I believe that Namibia should have access to this water and at this stage, this is not the case. Just to close off, Honourable Minister, I have received requests from the public that this Bill be referred to a relevant Standing Committee, I do not know if that is possible or in order, but there is a huge outcry from the public out there to have further input.

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HON SPEAKER: Thank you. Honourable Shifeta.

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:

Thank you very much, Honourable Speaker. I will be brief. I would like to congratulate the Minister on the very important Bill, the *Water Resources Management Bill*.

One of the important and very serious challenges of this 21st century that also calls us to take action, and they are interlinked, is the Water Resource Security. The Water Resource Security is interlinked with Environmental Protection which in itself is also the mother of many security threats that we have, like; food security and energy security. I am saying this because some of the evidence of drought and other challenges we have today, are as a result of human behaviour and also us as human beings not adhering to the UN Convention which calls us to implement policies on climate change.

I, one day went to look at how we dispose of our pollutants like the oil that we tap out of our vehicles engines when we service the engines. Garage owners and even the Local Authorities – the way we dispose of these pollutants, pose a very serious challenge. When asked where they put these pollutants; some dig holes and place them in there and cover them, mind you, this pollutants will not vanish but permeate to the underground water and causes contamination of the underground water. That is one of the other many challenges.

We are experiencing this today because we do not have perennial rivers or streams that we can call our own and solely manage, the few we have, we share with other countries. Even with those rivers, there is no guarantee that after some years they cannot run dry, they can vanish. Those of us who are seriously looking at the physical landscape of our country can see some evidence of big streams that were there and the old people will tell you that they were perennial streams with water, however there is nothing today.

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We have a scientist report indicating that we have underground water, I think it was found in the North or somewhere there, that can be one of our solutions if we can just commission surveys to enable the use of this water because we are not sure if there will be rain next year. We should not be surprised if we do not receive a drop of rain in one complete year. These are things that we have already been warned against that there will be severe effects because of climate change. If we can commission studies so that we can use this water, we should forget about expenses, because it will be more expensive than now if we are caught red-handed without any plan because the immediate solution is whether it will be expensive to study the use of underground water that the scientist are telling us about, that is enough for 400 years to come or to go for the desalination of sea water. (Intervention)

HON DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES: Thank you, Honourable Speaker. I would like to ask my humble student a question. Let me perhaps start off this way; I think we have all read about sinkholes where an individual walking along it may fall in and get swallowed by the soil.

I am not a scientist, but, for example, the moment you take any substance out of space, you leave a vacuum which will be taken over by air. I do not know how much research has been conducted, are we probably not creating a situation where, when we draw water from these reservoirs that has been discovered, we create a possibility of sinkholes?

HON SPEAKER: Honourable Shifeta, you have the Floor.

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM: My teacher has posed a question trying to find out if I can pass. I mentioned about commissioning a study for the possible usage of this

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underground water. Definitely a study has to be conducted before anything can be done and from the environmental point of view, an environmental assessment has to be carried out. There are so many things that have to be done, even when we dig a hole to extract raw material in this country, our *Environmental Management Act*, requires that an environmental impact study has to be conducted.

What I am basically saying is that we have two possible solutions to all these challenges I mentioned. I mentioned Food Security, Water Resource Security and Energy Security. If we have enough water, we will be able to face all these challenges; Food Security can ensure the production of enough food for us as human beings as well as for animals. Technology has so much advanced that one can generate power with water by forcing water to go up in order to create a waterfall; they have this technology in Germany and are doing it. (Intervention)

HON SPEAKER: Honourable Lucks.

HON LUCKS: Honourable Speaker, on a Point of Information. The pumping of water to a higher elevation is not meant for the generation of electricity because; it takes electricity to pump water to a higher elevation, what happens during off-peak times, when the electricity consumption is low, the water is pumped to higher elevations and during high-peak times when more electricity used the water running down again creates electricity, however, the net effect is, it takes electricity to pump it up and then it generates electricity again.

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:
Is it a question or comment?

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HON SPEAKER: Honourable Shifeta continue.

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:

Thank you very much. Whichever way we do it, we need to have Water Security. This threat is real and it will come and if we do not move fast, this challenge will overtake us and we are going to be caught red-handed tomorrow without having anything and five years may pass without even a drop of water. We, therefore have to look at this and start planning now. Thank you.

HON SPEAKER: Honourable Nambahu.

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Honourable Speaker. I also want to add my voice in support of this Bill. I should on the onset declare my interest that some of us are very much associated to this Bill, there is actually a history to it and it is where I met Senior Lucks, the Honourable that side. When he is making these kinds of contributions I know where they are coming from.

I also want to congratulate Comrade Mutorwa for tabling this Bill. You know, history has coincidences, I met Honourable Mutorwa when he was leaving his position as the Commissioner in Kavango, coming to head the Department of Water Affairs then and by coincidence or history, he is now the man in charge, tabling this Bill, I congratulate you Comrade.

Be that as it may, it is also important to mention that there is a history to this Bill. Comparing the current drafts to the previous ones, I am happy in some respect and able to reconcile with some of the omissions, for example, with the drafting style, the old Bill contains some of the styles that were not very conforming to our style, however there, is no problem, I can live with that. Also that it had a Section of principles of

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interpretations to this Bill to help in the interpretations, but this Section contained two or three very important principles; the first one being equitable distribution and use of water; sustainability of the resource and the entitlement. I am saying this because of what I am going to say in the following passage.

If you come to internationally shared water resources, Part 6, Page 26; it is saying; “***Internationally Shared Water Resources***”. This Bill is drafted against the background of the passing of the United Nation Convention on the Non-Navigational Uses of Shared Watercourses of the 21st May 1997 and the SADC Protocol on Shared Watercourses (original 1995). All these instruments actually put emphasis on the definition of a watercourse. In the negotiations of the UN Convention, there were two groups as this started very early in the 1950s and 1970s just to be adopted in 1997. One group was the upstream one against the other that was downstream. The downstream one was very much at the receiving end of the ones that are upstream because they tap water without considering the ones that are downstream and this is a very important position for Namibia to take cognisance of when drafting these kinds of instruments.

Comrade Minister properly captured the definition of watercourse in Point 10 and we said; “(a) *river or spring including the baseflow of an ephemeral river when there is no surface flow. (b) a natural channel in which water flows regularly or intermittently. (c) an estuary, wetland, lake or dam from which water flows. (d) any collection of body of water declared under Section 5 as the watercourse*”. This is what a watercourse means. When we come to Point 26; we drop the definition of watercourse and adopt water resource, limiting ourselves to the resource and ignoring and neglecting all the others that are even in the riverbed or tributaries that might be dry or those underground rivers that we cannot see with our naked eyes. This is a very much regrettable position if we were to do this and this is happening because there are a lot of interests in this Bill Comrades. Interests in the sense that those that are upstream, if you even look in our Commission, you will see that on the Zambezi, we are using the Zambezi Permanent Watercourse Commission and on all the other we are using Commissions. Those that have the power are able to manipulate these kinds of definitions to the extent that our knowledge is taken for

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granted and when you limit your operation to the resource, leaving all the other things, it is a clever approach for those that have the resource even when they divert the flow, you will not be able to claim ownership and entitlement to that river or the water that has now been separated and you accepted that it is a resource and no more a watercourse. It is the national interest that we must look at here.

The arguments that have been advanced by Honourable Lucks, are obviously arguments that we have had before; “*you do not have resources, you do not have expertise to implement that, where will you find these regulations and this and that*” and we know the history of the water supply in this country. If your house was not next to the South African Defence Force Base, you would not be able to be provided with water. When the water review came about, it was to correct these imbalances and it is really unfortunate when we now hear people advancing these arguments as if we are oblivious of this history. I am calling upon you, just being driven by national interest and nothing else. When we have regard to Colorado, the river between Mexico and the USA, Mexico very much fought for this watercourse concept, the same with the Danube river – the downstream. Because the water has been manipulated by the upstream to your expense even in terms of the Commission that the Honourable is talking about here.

I can, therefore, only request that where the word *International Water Resource* appears in this Section, it should still be replaced with the word *Watercourse*. This will not cause much harm. Otherwise, if this is what we get, we will have to go down as having gone a step backwards, actually derogating and going back from the SADC Protocol to which we are signatory, the UN Convention on Watercourses to which we are signatory, only to go a step back when we are drafting our own domestic legislation simply because we are being advised by people who have practical interest in these kinds of things. I will not stand in the way, but I would want it to be on record that we have warned against that. We went as far as the Mekong River, the Murray-Darling Basin in Australia, the World Bank and all the best practices point to this. It cannot be said to true that this Chapter was one of those that have been causing problems. If that has to be said then we have to clarify that most of the time we get

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advice from people on the other side of the Orange River who are actually our competitors in this kind of enterprise. I thank you and I rest my case.

HON SPEAKER: Thank you. Honourable Kaura.

HON KAURA: Thank you very much, Honourable Speaker. I just want to make a small contribution for the attention of the Honourable Minister and it is under Article 23(e), “*to promote community self-reliance including arrangements for the recovery of cost for the operations and maintenance of any water works*”. The word self reliance is what captured my imagination.

Honourable Minister, if you travel through the Commercial Farming Sector of Namibia, you will find that there is a degree of self-reliance and it is the fact that they have created earth dams. Those earth dams were constructed at a point when there were no bulldozers, they were constructed with earth spades that were pulled by donkeys. Many dams were especially constructed in the Commercial Farming Sector and even in the communal areas. Those earth dams that were constructed then still hold water up to today, you can still find them. That brought about a certain degree of self-reliance as it is stated here under Article 23. Given the fact that we now have bulldozers and if the Honourable Minister can provide bulldozers to the 13 Regions, our people by constructing earth dams, will become seriously self-reliant in the provision of water. Could the Honourable Minister think about that?

On Page 25 under 30(f); “*the of setting of tariffs to be levied by a Water Point Committee or a local Water Committee for the supply of water*”. Today, in the communal areas we have a lot of Water Point Committees, but unfortunately there are those people who do not earn anything but they have to drink water. These Water Point Committees collect money and buy diesel to pump water for their livestock and for themselves, but then

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we have our fellow citizens, especially in the Omaheke area, members of the San community do not have an income but yet they have to drink water. Who is going to provide money to the people who cannot afford to pay for water? Otherwise they could be subsidised by their fellow citizens who have livestock and can afford to pay for water at these Water Point Committees. What can the Honourable Minister do, especially to assist those who cannot pay? Thank you very much.

HON SPEAKER: Thank you, Honourable Kaura. That is enough for now. Honourable Minister.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: Comrade Speaker, may I adjourn this Debate for my response to next week Tuesday?

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

**MOTION ON PREVAILING GENDER-BASED VIOLENCE
AGAINST WOMEN AND CHILDREN IN NAMIBIA**

SECRETARY: Resumption of Debate on the Prevailing Gender-Based Violence against Women and Children in Namibia.

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HON DR ANKAMA

HON SPEAKER: When the Assembly adjourned yesterday, the Question before the Assembly was a Motion by Honourable Minister of Home Affairs and Immigration, that the Motion be adopted. The Deputy Minister of Fisheries and Marine Resources had the Floor and he may now continue.

HON DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES: Thank you very much, Honourable Speaker, Honourable Members. My intervention will be very brief and concise.

Gender-Based Violence has been a topical issue worldwide for some time now. However, the violence against women and children, on the most, is one of the oldest strains inflicted on fellow humans with impunity and at times went unreported and/or even downplayed.

It is said to affect every society in the world and presents a significant impediment to development. Anyone can be a victim of violence on the grounds of their gender, identity, but it is predominantly women and girls whose lives are at stake.

Comrade Speaker, Honourable Members, mirroring it through cultural norms, especially cultures that are known to us in this august House, to a large extent women and children have been on the receiving end. This result is nurtured by the family structure, meaning that normally this is nurtured within our own family boundaries, family upbringings. It is stated that pre-Christianity where polygamy was a popular marriage practice, the head of the household was a man. Remember that in some communities pregnancy before ritual marriage and/or initiation was not entertained. Thus, families without a man as a symbolic head of the household was almost a taboo because there were few or no women as household heads. Indeed, a different world altogether it was.

Comrade Speaker, Honourable Members, even though the pre-Christianity communities were seen as uncivilised, their cultural practice could be seen having been moderate proper, meaning that they protected women and

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children perhaps much better than in today's world. For women whose husbands have passed on during those days, it is reported that they were in some communities or cultures inherited properly and taken care of. This was so because men were more of the breadwinners than women and unlike nowadays. Although such a practice may not have been perhaps the best due to many other negative contributing factors, it may or it must have created some societal order, responsibility and respect. This is the understanding looking at the community high respect given to women and the care of children in the olden days, despite lack of material wealth women and children had in those days. Even now they do not have much.

Christianity and modern civilisation have, to an extent, brought a lot of good to our communities, hence the change of many moral things, including our ways of life today. Yes to equal rights and equal opportunities, yes to ownership and to education, but the issue of nuclear family and single parent households needs to be interrogated seriously. Do we really have the ideal nuclear family in practice or perhaps it is just wishful thinking? This is adding more of what we are experiencing today.

Comrade Speaker, Honourable Members, children's upbringing has either a negative or positive influence on own behaviour or societal behaviour. This should also bring us to probe our Laws and their effect, whether they are reactive or preventive in controlling the behaviour of our world. The fundamental question is whether Gender-Based Violence should be regarded as a Law-abiding Law Enforcement issue or a cultural moral based issue that is rooted on the upbringing of our children and their adult lives as citizens of our society or country. Our individual lives are shaped by what we eat, what we see, what we hear, what we drink and what we experience on a daily basis.

Comrade Speaker, having said this, we all understand that Gender-Based Violence is a serious issue and challenging. As lawmakers in this august House we are charged with a responsibility to make meaningful but practical Laws, laws that will address, amongst others, challenges of affordable but decent accommodation, challenges to reduce unemployment, challenges to create an economy that responds to both individual and collective needs, challenges to direct moral and physical

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behaviour in our society.

HON DEPUTY MINISTER OF JUSTICE: May I ask the Honourable Colleague a question? You are talking about challenges posed by Gender-Based Violence. Do you not think that this violence is actually posing a challenge to the human civilisation of the homosapiens, because in the canine family you have never seen a male fighting with a female, but among the homosapiens we now have this. Simply put, I have never seen a male dog fighting a female dog, but in our present world, instead of loving that person, you are even chopping them down. Is that now a challenge and affront to our civilisation as human beings?

HON DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES: Thank you very much for a good question and a good comparison. Comrade Nambahu, what you are saying makes sense, but we should not forget that in the so-called modern civilisation where wealth has more value than human life it has become very difficult for us to control ourselves.

I spoke about the upbringing that shapes individuals for later life as citizens and that has a bearing to your childhood life. We have many challenges, one of them being how we should control our world and these are some of the challenges that I have just mentioned; challenges to direct moral and ethical behaviour in our society, challenges to regulate Laws that bite, not just scaring us.

I am convinced that should some of the above be addressed meaningfully, we will record a significant reduction among the common Gender-Based Violence activities. Further, I would like to say that, society (intervention)

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HON RIRUAKO: We do not have a pure challenge, this challenge is mixed with the new environment and sexual habits. The point I want to make is that we are forced to recognise the homosexual as part of our society and men nowadays do not even love women, it has become lunatic. If you love your own wife or girlfriend, you do not have to look aside for something else, for another man. This is a habit, we have to think aloud. The world even forced us to recognise marriage of homosexuals and also to endorse their way of living. This is the habit of today. Now I do not know where the problem lies. Women outnumber the men and now men who are supposed to take care of them engage in other activities. You are saying we are facing challenges, but there is another which is alien to us and you have to tell us where we are supposed to go with this category.

HON DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES: Thank you very much, Honourable Chief. In fact, you have answered yourself, it boils back to what I have said earlier. Upbringing plays a major role in shaping individuals for later life in the society, meaning that if you bring up a boy and he does not know that he is a man, of course, what do you expect from that person? If a person who is supposed to be a man does not understand that he is a man indeed, do you expect him to do the contrary? What you expect from him is to be what you rightly said.

It is thus, important for us to create that understanding at infancy stage, family level, then school level, then the society should have the correct Laws that also contribute to shaping these people to behave humanly.

HON SPEAKER: I am not sure whether we are discussing the Motion or just exchanging views.

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HON DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES: In all, Gender-Based Violence should be looked at much broader than just narrowly on specific activities or issues that are taking place. It is a broader issue. I rest my case and I support the Motion.

HON SPEAKER: Thank you. Honourable Swartz.

HON SWARTZ: Thank you, Honourable Speaker. I rise to support the Motion, but first of all I would like to thank the Honourable Minister who tabled this very important Motion.

Gender-Based Violence is a national concern to all of us. As a victim of Gender-Based Violence, I ask myself sometimes, what are the root causes of Gender-Based Violence? This made me realise that factors contributing to Gender-Based Violence can be the following: A child growing up in a house where domestic violence was present during his upbringing; sometimes the problem is with the person's background. If there is some abusive history in the family, he or she will think it is normal to abuse and will not see any reason to leave.

Victims are manipulated. Experts found that most abused women still find some positive traits in their abusive partners. For example, if a woman finds her man to be dependable, she might be willing to overlook his behaviour.

Honourable Speaker, Honourable Members, abuse is addictive. No matter how many times you are advised to break loose and get help, you return to the same environment. You may also be afraid of being left stranded without cash and shelter if you leave the abusive partner who might be the provider. Despite the thought of losing your financial and social status or the fear that you will never be loved by anyone else, you have to make a decision because as a person you have the key to make anything possible for yourself in life.

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Honourable Speaker, Honourable Members, the following are signs of an abusive partner: Firstly, he is verbally abusive and talks to you anyway he wants. He is controlling and prescribes how you should live your life. He isolates you from friends and family and wants you to be only with him. He constantly checks your whereabouts and wants you to inform him about your every move. He degrades you every chance he gets and always makes you feel incomplete. Please be careful, you have to monitor the person you stay with and not only be in love.

Honourable Speaker, Honourable Members, possible recommendations: It is every person's duty in society to work hard towards good parenting and to see that children are guided to become responsible adolescents and adults so that they do away with social evils, for example, gambling, drugs and alcohol abuse. All of us have a chance, we have to socialise and teach our children to care for each other, because they will be the next generation.

Where is the care for your neighbour? If we as mothers and fathers educate our boys and girls to care, we will in future have mature adults.

In conclusion, the person's behaviour is ingrained and it will not be easy for him or her to change. One needs to assess the situation properly and understand that sometimes the bad can overpower the good. For people who are still in abusive relationships, it is for you to know what you want, value your worth, you need to be alone. This will help you to be better in your next relationship. I thank you and I support the Motion.

HON SPEAKER: Thank you. Honourable Witbooi.

HON WITBOOI: Thank you, Honourable Speaker. I also rise to make a contribution to the Motion on Gender-Based Violence in our country and I join my Colleague in thanking Honourable Iivula-Ithana who tabled the Motion.

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Different kinds of violence are reported every day in our social media, not even to mention the unreported cases. I am aware that a lot of development has taken place on this national concern. Progressive developmental work by several institutions and agencies were and are being done under the Ministry of Gender Equality and Child Welfare and others. Based on legislation and policies we are equally doing very well with good legislation in place and here I particularly think about the *Combating of Rape Act* (Act 8 of 2000), the *Combating of Domestic Violence Act* (Act 4 of 2004), the *Combating of Immoral Practices Act* (Act 21 of 1960) and its *Amendment Act*, Act 7 of 2000, the *Maintenance Act* (Act 9 of 2003), the *Married Persons Equality Act* (Act 1 of 1996).

Many experts dealing with social and gender related matters have indicated that there are some challenges with the enforcement of these Laws. As a result, some of these challenges continue to persist.

Honourable Members, in dealing with this Motion, I want to direct my focus on our spiritual leaders, as they are also our community leaders. The church leaders are playing a crucial role in our communities. In the past the churches were a refuge for those with emotional and household problems and we can add more. Churches also during the liberation struggle kept our communities together for a good cause. In the past church leaders were involved in counselling where vulnerable people shared their problems and received guidance in solving their problems. Church leaders were respected, they were the role models whom people trusted with their problems. We had Sunday School classes, we had the confirmation classes where the children's self-esteem and moral values were firmly established.

However, Honourable Speaker, my concern is that we are missing it today in our church communities and here I am talking specifically at the lower level. The Ministry of Gender Equality and Child Welfare, the Council of Churches and others have Programmes and activities in place and we appreciate what they are doing, but at the grassroots level we have a different picture.

Therefore, I want our churches and their leaders to come on board and join

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us in the fight against Gender-Based Violence. We want them to help build a healthy foundation for our Nation because it will determine the successes.

There are those who tried and I commend for that. During the week a pastor was talking on “*Good Morning Namibia*” about a gathering and we commend them.

Honourable Members, during our regional visit the Police of a certain town reported to us that there are 106 churches in that town, however, violence and crime are ever-increasing in that town. They even reported that there is more fighting amongst the pastors than preaching. One wonders what is the need for so many churches in such a small town if churches are not taking responsibility for the spiritual well-being of their communities? Let us not misuse the provision for freedom of religion in our Constitution, let us put this to good use.

Secondly, Honourable Members, our Traditional Leaders have a crucial role to play in the fight against Gender-Based Violence. Traditional Leaders must have that desire to lead a healthy and crime-free community. I do not undermine their authority with regard to land and nowadays, succession, but I am urging them to actively contribute to gender-based issues by addressing these issues in their clan meetings, motivate and interact with their youth so as to draw them closer to the elders and in so doing, build mutual trust.

In conclusion, Honourable Members, the root cause of Gender-Based Violence should be researched at the grassroots level. Let us join forces with all relevant stakeholders in the fight against Gender-Based Violence in order to have a better picture by 2015. I thank you and I support the Motion.

HON SPEAKER: I thank you. Honourable Beukes.

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

Thank you very much, Honourable Speaker, Honourable Members. I would also like to contribute to the most controversial issue that torments our Nation at large, that is the issue of Gender-Based Violence which causes tremendous agony and pain to the families and communities in general. It tears apart families and communities. Much has been said and done, but that heinous crime is still persistent in our society and the Nation is now asking the difficult question: What should be done to eliminate this crime from our society?

Much has been done, like the following and many other efforts: Laws have been passed and are enforced optimally, Laws such as Gender Equality, Domestic Violence Act are being enforced. Media adverts are being run on both print and electronic publications. Demonstrations are being carried out, demanding for no bail and subsequently stiffer sentences. Men's groups have been formed to educate fellow men, churches have been vocal and have raised their voices and so many other measures and instruments are put in place, but yet the commission of this crime increases on a daily basis. It is happening on a daily basis because so many incidents are not reported in the hope of the situation improving or most of the times they are the breadwinners of their respective families. Sometimes we wonder how an adult can grab a small child and take that child to bed, not thinking that it can happen to his own child.

The issue of men being breadwinners in most cases and as such commit this crime as they wish because of the economic dependency is unacceptable. Fortunately the SWAPO Party has passed yet another resolution to empower women and congratulations to my Comrades for this bold step.

What are the possible causes of this crime? Much has been said but also allow me to add the following:

Is it lack of anger management on the side of the men? Is it societal upbringing? Is it societal influence? Is it a means of escaping the realities of society? Is it alcohol or drug abuse? There are so many questions

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coming up in my mind and I hope that we can get women who can really stand bold and face their counterparts and make a difference. I think it is time for us to stand up. I am not sure whether it will be a remedy, but I would like to suggest the following to be considered as a remedy to this evil:

I think about the reintroduction of Biblical and moral education at schools up to the highest grade. It is not so easy, there are already many subjects, but we can try.

Limitation on shebeens in our society, as most of these incidents are committed during or after visits to such outlets.

Deployment of a significant number of social workers and psychologists at institutions such as schools where the boy child is being groomed for life.

In cases where Gender-Based Violence are reported to the Police and then the Court issues a restraining order, simultaneously such a suspect should also be instructed by such a Court to undergo anger management.

Consultations must be held so that social workers go into the communities and I do not want to say they do not have enough work. Maybe we must get more social workers. Except for social workers, I think we as women must also make time for our kids because the fathers are always absent, specifically at night, have prayers and bring that special name of Jesus to our kids.

It is a fact that this crime cannot be stopped by a police force or any other law enforcement agency as it is a decision by the one committing it not to indulge or not to follow the above possible remedies. (Interjections). Yes, I can see you want to fight, but really, it is not an easy task to stand here and talk about this issue. I know it is men, but not all are the culprits, we must try to bring changes and I know the leaders are doing that. It seems it does not help to talk about this issue, but let us talk and see what happens.

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Maybe we as women must have more meetings with our fellow women so that we can educate them and I would love to do that. Thank you, Honourable Speaker, with these few words, I really support the Motion.

HON SPEAKER: Thank you. Honourable Moongo.

HON MOONGO: Thank you very much, Honourable Speaker. First of all, I would like to salute the Minister who brought this Motion. I am in support of the 50/50 principle and I even support more women than men.

In Uukumwe there are more women than men. (Interjections) Just consult our office in Oshakati and you will see how many women are there and how many men. The men are in the minority.

However, I do not want the Law to be selective and now I am speaking as a man. Many times we are told that husbands in the villages are molesting men (sic), especially those ones who have reached the age of sixty. After he has brought up his children and the money has dried up, the woman locks herself up in the room and will not open it. I also want the plight of the husbands to be taken into account.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Honourable Speaker, I am sorry to interrupt, but may the Honourable Member give clarity about “*husbands molesting men?*”

HON MOONGO: No, women molesting the husbands. I am not from England. Therefore, I appeal to the male colleagues to understand those men who have reached the age of sixty and are mistreated, they are even beaten up. This is happening and I can tell you it is horrible.

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I do not want the women to be perceived as being angels, they are also killing their unborn babies. Those of us living in the villages are sick and tired of this killing of unborn babies and we want serious steps to be taken in this regard.

HON MINISTER OF FINANCE: Honourable Moongo is a Traditional Leaders, many people are looking up to him and as a Chief he is also vested with the power to maintain order within the community. We are not saying that we condone abortions, but one wrong does not justify another. Listening to you, it could be understood that it is in order for men to abuse women because there are women who abort and abuse children.

Even as a parent at home and one child does something wrong to another who has previously done something wrong, you do not say yes, this one has beaten you but you have beaten the other one the other day. No, if it is wrong then the one who is wrong that day must be told that they are wrong and if there are consequences, the consequences must be brought to bear.

When we talk the way Honourable Moongo is talking, we are trivialising this topic, because the people out there are listening to us and we may think we are joking, but there are people who take us serious. There are horrible things happening out there to women and these women can be our daughters tomorrow, our sisters, our aged mothers, whom we go home to, to find have been savagely abused. Let us be serious about these issues. We agree that there is also this problem of women abusing children and we can also introduce that Motion here to be debated. I do not think any person would say that is not wrong, but let us not debate the way Honourable Moongo wants to debate now.

HON MOONGO: I wanted to come up with a remedy and relate how I try to do my best in my own village. Whenever the community comes

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together I tell them that we do not want men to kill women all the time, we want true love and true unity and a peaceful society. Whenever a daughter wants to get married, they come to the Chief. She has to sit there and I have to ask her questions, such as to mention ten things which are bad in marriage. When the man comes, I have to ask him whether he knows how to treat a woman and what are the bad things when living with a woman and I have to educate them. These are the things we need to do even at the school level by way of lectures by Headmen and reverends. Especially mothers have to teach their daughters what is expected of them, not only giving them food and then she ends up doing all these wrong things here at the Polytech or UNAM. They are misbehaving because they were not brought up properly by their mothers. I thank you.

HON SPEAKER: Well done. Honourable Limbo.

HON LIMBO: Honourable Speaker, first of all I wish to thank Honourable Pendukeni for tabling this Motion timely as we as Namibians need to go deeper into the root causes of this problem. We have been talking but we have not heard much from the people themselves. That is why I was happy to hear that we need more social workers and psychologists so that these people who are committing these crimes tell us why they are doing so. We need to find out because we are just hearing from one side. Of course, some of them commit suicide after committing these crimes, but the others are still with us.

Therefore, we should no longer waste time with talking, but more resources must be found so that action can be taken, as mentioned by Honourable Kavetuna yesterday. I think we have talked enough, we have done almost everything without reaching any solution so far.

Maybe the Honourable Minister of Finance could try to give more money to whichever Ministry is going to be given this mandate to really go deeper into the root cause of this problem, so that at the end of the day

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people must come up with scientific information which will guide us on how to solve this problem. I support the Motion.

HON SPEAKER: Thank you. Honourable Riruako.

HON RIRUAKO: Mr Speaker, the whole society has become immoral. I am sorry to say this but that is the way it is. The whole society is upside down and one cannot heal it as long as you did not do the way you were taught at home. Even at home everything is deviating from that, you are on your own, you are in a vacuum, but in a vacuum you try to find your own way of thinking and upbringing in order to exhibit to the whole world where things went wrong. A man without cultural background cannot exist on his own character and behaviour, before you do that, you are at the end of your own existence. We end up raping our own children, our own little babies without being ashamed of ourselves, just being the same person the next day. I cannot even say someone does that, every one of us lost the momentum of life and existence, human behaviour. Everything is just like that. What pleases you is what you do. Perhaps, you have to limit yourself. That is a fact.

How can little children take care of themselves without the background? That can make him or her afraid, I cannot do this because my mother will say this, I cannot do this because my dad will say this. We leave it to the teachers to take care of our children and when they are at home, they are on their own until they return to school the next day. That is the way it is. What do they learn from you? Nothing. You are even chasing one another from the house. I did that myself, my own son did that several times and I said no, it cannot be that way, sometimes I have to punish him in front of the public for him to see this is the public he belongs to.

It is a fact that if you do not respect yourself, how can the kids respect themselves? If you do not obey what is right for you, how are the kids going to obey what is right for them? The drinking is not something new,

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it used to be here all the time. When my colleague and I were drinking, did we harm anybody? No. What happened to you? There must be something extraneous which I do not know, I cannot place my hand there. That is how you are.

We are facing a problem. We have drunk people who are lying around every day in the shebeens, in the hotels, at the shops. It is a free country, everyone does what he wants – no punishment. Look at yourselves and how you behave, how you punish those who do this. Everything is up to the public to take care of themselves without any remedy. Is that how we want to live? No. What must be done? We have to teach the people how to behave. These people are free after three months of killing a person, running around here and killing another one. Three months after that coming back, running around here and do what they want. What more do you expect if you created this problem for yourself? So face it and if you are hurt, I think you are going to think aloud. I thank you.

HON SPEAKER: Thank you. Honourable Kawana.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Speaker, unless if there are other Honourable Members who would like to take participate in the Debate, I beg the indulgence of the House to adjourn the Debate to Wednesday next week. I so Move, Comrade Speaker.

HON SPEAKER: May be the last speaker contributing is the Honourable Minister of Defence.

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HON MINISTER OF DEFENCE: Thank you, Honourable Speaker. I rise just to make a short contribution to this very important Motion because I believe that when you Move a Motion there must be a reason or a goal to address the issue, not just to talk, condemn and apportion blame, but to come up with concrete possible solutions to the problem.

It is a fact of life that Gender-Based Violence in our country has reached intolerable levels. Every time you pick up a newspaper or listen to the radio you hear that somewhere a woman has been killed and the person would also have committed suicide.

I think it is important to understand the root of Gender-Based Violence. The first issue is an economic one because what happens is that when people enter into a relationship, some resources are spent and when that relationship ends, whoever was spending feels that something is owed to him or her and that is where the quarrel starts and violence follows. Therefore, we have to address the economic issue.

The way to address the economic issue, in my view, is to empower women, especially through education and training. I can tell you that if a woman has her own means of livelihood, she will not depend upon the man and the man will sometimes even be discouraged from forming relationship with that woman, especially if the man is poor himself. The first thing is to empower the women economically, especially through education and training, so that women will have economic power.

When I go to institutions of learning I am always happy to see that women are taking their education seriously and in my view that is the route to follow so that the women have economic power, to be independent from men.

HON RIRUAKO: On a Point of Order.

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HON SPEAKER: Point of Order about what?

HON RIRUAKO: About the woman being elevated. It sounds good but the result is bad. If you allow them to be the highest, then their men or their boyfriends are going to kill them in return. (Interjections) Let me say what I have to say. What happens is this, we used to poor here, we were taking our women without killing them. Nobody had that kind of desire of doing it. There is a reason for what happened. If your wife is above you, the next day you are out of the house if something happened there and you have created this habit. Do away with that habit.

HON MINISTER OF DEFENCE: What happened there?

HON RIRUAKO: What happened? If you are not sustaining the household and she does, one day you are going to find yourself out.

HON MEMBER: Fine!

HON RIRUAKO: You do not have to create that kind of society here, there must be a balance to everything. I thank you.

HON MINISTER OF DEFENCE: I was saying that we have to start with women empowerment so that women have economic power. Of course, the whole notion of patriarchy comes about because of insecurity and dependency on man in traditional society. That is how patriarchy

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came about. If you liberate women from poverty, you are fighting Gender-Based Violence.

The second is social. Social relations sometimes become sour, perhaps because of rumours, and that can lead to violence. Again here, it is a question of education or social mobilisation, that we must mobilise our communities and our families and people really to value the type of relationships they have with each other and give it some honour and quality so that things like jealousy and other things should not cause people to become violent.

The third issue in my view is criminality, just having a criminal mind and I think we have to tighten the Laws. The other time Comrade Ekandjo, who is a good farmer, came here and made us to pass a punitive Law against stock theft. Eventually the Court said we have to amend it or whatever happened there. If we can pass a tough Law against stock theft, why can we not pass tough laws against Gender-Based Violence so that the criminals can get a signal that if you do something like that, you might end up with a life sentence? (Interjection) Well, if they commit suicide, it is one problem less. We have to tighten the Laws, that is my suggestion.

Then we have cultural practices which are also part of the problem. There is a magazine around here and I hope you have seen this photo. When you look at it you laugh because you did not realise it yourself, but that is exactly how you behave. When you go home you take a newspaper, start reading and you expect your woman to be there, cooking. That is a cultural practice, but when you now look at it, you are laughing, thinking that it is not possible. It is not a laughing matter, it is actually a social analysis of our behaviour, that certain roles are played by one gender. We expect the women to be caregivers and, therefore, they should carry babies on their backs. There is a saying in my language for something that is difficult, you say it is like working with a child on your back, but women do that. They pound mahangu while the child is on the back, while the saying is that to pound mahangu with a child on the back is a tough job. However, to us it is culturally acceptable, we do not question it. Therefore, we should start questioning our cultural practices and assumptions if we really want to deal with gender relations.

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My proposal, therefore, is that we must deal with our own cultures through awareness, especially gender equality awareness. I do not know whether our media are doing that. We must empower them so that they have independence means of survival and do not depend on men. Give them economic power, then men have no reason to feel that they had been exploited or something like that. Then tighten our Laws against Gender-Based Violence.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Information. Honourable Minister, when we visited our Women Protection Units, which name we even want to change in future to Gender Protection Unit because also men are suffering, we learned that most women who are suffering are those who at least have something. The men are demanding to share in the money the women are earning. If the woman does not give half of her salary to the man, she is beaten and even killed. Comrade Minister, that is the situation we are facing.

HON MINISTER OF DEFENCE: That is the criminal element I am talking about. We should make Laws that those men who want to rob their wives to go and drink tombo somewhere must be punished.

There is one issue which Honourable Moongo raised which is also important. When men become of my age, which is seventy (intervention)

HON MINISTER OF LANDS AND RESETTLEMENT: Honourable Speaker, I am really at pains to interrupt.

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HON SPEAKER: You have already done it so do not feel the pain. (Laughter).

HON MINISTER OF LANDS AND RESETTLEMENT: But I am still at pains, those are the expressions you have taught us.

I have to caution us. We have a scourge that we want to find a remedy for, we are so concerned as citizens of the Land of the Brave, but for us to generalise and equate criminal-minded activities that are carried out by, in this case, men, but the converse can also be true, to generalise and ascribe it to the actions of men, then I seem to have a problem with that.

HON SPEAKER: Women are doing more than others globally, everywhere.

HON MINISTER OF DEFENCE: Honourable Minister of Lands, give land to the women. I did not really get your point, but perhaps you are making a point. What I am simply saying is that when men reach a certain age, they are abandoned by their children and their grandchildren and I think that is what Honourable Moongo wanted to say. If you go to our villages and look at the shape of men of my age, you would wonder whether these people eat or do not eat, because they have been abandoned. Their wives are so old, their children do not want them, the only thing they do is to dump the grandchildren in those homes. That is another social problem which needs to be addressed, but that is something different from Gender-Based Violence.

However, my suggestion is that we address the economic issues, let us tighten our Laws, let us engage in social mobilisation in terms of sensitising especially the upbringing of our youth, to respect each other and for men and women to respect each other. Thank you.

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HON SPEAKER: Honourable Minister, I agree with you, but that is a Namibian specific case you are making, if we were to educate our women, to empower them in so many different ways, but in the global context that is not true. Violence is happening in the United States, in Britain, of late in South Asia against most educated, most rich, most everything women. So, what is true for Namibia, we must do all those things because they are on the right track, but in the global context it is precisely the most educated, self-sufficient, very rich women. Those things are for us here in Namibia, let us see whether we can do those things and reach a certain level and then not do what the other successful countries are doing. It is a global challenge, you can do all those things and reach the level where the industrialised countries are, but these problems are happening in industrialised countries. Any further discussion? Honourable Kaiyamo.

HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION: I stood up to support my Minister's Motion for several reasons, one being that it calls for collective action by both genders. Gender issues are not women issues. I got the impression that we are confusing the issue of gender. Gender includes men and women.

I agree with my Minister that there are hard realities on the ground. Comrade Kavetuna was telling us about their visits to the Constituencies and when I was the Chairman of the Committee on Gender we went around the country and I saw with my own eyes, men being beaten up by women and when reporting to the Police, they are chased away by the Police, being told that they are cowards. The point I want to make is that the reality on the ground is different.

I also agree with Comrade !Naruseb that it is not only men who are guilty, but most of the time it is because men suffer in silence. That is why we need to continue speaking about this gender issue and be sensitive. All the stakeholders must be sensitive towards these issues. I saw a man going to the Police and being chased away, "*you are coward, go back.*"

I applaud the SWAPO Party for putting into place the 50/50

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representation, which is a progressive step in the region and I call on all the Comrades in the leadership not only to talk and talk, but to go to the sections, the branches, the Regions and villages and explain this issue. It is not only the newspapers which must write about gender stories, we must go down to the villages and speak about these issues and bring the fears of the men and women into perspective.

I agree with Comrade Nahas Angula that we need to educate our people on the issue of gender. The cultural differences are a reality.

HON MOONGO: May I ask a question? Honourable Member, do you realise that parents these days do not sit with their sons to give advice?

HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION: Honourable Moongo, that is why we have to return to the cultural values of *ogungi* and *olupale* where you talk to your children and also to your wife. Cultural differences are also dangerous in our society. We need to liberate our minds in terms of the new realities. When we grew up our father would cook when the mother was sick. We have to take the lead to be role models to our society.

Also this story of *outere, outere*, both men and women do that and that is why we do not only have to economically equip women, but to equip also men so that they do not *outere, outere*. Both men and women must be well-equipped economically to put an end to this. (Interjections) In the other languages it is *ou my, ndjipauo, fiilengemo*.

Comrade Speaker, I support the Motion and call on our leaders to take the lead. I thank you.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Speaker, I Move that the Debate

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be adjourned until Wednesday, next week.

HON SPEAKER: The further consideration of this Motion stands adjourned until Wednesday, next week. The Secretary will read the Third Order of the Day.

**CONSIDERATION: REPORT ON
CONSULTATIVE MEETINGS WITH CAREGIVERS
OF ORPHANS AND VULNERABLE CHILDREN**

SECRETARY: Consideration of Report of the Parliamentary Standing Committee on Consultative Meetings with Caregivers of Orphans and Vulnerable Children in Ohangwena, Oshikoto, Omaheke, Otjozondjupa Regions during January to June 2012.

HON SWARTZ: Honourable Speaker, I Move on behalf of our Chairperson, Honourable Ncube.

The consultative meetings with caregivers of Orphans and Vulnerable Children in Ohangwena, Oshikoto, Omaheke, Otjozondjupa and Kunene Regions.

Honourable Speaker, Honourable Members, I thank you for the opportunity granted to me to motivate the Report of the Standing Committee on Gender and Family Affairs on the consultative meetings with caregivers of Orphans and Vulnerable Children.

The Committee wishes to express its sincere appreciation to the Regional Offices, stakeholders of Orphans and Vulnerable Children as well as the

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**REPORT ON CONSULTATIVE MEETINGS
HON SWARTZ**

Ministry of Gender Equality and Child Welfare, Health and Social Services, Labour and Social Welfare which availed their staff to accompany the delegation throughout the Regions. Special thanks also go out to the teachers of the Ministry of Education who participated in the meetings and gave their valuable input in this Report.

The following are some of the findings obtained from stakeholders of Orphans and Vulnerable Children:

Lack of National Documents: Some orphans are not able to access the grants due to lack of national documents. Most of the OVCs have not acquired national documents, such as birth and death certificates of their biological parents to access the grants.

Lack of Transport: A common complaint at many meetings held was the difficulty to travel to Home Affairs and Immigration and the Ministry of Gender Equality and Child Welfare to register for national documents. The money to pay for transport to Constituency Offices to register OVCs was also noted as one of the constraints.

Monitoring and Misuse of OVC Grants: Our findings revealed that OVC grants are being misused by caregivers. The grant is not used for its intended purpose, for the benefit of the child.

Insufficient Grant: The grant received for OVCs is N\$200.00 per month and it is not sufficient to cater for the basic needs of OVCs, such as food, clothing and health care.

Shortage of Social Workers: Social workers are expected to conduct home visits to Constituencies and identify OVCs and to inspect their living conditions, but due to shortage of social workers, not enough visits are being carried out. At the meeting in Talismanus the delegation was informed that in Omaheke Region there are only two social workers. We acknowledge the fact that the Ministry of Gender Equality and Child Welfare provides bursaries for social work studies, however, more awareness needs to be raised throughout the country.

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HON MWANINGANGE / HON NGHIDINWA**

Honourable Members, I now have the honour to submit the Report to this august House for discussion. I thank you.

HON SPEAKER: Any further discussion? Honourable Mwaningange.

HON MWANINGANGE: Honourable Speaker, I think the House is in agreement with the Report and the recommendations are approved.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Honourable Speaker, I have read through the Reports and at the end of both Reports there are recommendations which I agree with, because most of the issues, such as the lack of social workers, are true. We do have a lack of social workers in the Regions and even at Constituency levels where we have offices.

Therefore, I am proposing that we adopt the Report so that the Ministries concerned can consult on the way forward with the recommendations.

HON SPEAKER: Thank you very much. The Report is adopted. The Secretary will read the Fourth Order of the Day.

**CONSIDERATION: REPORT ON CONSULTATIVE MEETINGS
WITH PEOPLE WITH DISABILITIES**

SECRETARY: Consideration of Report of Parliamentary Standing

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**REPORT ON CONSULTATIVE MEETINGS
WITH PEOPLE WITH DISABILITIES
HON SWARTZ**

Committee on Consultative Meetings with People with Disabilities, Organisations and Caregivers in Hardap, Karas, Oshana and Omusati Regions.

HON SWARTZ: Honourable Speaker, Honourable Members, it gives me immense pleasure and honour to be granted this opportunity to motivate the Report of the Standing Committee on Gender and Family Affairs on the Consultative Meetings with People with Disabilities, Organisation, dealing with them and Caregivers.

The Committee on Gender and Family Affairs wishes, first and foremost, to express its gratitude to the National Assembly for being given the opportunity and resources to undertake missions to Karas, Hardap, Oshana and Omusati Regions. The Committee also wishes to thank the Regional Offices and stakeholders of people with disability of the four Regions for the cooperation and assistance during the consultative meetings.

Honourable Speaker, I would like to extend a special word of thanks to the Namibian Broadcasting Corporation, particular NBC-Television and Radio as well as local newspapers for coverage of these visits to the four Regions.

The Committee invited officials from the Office of the Prime Minister on the 7th of July 2012, the Disability Unit, to brief it on the functions of the National Disability Council before undertaking the visits to the Regions. The following are some of the findings obtained from consulted stakeholders and people with disability:

Lack of Sign Language Interpreters and Braille Equipment: Most people with disabilities do not attend meetings due to lack of sign language interpreters and Braille equipment.

Lack of Access to information: Most policies and Laws are not known to people with disability because of lack of translation into vernacular

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HON SWARTZ**

language and Braille. These include the Namibian Constitution and the National Anthem.

Lack of Access to Infrastructure or Buildings: Most of the buildings of the service providers are not user-friendly to people with disabilities, for instance, many schools, health facilities and other services due to non-accessibility of the building.

Identification of Disabilities by Doctors for Grants: Some doctors still doubt the disabilities in individuals although some disabilities are obvious, such as a person born without a limb. Another example cited was that people with Downs Syndrome are being denied this basic right. Most people with disabilities are not being accepted by caregivers and communities. Most people with disabilities receive harsh treatment from their caregivers in the sense that some are being tied up in chains and cannot move freely. There are some stereotype prejudices against people with different disabilities in terms of referring to them with derogatory words that perpetrate a negative image against people with disabilities.

Misuse of Disability Grant: Some caregivers of people with disability tend to use the grants for their own benefit.

Honourable Members, I have now the honour to submit the Report to this august House for discussion. I thank you.

HON SPEAKER: This Report, like its predecessor, has been circulated previously and the recommendations contained therein are, I ask the House, accepted? The Report is adopted. I ask the Right Honourable Prime Minister to adjourn the House until Tuesday, 14:30.

RT HON PRIME MINISTER: Honourable Speaker, Honourable

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Members, I Move that the House now adjourns until next week, Tuesday, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2013.07.09 AT 14:30

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

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

**TABLING: SPECIAL REPORT
BY OMBUDSMAN**

HON SPEAKER: I lay upon the Table, in terms of Section 6(3) of the *Ombudsman Act*, (Act 7 of 1990), a Special Report by the Ombudsman on the inordinate delays in the preparation of Appeal and Review Records of proceedings as well as the delays in the reconstruction of lost or incomplete records of proceedings by the Clerks of the Courts, as at June 2013.

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

ORAL QUESTION

HON MOONGO: I want to pose a question to the Honourable Minister of Safety and Security concerning the thirty-one illegal farmers in Mangetti area.

These farmers request permission to be in that area until the rainy season as they will lose all their livestock if they have to be removed now. I only

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**RESPONSE TO ORAL QUESTION
HON NGATJIZEKO**

appeal to the farmers of that area to stop fencing and bring an end to the forceful removal of these farmers.

HON MINISTER OF SAFETY AND SECURITY: Honourable Speaker, this is a rather confusing question which would possibly require further investigation. However, I can inform the Honourable Member that this country is governed by Laws enacted in this House and if the farmers have refused to move from the land they have occupied illegally and which they have fenced off without authorisation, the legal process will take its course.

The Land Board of the Otjozondjupa Region will soon be meeting, after which the legal process will follow and the Nation will be informed. That is what I can say for now. Thank you very much.

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

**RESUMPTION OF SECOND READING:
WATER RESOURCES MANAGEMENT BILL [B.5 – 2013]**

SECRETARY: Resumption of Debate on Second Reading – *Water Resources Management Bill* [B.5 – 2013].

HON SPEAKER: When this Debate was adjourned on Thursday, 4th July 2013, the Question before the Assembly was a Motion by the Honourable Minister of Agriculture, Water and Forestry, that the Bill be read a Second Time. The Honourable Minister of Agriculture, Water and

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**WATER RESOURCES MANAGEMENT BILL
HON MUTORWA**

Forestry adjourned the Debate for his reply.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Thank you, Comrade Speaker, for giving me the Floor to respond to the questions and issues raised by the Honourable Members during the Second Reading Debate of the *Water Resources Management Bill*.

I thank the Honourable Members of the National Assembly for their support of the *Water Resources Management Bill*. I particularly thank the eleven Honourable Members who took the Floor and positively contributed to the Second Reading Debate of the *Water Resources Management Bill*. I shall endeavour to respond to the specific questions raised, but pardon if maybe I would not respond to each and every specific question in detail. It is not because I am ignoring it, but I think some of the responses will cover those questions.

The first Honourable Member who took the Floor is ***Honourable Nahas Angula, Minister of Defence***. As clearly explained, Honourable Minister, in Section 30(2)(a) and (b), the Water Point Committee and Local Water Committees are very important institutions with very important duties and responsibilities assigned to them with regard to the management and control of the supply of water at the water points and at the rural water scheme levels.

With regard to the issue of refusal to pay, I may only respond as follows: Water infrastructures, water treatment plants, drilling of boreholes, etcetera, are all very expensive, as we all might agree. As such it is for us as leaders in this House and elsewhere to encourage everybody who consumes water to pay for the water we consume and use to the extent that we are able to do so. Obviously the Government is seized with the matter and trying to work out a formula of assisting in terms of subsidies those who are unable to pay and very soon this matter will come before the Cabinet.

Honourable Minister, I agree with you and I think all of us should agree

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with you that water must be seen as a health issue in terms of drinking, washing and sanitary aspects. The duty to bring that message across so that it is accepted and understood in that context is the collective responsibility of many stakeholders, obviously including the Line Ministry, our parental homes, schools and Non-Governmental Organisations.

Somebody told me that it is a given that when you open the tap, the water will run, but the value thereof can only be properly realised when there is no water.

Honourable Jankowski, all issues related to the Water Advisory Council and the Water Regulator are articulated and explained in Sections 7 to 10 and 11 to 19 of the Bill, respectively. The duties of the Water Advisory Council are also outlined in Section 7(a) to (e) of the Bill. I am referring to these questions because you posed a very pertinent question as to how the Water Advisory Council will assist the people, but if you read the functions of the Water Advisory Council, the response to the question will come out.

Honourable Schlettwein, Minister of Trade and Industry, Part 2, Section 5(d) of the Bill specifically articulates and confines the powers, duties and functions of the Minister responsible for water to the minimum amount of water to be guaranteed and that is for domestic use. Hence, the reference in that Section for domestic use. As far as the other uses of water are concerned, for example, for industrial, agricultural and other major uses, provisions are made in the *Namibia Water Corporation Act, 1997* (Act 12 of 1997), as amended. In that Act the powers of the bulk water supplier and the Minister are articulated.

The third question raised by Honourable Schlettwein was with regard to the Water Tribunal and the response is as follows:

If a dispute arises, the parties can make use of a mediation process of the Tribunal, as provided for in Section 121 of the Bill under discussion. The Regulator will also consult with Water Service Providers or other water suppliers. Any decision by the Water Regulator is not to be appealed,

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which is deliberate, as there is an alternative route to follow in Section 121. The functions of the Tribunal are clearly indicated in the Bill. The Regulator is transparent as it is going a step further than, for example, the Electricity Control Board, as it will consult with the public before making decisions.

The questions raised by the *Honourable Billy Mwaningange* are pertinent and practical. With regard to training of Water Committee, I fully concur with the Honourable Member. In broad terms, relevant regulations will be developed specifically concerning training and other issues dealing with the committees' various responsibilities.

The Honourable Members also raised the issue of earth dams and I agree that it is very important in our dry country that we capture rains for particularly animal consumption, because currently even the animals have to be provided with piped water, which is very expensive. The Ministry of Agriculture, Water and Forestry has an on-going Programme dealing with the issue of earth dam construction in the different Regions of our country. We are also exploring how possibly we could conserve the water for longer periods.

The question raised by the *Honourable Minister of Presidential Affairs and Attorney-General, Honourable Dr Kawana*, with regard to the large volume of underground water recently discovered in the Ohangwena Region, I may answer as follows:

After the discovery of what is believed to be a deep-seated Ohangwena II Aquifer, forming part of the Ohangwena Aquifer System in Northern Central Namibia, it is further required from the Ministry and other experts to do all the necessary investigations, observations and assessments regarding the exact extent, the recharge mechanisms and the behaviour of this water in terms of flow and quality development during long-term use of the water resource. These investigations will form part of the second phase of the project and the terms of reference are being finalised. Only after the investigations are complete can the way forward with regard to utilisation be determined, which will ensure the safe and sustainable use of this important groundwater aquifer.

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I must also add that underground water also has a certain pattern of flow and, therefore, it is not the exclusive responsibility of Namibia to do all these things I am mentioning, but this has to be done in consultation with the other Riparian States that may also have a right to that water, for example Angola.

Honourable Moongo raised the very important issue of the payment of Water Committees. Water Committees, as I already mentioned, admittedly are very important institutions, conceptualised, envisaged and mandated to execute important tasks on a voluntary basis on behalf of the specific community in a particular geographical area in line with the Government's overall Decentralisation Policy to bring the services closer to the people and to empower the people at the basic level. One could equate the important role of the Water Committees to that of a School Board, a Chiefs Council, a Parish Council or a Sport Club Committee, which are all in essence voluntary committees but who execute very fundamental responsibilities on behalf of the community.

Honourable Moongo is correct that under the current system we have realised that in many cases the Water Committees are overburdened with many responsibilities. For example, as the Honourable Member has said, it is expected of the Water Committees to collect the payments, to do the readings of water meters and the risk of handling this money is quite high. That is why we are envisaging to streamline and to make much easier the tasks of the Water Committees, particularly those pertaining to the reading of water meters and the collection of funds. The ideas on the table are based on what is happening in our own homes. We live in cities and towns, we have our water meters in our homes, but it is the responsibility of the Local Authorities to send their officials to take the readings of these meters and to handle the money. We go and pay to them, but as the owner of the house it is my duty to check whether the officials are not overcharging me and that is what we envisage will happen. The Water Committees will remain, but the burden of doing all this administrative work should be on the officials of the bulk water supplier, NamWater, and the officials of the Ministry of Agriculture, Water and Forestry. That will be elaborated on through appropriate regulations once this particular Bill is passed.

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On the questions raised by the *Honourable Deputy Minister of Fisheries and Marine Resources, Dr Ankama*, with regard to underground water and irrigation activities, I am able to respond that Section 20 of the Bill is dealing with this matter.

However, then the Honourable Member raised a very pertinent question with regard to private boreholes. All that is required is that if you drill your borehole you have to apply for a permit, because the people responsible for managing the water resources must satisfy themselves on the quality and quantity of the water, etcetera. You cannot just start drilling, you have to notify them and apply for a permit to do so.

On the question with regard to natural lakes by Honourable Ankama, surely this matter will have to be controlled by Basin Committees. A feasibility study will also be done on Lake Oponono.

Whether we have a project on dams and pans and on floodwater harvesting, the answer is more or less the same as earth dams and we will expand even more on those issues in the regulations.

Honourable Bezuidenhoudt raised an issue concerning the Regulator. The Regulator will also consult with water service providers or other water suppliers and there will, therefore, be no need to take action. It is open to approach the Court with regard to any action taken in terms of the provisions of this Act.

With regard to Part 10, permits regulate the use of water, pricing of water and that water is not unsustainably used.

With regard to Part 12, licences protect consumers and resources.

There was also a question raised by *Honourable Kaura* and *Honourable Nambahu*, although Nambahu was more giving advice and cautioning us to understand certain concepts used, we have taken your advice.

The question raised by *Honourable Riruako* with regard to the payment of water, the Department of Water Affairs currently falls under the

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Ministry of Agriculture, Water and Forestry with two Directorates, the Directorate of Rural Water Supply and the Directorate of Water Resource Management. NamWater is an entity on its own which was created by the *NamWater Act* of 1997. Own boreholes are only licensed and not paid for.

Honourable Speaker, I tried to the best of my ability to respond to the questions as posed by the Honourable Members. I, lastly, thank the Honourable Members and Move that this Bill be now read a Second Time.

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

SECRETARY: *Water Resources Management Bill* [B.5 – 2013].

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

**RESUMPTION OF DEBATE ON THE MOTION ON
EXPORT OF SHEEP ON HOOF TO SOUTH AFRICA**

SECRETARY: Resumption of Debate on the Export of Sheep on Hoof to South Africa.

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EXPORT OF SHEEP TO SOUTH AFRICA
HON KAURA

HON SPEAKER: When this Debate was adjourned on Wednesday, the 3rd of July 2013, the Question was a Motion by Honourable Kaura, that the Motion be adopted. Honourable Kaura adjourned the Debate for his reply.

HON KAURA: Thank you very much, Honourable Speaker. I appreciate the speech of Honourable Minister Mutorwa. He is such a refined statesman and couched his speech in such a way that while supporting my Motion, he appeased and lulled his Party members into a slumber. How brilliant!

I shall return to the speech of the Honourable Minister later, but I would like to thank the following participants:

Honourable Minister Schlettwein stated that a possible moratorium can be considered during this drought period to allow the sheep to go to South Africa on the hoof and to reconsider that when the drought is over. I appreciate that and it should be considered because this is an emergency measure, as announced by His Excellency president Pohamba on 12 May 2013, and in an emergency deliberate steps are expected to be taken to save the situation. *Honourable Minister Mutorwa*, as the saying goes, “do not chilly-chally or dilly-dally, the moment for action is now.”

Honourable Ilonga talked about the ostrich issue and I want to say the following: My son, do not compare apples with chickens.

Honourable Tjihuiko, I thank you for your support. The way you spoke, if it were in Rehoboth, we would say, “so praat ‘n bek.”

Honourable Von Wietersheim, thank you for your support. I agree with you that if we made a mistake by stopping the sheep from going on-the-hoof to South Africa, we must correct it.

Honourable Dingara asked the question rhetorically: How can I confirm whether what Kaura is saying is true or not? Honourable Dingara, read the speech of Honourable Minister Mutorwa which confirms what I was

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saying.

Honourable Lucks and *Honourable Van Der Walt*, thank you for your support.

Honourable Minister Mutorwa, I am coming to your brilliant speech.

Honourable Mutorwa, you stated the following in your brilliant speech:

(a) Government main objectives:

- (i) For the Industry to contribute to local job creation;
- (ii) For the Industry to contribute to skills development and skills transfer in our country, Namibia;
- (iii) For the Industry to contribute to industrial development and value addition in the country;
- (iv) To promote a harmonious and symbiotic stakeholders relationship of various stakeholders in the country;
- (v) To create a conducive vibrant policy and legal environment for the long-term growth and competitiveness of the Small Stock Industry.

Honourable Minister, these objectives have been supported by all of us for the last ten years, yet let us look at the first objective, namely for the Industry to contribute to local job creation.

Did we truly contribute to job creation or job losses? If that objective is working, how is it possible that we have 51.2% unemployment? I shall be compelled by the statistics that the closure of the border has led to job losses and unemployment and it is a categorical imperative that an urgent relook at this objective must be taken.

On the producers or farmers the Honourable Minister stated the following:

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HON KAURA

Naturally and correctly so, the farmers' main objective is to achieve or realise maximum financial benefits from their animals. Honourable Minister, since the closure of the border to sheep farmers, they have gone bankrupt, with the concomitant job losses, thus swelling the unemployment statistics to 51.2%. This beautiful Namibia, classified as an upper middle income country, has people living from garbage dumps and that is not nice, Honourable Minister.

You talk of fair prices for the producers and that is lacking and that is why sheep farmers have left farming and are venturing into other Sectors.

Honourable Minister, I want to point out the contradiction you made in your speech. On Page 5 you stated the following:

The 2003 decision was not taken by the Legislative Arm of the Namibian State, but the Executive Arm or Organ of the State. Clearly the Legislature or Parliament cannot and may not rescind the Executive Branch's decision or vice versa. However on Page 6 you stated the following:

Parliament, as an oversight body over the Executive, certainly has a role to play in engaging the producers and abattoirs as the Government is currently doing to eventually reach that acceptable formula.

Honourable Minister, I forgive you for the contradiction. I believe you were slightly inebriated by the exuberance of your own verbosity.

Honourable Minister, let me remind you that in 2003 when the decision was taken to stop the cattle and sheep to go on the hoof to South Africa, I tabled a Motion in Parliament questioning what would be done with the 180,000 weaners that go to South Africa every year. Where are we going to raise weaners in the overgrazed communal areas? The Honourable Minister then, Dr Iyambo, took that issue back to Cabinet and weaners have continued going on the hoof to South African feedlots for the last ten years. Therefore, your separation of Cabinet from Parliament is nebulous.

Fellow Parliamentarians, Honourable Minister Mutorwa, today I am

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talking to Namibian children Parliamentarians with mothers, fathers, sisters, uncles, nephews and nieces out there. We have families out there that are affected by this severe drought, our own relatives.

It is painful to read that Namibians are dying of hunger. Look at these statistics in the *Namibian* of July 4, 2013, of people who have died of hunger in Namibia from 2010 to 2013:

Caprivi	40
Erongo	35
Hardap	39
Karas	29
Kavango	120
Khomas	55
Kunene	10
Ohangwena	152
Omaheke	30
Omusati	70
Oshana	14
Oshikoto	121
Otjozondjupa	57

Total 772 Namibians who have died of hunger from 2010 to 2013.

Honourable Minister, 772 Namibians have died of hunger since 2010 and in this quarter of 2013, thirty-eight have died up to this point.

Honourable Minister, the President of Namibia, His Excellency President Pohamba, declared a state of emergency in May 2013 already. Why should this Motion be referred to the Economic, Natural Resources and Public Administration Committee? Why the delay while we are in an emergency? How many people will die of hunger during the next two and a half months? Are we serious about the plight of our people? I think we are. We must institute a moratorium, as proposed by Honourable Schlettwein, so that the sheep can go on the hoof to South Africa until the drought situation comes to an end. Cabinet shall always be at liberty to review this matter, but to refer the Motion to a committee will be

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tantamount to playing Russian roulette with the lives of our people, because the Committee will meet in September and what will happen during the next two months?

I beg this House to pass this Motion and to take deliberate steps to implement a moratorium until the drought situation comes to an end. I so Move, Honourable Speaker.

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

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Honourable Speaker, if one analyses the contributions to this Debate, particularly from the Ruling Party's benches, as I mentioned in my Statement, no one, but no one is saying that there is no problem, but all of us were saying this particular issue is complex and that is why we are engaging the stakeholders. If the Minister of Trade and Industry did not leave the country, he would have met with the producers and abattoirs yesterday. All those things are explained in my Statement, the Minister of Trade and Industry's Statement and other contributions.

When we vote, we do not want to be seen that we oppose the provision of relief to the farmers. What is it that we are voting on? I said in my Statement that, if I correctly read what the Mover of the Motion wants, it is for this Parliament to rescind the Cabinet decision. Is that what we are voting on? (Interjection). No, that is not what you said when you motivated. Honourable Speaker, what is it that we are voting on? If it is on rescinding the decision of Cabinet, then we will have difficulty, but if we are voting, as Honourable Lucks has suggested, that we refer this Motion to the relevant Committee, not to stop what Government is doing, but for the Parliament, through that Committee, also to provide their insight by engaging those who are in this business, namely the abattoirs and the producers, that is fine. We should not refer it to September, this is

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an emergency and if the Government is seized with the matter on a daily basis, we expect the Committee to do the same and as soon as possible get the views of the producers and abattoirs. Then an appropriate decision can be taken thereafter. That is all, Comrade Speaker.

HON SPEAKER: I hear all sides. It is the role of King Solomon that I must play and I wish, for my own conscience, to defer the action on this Motion until tomorrow.

The First Notice of a Motion is the one by Honourable Ulenga. No show. The Second Notice of a Motion is by Honourable Shixwameni. Does the Honourable Member Move the Motion?

HON SHIXWAMENI: I wish to take the Motion from the Order Paper, to be reintroduced in the next Session.

HON SPEAKER: That brings us to the end of the Business scheduled for today. The House stands adjourned until tomorrow, 14:30.

HOUSE ADJOURNS AT 15:46 UNTIL 2013.07.10 AT 14:30

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

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

HON SPEAKER: Any Petitions? Any Reports of Standing Committees? Honourable Ncube.

TABLING: REPORT ON VISIT TO UGANDA

HON MANOMBE-NCUBE: I lay upon the Table, the Report of the Standing Committee on Constitutional Affairs on the visit to Uganda and wish to highlight some important points contained in the Report.

Honourable Speaker, allow me to briefly highlight the key findings made during our study visit to the Parliament of Uganda. The following findings are worth reiterating and should be of interest to the National Assembly.

The Parliamentary Standing Committee on Constitutional and Legal Affairs and the Government of the Republic of Namibia in particular, the Offices, Ministries and Agencies similar to the Ugandan authorities mentioned in the Report, the Parliament of Uganda has a Parliamentary Commission which is a body corporate. The responsibility of the organisation for strategic guidance of the Parliament of Uganda rests within the Commission. It is chaired by the Speaker of Parliament and has seven other members, namely the Leader of Government Business, Leader of Opposition, the Ministry of Finance, Planning and Economic Development and four commissioners elected among the Members of Parliament.

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**STUDY VISIT TO PARLIAMENT OF UGANDA
HON MANOMBE-NCUBE**

The *Administration of Parliament Act*, 1977 provides for the organisation and administration of the Parliament of Uganda and for the employment and remuneration of staff of the Parliamentary Service.

The Constitution of Uganda requires that a Member of Parliament must have completed a minimum formal education of Advanced A-level or equivalent. Behaviour and conduct of Members of Parliament are guided by a Code of Conduct which is annexed to the Rules and Procedures of the Parliament of Uganda. Teamwork, professionalism and objectivity are important attributes of an efficient and effective Parliamentary Committee.

After the First Reading all Bills are referred to the appropriate Parliamentary Committees for examination and inquiry. Indicative National Budget Allocations are first referred to the Sectoral Committees of Parliament and the Budget Committee on the Parliament before it is enacted by Parliament. Except for members of the business community and the Budget Committee of Parliament, a member may not serve on more than one Parliamentary Committee.

The Government Assurances and Implementation Committee monitor the implementation of decisions and resolutions made by Parliament, recommendations made by Parliamentary Committees and implementation of assurances and commitments made by Government.

A certificate of financial implications must form part of all Bills tabled in Parliament. Equitable distribution of wealth to all people of Uganda is a constitutional right. Continuous voter education forms part of the function of the Electoral Commission.

Some Courts in Uganda, in some instances, face backlogs of up to five years. It is mandatory that legal practitioners/lawyers provide *pro bono* legal service of 40 hours annually to the public, especially to those who cannot afford to pay for the services of private lawyers. A number of organisations provide free legal services to members of the public who cannot afford to pay for the services of private lawyers. Courts are decentralised to regions and districts.

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**ORAL QUESTION
HON TJIHUIKO**

The Law Reform of Commission of Uganda performs a very important function to the people and the country, especially within the context of studying and reviewing Laws with a view to ensure that Laws are responsive to the needs of society.

The *Uganda Leadership Code Act*, 2002 provides for minimum standards of behaviour and conduct of public leaders. The Justice and Law Sector of the Republic of Uganda is a sector-wide approach which brings together approximately seventeen institutions. Its primary mandate is the administration of justice and maintenance of Law and Order as well as the promotion, protection and respect for human rights. In fact, it strives to deepen reforms for a pro-people justice system and to ensure that people in Uganda live in a safe and just society.

Civic education is an important function carried out by the Judicial Service Commission. Clear constitutional provisions are made for decentralisation of legislative and executive functions to the levels or spheres of Local Government, District and Regional Governments.

I so submit the Report, Honourable Speaker, and urge the Members to peruse the Report. Thank you.

HON SPEAKER: Thank you. Any further Reports of Standing or Select Committees? Other Reports and Papers? Notice of Questions? Honourable Tjihuiko.

ORAL QUESTION

HON TJIHUIKO: Honourable Speaker, I wish to put an Oral Question to the Attorney-General. I just want to put two questions and I hope that the Attorney-General will answer the questions and not make political

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**ORAL QUESTION
HON TJIHUIKO**

statements.

Honourable Speaker, for the last couple of weeks and yesterday we have noticed that there are a lot of articles in the newspapers reporting on the situation that our children are facing. There are still kids who are being taught in tents and yesterday kids were sent home because they do not have textbooks.

One of the senior Ministers made a Statement that the Ministers are not aware of the financial situations in their Ministries. I am asking this question because I was informed that N\$51 million of the Ministry of Youth and Sport were returned to the Treasury.

Can the Attorney-General agree with me that either the Honourable Minister does not know or intentionally ignores the plight of the young people in Namibia or would the Attorney-General agree with me that the Ruling Party has taken a do-not-care attitude towards the well-being of the young people?

Can the Attorney-General explain in simple English what is the position of the Ruling Party as far as the well-being of the young people are concerned, looking at all these issues that I have just mentioned? No political statement, just an answer to my question, please.

HON SPEAKER: You are putting the question specifically to the Attorney-General. I am sure you could enlighten me why the Attorney-General, why not the relevant Minister?

HON TJIHUIKO: Honourable Speaker, since it touches on the work of the Ministries, I thought it would be appropriate for the Government Advisor to answer the question, but if that is misdirected, I will wait for the Minister of Education to put the question.

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**RESPONSE TO ORAL QUESTION
HON DR KAWANA**

**HON MINISTER OF PRESIDENTIAL AFFAIRS AND
ATTORNEY-GENERAL:**

Thank you very much, Honourable Speaker. Honourable Speaker, Honourable Tjihuiko is one of the veterans of this House and if he asks a political question, there is no way he cannot expect a political answer. Be that as it may, Honourable Speaker, it is public knowledge that the SWAPO Party Government is a caring government by record. We were one of those very first countries to ratify the UN Convention on the Rights of the Child and by none other than our Founding President.

The Constitution of our Republic is one of the very few Constitutions which protects the rights of the child. In addition, we have passed numerous Acts of Parliament protecting the rights of children. Indeed, one of those Laws will be tabled here shortly. Therefore, it cannot be said that the SWAPO Party Government does not care.

If one has to consider the Budget of Education, the Budget of the Ministry of Youth, the Budget of the Ministry of Gender, especially the one dedicated to Orphans and Vulnerable Children, more than 40 to 50% of this Budget is committed to the welfare of these children.

I think Nudo or may I say Honourable Tjihuiko is misinformed because it is also reflected in our SWAPO Party Election Manifesto that the welfare of our children will be first priority and we do that by action, 50% or more of our Budget is dedicated to the welfare of our children. However, as for the specific question that the Honourable Member asked, it is correct that we have a Line Minister and in terms of ministerial responsibility, I direct that maybe Honourable Tjihuiko can direct that question to the relevant Line Minister. I so Move, Honourable Speaker.

HON SPEAKER: Honourable Riruako.

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**ORAL QUESTION
HON RIRUAKO**

HON RIRUAKO: Honourable Speaker, N\$174 million went back to the Ministry of Finance from all the various Ministries.

HON SPEAKER: This question is directed to?

HON RIRUAKO: This question is directed to the Honourable Attorney-General. I am not going to ask the question to those people who sent the money back without taking care of what they were supposed to take care of. Honourable Kalangula in the past sent back N\$300 million and I said, *“take the money back to Ovamboland where it is needed”* and the very same is happening here.

HON SPEAKER: What does the name you mentioned have to do with it?

HON RIRUAKO: The Ministry concerned sent back N\$300 million while people there are suffering and the very same thing happened here today. I do not want to ask any person from those Departments who sent the money back, the person responsible is the one who is supposed to advised them how to do it if they do not know. I thank you.

HON SPEAKER: Notice of Motions? Ministerial Statements? Minister of Health and Social Services.

MINISTERIAL STATEMENT

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**MINISTERIAL STATEMENT
HON DR KAMWI**

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker, Honourable Members. I rise to give an update on the agreement which the Namibia and the Global Fund Headquarters signed yesterday.

Honourable Speaker, the years 2011 and 2012 were some of the most challenging times for the Global Fund. This period was marked by some delays related to the disbursement of funds, verimentation of funds without proper authorisation made by Member States, the cancellation of funding to some Member States, whereas the Office of the Inspector-General of the Global Fund crisscrossed some of the recipient countries following allegations of mismanagement of the resources. Namibia was no exception.

I am glad that nothing serious was found on the part of Namibia in terms of handling the resources, be it in the form of embezzlement, but rather on the part of verimentation for what they were earmarked for and as such our relations with Global Fund continues to grow from strength to strength.

We now have a new team for the Global Fund Headquarters in Geneva, which is characterised by pragmatism, hands-on seriousness, action oriented and follow up on their promises.

HON MEMBER: How do you know?

HON MINISTER OF HEALTH AND SOCIAL SERVICES: You listen. The new programme is more integrated than the old one which had a parallel system, creating difficulties in sharing resources. Yesterday I signed on behalf of Government along with Mamo who represented the Executive Director for the Global Fund, Ambassador Mark Dybul. I wish to use this opportunity on behalf of the Government, the people of Namibia and, indeed, on my own behalf to thank the Global Fund team for

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**MINISTERIAL STATEMENT
HON DR KAMWI**

the maximum support to the Namibian Nation. We are seeing the fruits of this excellent partnership.

With the signing of three grants, reaching more than US\$120 million, which relates to a little more than N\$1 billion, I am proud to announce that this is the largest Global Fund grant Namibia ever received from a global fund since 2005. By the way, it is only for HIV/AIDS and malaria.

For TB, we are informed from some corners, that it may be on its way. We are not only entering a new phase in our partnership, but we are also making a strategic investment in achieving the HIV/AIDS related Millennium Development Goals.

Clearly these resources come at a time when prophets of doom challenged our action when we decided to appoint a Namibian Team to manage the Programme Management Unit. I recall some questions being put in this Chamber from the other side and we said you should wait and that is what I am reporting this afternoon. We too followed the good example of the Global Fund Headquarters. The Programme Management Unit now has a new leadership headed by Dr Pandu Hailonga who is stationed here in Windhoek to facilitate contacts between the programme implementers, Government and Global Fund Headquarters in Geneva.

Honourable Speaker, Sir, Honourable Members, these resources complement the efforts of Government. Apart from treatment, care and support, prevention through voluntary male circumcision and awareness campaigns targeted at minimising the further spread of HIV-infection, the results speak for themselves with more than 85% of people who require antiretroviral treatment in this country receiving it and the prevention of mother-to-child transmission coverage at 88%, Namibia has achieved universal coverage of ART and we are now working towards eliminating mother-to-child transmission of the HIV-virus. This is a major achievement.

We have also shown remarkable progress towards the impact on malaria programme implementation. Malaria mortality has declined from 1,700 deaths in 2001 to 36 deaths in 2011. By the way, with the latest data from

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**MINISTERIAL STATEMENT
HON DR KAMWI**

our HIS, last year there were only four deaths due to malaria in this country.

Namibia is also progressing well from malaria control to malaria pre-elimination and this progress is happening quicker than anticipated. Namibia is already beyond the targets for its National Strategic Framework 2010/2011 to 2015/2016.

Honourable Members, may I at this point in time inform fellow Namibians that we are not only receiving, but as Government we decided to make a pledge of a sum of US\$750,000.00 to the Global Fund and we are honouring the payment.

I want to thank Government, the Private Sector and the people of Namibia who came together to combat HIV/AIDS, thus making it a top priority for the Nation. But Namibia cannot do it alone. I specifically want to thank NANASO, our main Civil Society partner, for their efforts during the preparation of Phase 2. Civil Society Organisations play a vital role in the response to the three diseases and are exemplary partners to reach communities and those most in need.

Following the information I just shared, I want to say we remain extremely grateful to our development partners, namely the Global Fund, PEPFAR, EU and technical support from WHO and others. Namibia has made good progress in the fight against the diseases. Together we can show that our efforts make an impact; together we can ensure that donors continue to believe in our Global Fund, to continue supporting Namibia in this fight.

I would like to encourage sub-recipients to work together with Government. It should not be seen as if we are managing different resources, but that Government and Civil Society should own one strategy. Indeed, I would like to see a situation where all of us should be proud to say that in both policy and practice Namibia is a living proof of a global community, working towards the realisation of an AIDS-free generation.

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STATEMENT
HON KAURA**

Honourable Speaker, Sir, Honourable Members, we should always remember that those who made a contribution to these resources, that is, contributing to both the Global Fund and PEPFAR, the taxpayer, may never live to see Namibia, but that they will always be pleased to read about the excellent indicators achieved by Namibia, that is the declining AIDS and TB related deaths and eventually of final malaria elimination. Thank you for your kind attention.

HON KAURA: Thank you, Honourable Speaker. I just want to ask a question to the Honourable Minister. Honourable Minister, I thank you very much for the speech you have just delivered, it is encouraging. I just want to find out, from my own unprofessional observations, I feel as if now in Namibia cancer is more deadly compared to AIDS. Is that unprofessional observation correct or wrong?

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you very much, Honourable Speaker, and thank you, Honourable Kaura. In terms of the layman's language you may be right, but we are guided by the data that we receive from the Health Information System. That observation of non-communicable diseases being on the increase globally and not only in Namibia was already observed by the World Health Assembly during 2012 in Geneva and as such we as Member States were encourage that of then and onwards we should treat the Non-Communicable Diseases on equal par with communicable diseases. As you may have observed by now, we have been making statements and even here in the Chamber, making a case related to Non-Communicable Diseases, that together we now have to work hard to turn around our strategies that we have before us, that we control Non-Communicable Diseases head-on.

Non-Communicable Diseases are the cancers, be it heart related, prostate cancer, breast cancer, name it, and we have to do the best we can in order to turn this around if we want to live longer. I trust I have answered you.

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STATEMENT
HON RIRUAKO / HON BEZUIDENHOUDT**

HON SPEAKER: Chief Riruako.

HON RIRUAKO: Mr Speaker, with reference to what Honourable Kamwi has said, HIV/AIDS is a disease just like other diseases. Cancer is a killer and cancer does not have any scientist to discover how to prevent it, it still plays a role in death without being challenged.

Those scientists who have discovered how to prevent cancer, how to prevent HIV, whoever they are, according to me HIV is produced by humans, it was not discovered as something else from nowhere. The fact remains that we are supposed to find a way how to prevent cancer. Malaria has been controlled, but cancer is something one cannot say it is not inherited from person to person. Why no, if it never happened in the past? You have to go back to the laboratories and after your discovery you have to come and report back to us how you have discovered that it is a Non-Communicable Disease. But I remain with my position to say that, do your homework better than you are doing now in order to discover how to prevent this killer disease. I thank you.

HON SPEAKER: Thank you. Honourable Bezuidenhoudt.

HON BEZUIDENHOUDT: Thank you, Honourable Speaker. I thank the Minister for the information. This morning I was very pleased to see the reports in the media about yesterday's ceremony and I was wondering by myself what happened in the past. The Minister has just made clear that there were some challenges in the administration of the funds by the NGOs and whoever was involved that caused the people to step back a bit.

Would the Minister agree with my understanding that through good, clean,

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**RESPONSE TO QUESTIONS ON MINISTERIAL
STATEMENT
HON DR KAMWI**

proper governance of funds and projects, we can build up trust that we can be one of the best implementers and more assistance for specific Programmes can be achieved through our world partners, both for Government as well as NGOs to realise that good, clean and transparent governance of partner programmes is a good thing to even enhance your own Programmes? Thank you very much.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker, Sir and may I thank the two Senior Colleagues.

If I may start with *Honourable Bezuidenhout*, you are right and you will recall that I informed this Chamber last year that at some time I had to apologise on behalf of the Nation to the Global Fund as to what transpired then. I swallowed my pride as the Minister of Health and Social Services. That in itself prompted the Global Fund Headquarters to inform us that we have built trust and confidence. Hence, the results are very clear.

To the *Honourable Chief*, cancer has been with us for quite some time and we have been informing this Chamber and the Nation at large that we need to take care of the diet, the food that we eat. Too much red meat, for example, Honourable Chief, will give you gout and on top of that, you are likely to bulge. Sugar, heavily refined foodstuffs are not good for our bodies. There is a need for us to do some physical exercises, let us work, let us sweat and by so doing we will be some burning calories. These are the simple ABC that we need to do. We do not need to debate on this and you do not need to go to the laboratory to address the issue related to Non-Communicable Diseases, but it is about bad habits and lifestyle. Let us do away with bad habits if we want to control cancer. Thank you.

HON RIRUAKO: I agree with Honourable Kamwi, but we were in the same spot, in the same area, we were doing the same thing, eating the same meals all the time, but I agree with you that people do not exercise,

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HON DR GURIRAB**

they are running with cars from corner to corner without using their own bodies.

If you come to the principles of your behaviours, I agree, but who is going to listen to you on this? How will you tell the people to exercise? You and I are grownup people, can you compare us with them? We have to understand how to eat, I do agree. That is one lesson you did not mention, teach them how to eat, teach them how to exercise, teach them how to behave, teach them what kind of diet is required. I thank you.

ANNOUNCEMENT

HON SPEAKER: I have been informed that the following Members were elected to serve as Chairpersons and Deputy Chairpersons on the following Parliamentary Standing Committees of the National Assembly:

Standing Committee on Constitutional and Legal Affairs: Honourable Evelyn !Nawases-Taeyele – Chairperson; Honourable Elifas Dingara – Deputy Chairperson.

Standing Committee on Foreign Affairs, Defence and Security: Honourable Paulus Kapia – Chairperson; Honourable Billy Mwaningange – Deputy Chairperson.

Standing Committee on Economics, Natural Resources and Public Administration: Honourable Ben Amathila – Chairperson; Honourable Petrus Van Der Walt – Deputy Chairperson.

Standing Committee on Human Resources, Social and Community Development: Honourable Agnes Tjongarero – Chairperson; Honourable Maureen Jankowski – Deputy Chairperson.

Standing Committee on Information, Communication and Technology:

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**COMMITTEE STAGE: WATER RESOURCES
MANAGEMENT BILL
HON MUTORWA**

Honourable Moses Amweelo – Chairperson; Honourable Lucia Witbooi – Deputy Chairperson.

Standing Committee on Gender Equality and Family Affairs: Honourable Alexia Manombe-Ncube – Chairperson; Honourable Sophia Swartz – Deputy Chairperson.

There is a matter that came up that required further consultations after we had the Standing Committee on Rules and Orders this morning and that relates to the Public Accounts Committee. The House will be further informed about that Committee later.

The Secretary will read the First Order of the Day.

**COMMITTEE STAGE: WATER RESOURCES
MANAGEMENT BILL [B.5 – 2013]**

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

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

HON SPEAKER: Any Objection? Agreed to.

ASSEMBLY IN COMMITTEE

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**THIRD READING: WATER RESOURCES
MANAGEMENT BILL
HON MUTORWA**

**HON ASSISTANT DEPUTY CHAIRPERSON OF THE WHOLE
HOUSE COMMITTEE:** The Committee has to consider the *Water
Resources Management Bill* [B.5 – 2013].

Clauses 1 to 134 put and agreed to.
Schedules put and Title put and agreed to.

ASSEMBLY RESUMED

Bill reported without Amendment.

**THIRD READING: WATER RESOURCES
MANAGEMENT BILL [B.5 – 2013]**

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

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

HON SPEAKER: Any Objection? Who seconds? Agreed to. Any
further discussion? None.

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**THIRD READING: WATER RESOURCES
MANAGEMENT BILL
HON MUTORWA**

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Comrade Speaker, I wish to thank the Honourable Members of the National Assembly. We have just concluded our very important duty as per Article 63 of the Namibian Constitution and I thank you for passing the Bill to be sent to the second Chamber of the Parliament.

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

SECRETARY: *Water Resources Management Bill [B.5 – 2013].*

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

**MOTION ON EXPORT OF SHEEP
ON-HOOF TO SOUTH AFRICA**

SECRETARY: Resumption of Debate on Export of Sheep On-the-Hoof to South Africa.

HON SPEAKER: When the Debate was adjourned on Tuesday, the 4th of July 2013, the Question was a Motion by Honourable Kaura, that the Motion be adopted. Honourable Kaura has the Floor to reply.

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**EXPORT OF SHEEP TO SOUTH AFRICA
HON KAURA / HON MUTORWA**

HON KAURA: Honourable Speaker, I am very much delighted and happy, having consulted with the Honourable Minister on the plight of sheep farmers and also having learned that Cabinet had taken a decision during the drought period to open the border for both large and small stock. However, based on the consultations with the Minister I am amending this Motion to refer it to the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration for further consultation. I so Move, Honourable Speaker.

HON SPEAKER: Any Objection? Honourable Minister.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: Honourable Speaker, I am taking the Floor to thank Honourable Kaura as the Mover of the Motion, but also the Honourable Members of the National Assembly who have participated in this Debate. I would like to say that we as leaders have just disposed of this very important Motion as per Article 45 of the Namibian Constitution. This article reminds us that we as Members of the National Assembly shall be representative of all the people and shall, in the performance of our duties, be guided by the objectives of this Constitution, by the public interest and by our conscience and I am sure we will all agree that we have just disposed of this Motion in the public interest. I would like to thank Honourable Kaura. Thank you.

HON SPEAKER: With that, the Motion stands referred to the Standing Committee. The Secretary will read the Third Order of the Day.

**MOTION ON GENDER-BASED VIOLENCE AGAINST
WOMEN AND CHILDREN IN NAMIBIA**

10 July 2013

MOTION ON GENDER-BASED VIOLENCE
HON DR KAWANA

SECRETARY: Resumption of Debate on the Prevailing Gender-Based Violence against Women and Children in Namibia.

HON SPEAKER: When the Debate was adjourned on Thursday, the 04th of July 2013, the Question before the Assembly was a Motion by the Honourable Minister of Home Affairs and Immigration. The Honourable Minister of Presidential Affairs and Attorney-General adjourned the Debate and he now has the Floor.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY GENERAL: Thank you very much, Honourable Speaker. Honourable Speaker, I rise to participate in the Motion on domestic violence and take this opportunity to commend my Senior Colleague, the Honourable Minister of Home Affairs and Immigration, for tabling this very important Motion and, indeed, wholeheartedly thank the Honourable Speaker who started the ball rolling by expressing his concern on this very important subject matter.

Honourable Speaker, I would also like to thank my Colleagues who have spoken before me in support of this important Motion. It is true that domestic violence is perpetrated by both men and women, although men are the main perpetrators in numerical terms, but at the same time I am also aware that at times men who are victims are reluctant to report because of cultural constraints. Therefore, they end up suffering in silence.

Comrade Speaker, when it comes to verbal abuse, I believe that women (intervention).

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: On a Point of Order. I am sorry to interrupt my Comrade who is addressing

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MOTION ON GENDER-BASED VIOLENCE
HON DR KAWANA

this august House, but I think the Honourable Colleague is addressing a different Motion, namely domestic violence. The Motion under discussion is violence against women and children. These are two separate areas. If we want to table a Motion on domestic violence, that is allowed, but this one is specifically on women and children.

HON SPEAKER: Honourable Minister, you are correct.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Speaker that was an introduction as a preamble, but it is also related. As I said, there is violence against women and children, that is correct, but at the same time we want to know who are the victims of violence in our society. Indeed, it is not only women and children but also men, although in some cases men suffer in silence, maybe due to cultural aspects.

I also agree with the speakers before me that one of the many causes of violence against women and children is alcohol and drug abuse and the time has come to seriously address this issue, because at the moment alcohol abuse in our society, especially in low-income families living in informal settlements in urban areas is a cause for concern.

Comrade Speaker, however, I tend to agree less, if I may put it that way, when we blame cultural practices, cultural values as one of the main contributors to domestic violence against women and children. There are some Nations, particularly in Asia, where they stick to their cultures, unlike some continents, especially the African continent, where we like to imitate the Western cultures, which we believe are superior to our own, but which sometimes is really pathetic to say the least. We see that human rights include two bearded old men going to a marriage officer to get a marriage certificate or two women going to a marriage officer to get a marriage certificate and yet these are the Christians who believe in the Bible which was spearheaded by Western cultures and prohibits such

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MOTION ON GENDER-BASED VIOLENCE
HON DR KAWANA

kinds of practices. Yet we are told it is part of human rights, but yet they are Christians. These are the people who told us when they colonised us to believe in the Bible and today they say we must ignore some parts of the Bible. I have a problem with that.

Therefore, culture cannot really be blamed as one of the main contributors to violence against women and children.

Honourable Speaker, I join my Colleagues who have supported this Motion and sometimes I ask myself, when a boy child is born and cries, he says “*maa*”, he does not say “*paa*”. Whenever the mother leaves the house, that child will cry for the mother, more than he will cry for the father. Then I cannot understand that, after growing up, that child will abuse the mother, abuse the sister. That I will never understand.

I join my Colleagues who have supported this Motion (Intervention).

HON MINISTER OF JUSTICE: Comrade Speaker, I am terribly sorry to disrupt the Minister of Presidential Affairs and Attorney-General, popularly known as AK-47. Honourable Member, would you agree with me that the civilisations you have mentioned, the Christian civilisation, brought us the Bible, which is maybe a good thing, but do you know that now we have the Bible and they have the land. The colonisers brought the Bible, we took the Bible and in turn they have the land. What do you say about that?

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Minister, that will be the subject of another discussion.

Comrade Speaker, our Government has gone out of its way to ratify all important International Conventions, starting with Conventions at the United Nations level, the African Union level and the SADC level, in

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HON DR KAWANA

addition to our Constitution and various Acts of Parliament that were passed by this august House to protect the rights of women and children, but yet this problem is increasing instead of reducing. This tells me that maybe some of the role-players were supposed to do their homework and come up with a solution. It tells me that there is possibly something wrong with the home, there could be something wrong with our traditional structures, Honourable Moongo, in terms of addressing this issue. There must be something wrong with our religious leaders, particularly our churches, in addressing this problem. I do not see this as only a problem for the home, a problem of the Government, but it is a problem for all of us. We have to address it, the Traditional Leaders, the religious leaders and, indeed, community leaders, so that we have a peaceful, prosperous and stable Namibia.

We do not want to see an unstable Namibia. Instability in any country is a very big enemy of development and we can see what is happening in other countries. Therefore, contrary to some of the speakers who have heaped more blame on men, I want to say we, the men, are together with our mothers and sisters in dealing with this particular problem. We are your allies, we are your partners. If tomorrow a mother or sister will be panel-beaten in the street, it will be a man who will be able to rescue her. Therefore, do not look at us as enemies, but look at us as partners in this situation. After all, that is why particularly in the SWAPO Party, we called for 50/50 gender equality so that all of us can have equal rights, not only in theory but also in practice.

Once again, Honourable Speaker, let me thank you as you were the first Mover of this motion and also to thank my senior Colleague, the Honourable Minister of Home Affairs and Immigration, Honourable Pendukeni Iivula-Ithana, for this brilliant Motion. I wholeheartedly and without reservations support the Motion and I thank you.

HON SPEAKER: The next Honourable Member I am going to call is in the political sense a born-again. I have in mind Honourable Ndjoze-Ojo. Welcome back home and let us hear you.

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MOTION ON GENDER-BASED VIOLENCE
HON DR NDJOZE-OJO

HON DR NDJOZE-OJO: Actually yes, I think I am one of those Namibians who do not have land, but have the Bible in the hand and I will start with Second Corinthians 12:9 which says: “*My grace is sufficient for you.*”

Honourable Speaker, Honourable Members, I rise to contribute, if at all, to the Debate on the prevalence of Gender-Based Violence against women and children in Namibia. However, before I delve into this, I wish to thank God Almighty who holds the entire universe in His hands and by whose grace, wisdom and power I have been called yet again to serve my Nation in this capacity in this august House and I am honoured. I am most humbled and honoured that I am here to perform that which He has called me yet again to do for my Nation in this House.

I would also like to thank the many Namibians who out of their own volition voted for me to be placed on position 60 at the SWAPO Party 2009 Congress without me having solicited for any single of their votes. I am most grateful for their trust in me and I am ready to work to the best of my ability. I shall put my **mind to think**, my **hands to do** and my **mouth to speak** as God gives me utterance.

Honourable Speaker, Honourable Members, my contribution is three-fold. **Firstly**, it shall briefly draw inferences from the extensive Debate on the prevalence of Gender-Based Violence as moved by the Honourable Minister of Home Affairs. **Secondly**, it shall link this entire Debate to the Notice of Motion on Gender-Based Violence as presented by the Speaker of the National Assembly, which I have had an opportunity to read. **Thirdly**, it shall attempt a consolidation of these invaluable thoughts into a possible multi-faceted way forward.

The crux of the Debate is that:

- (a) There is an increase in Gender-Based Violence against women and children in Namibia and something drastic must be done about it, and as to what that drastic measure should be is subject to a number of proposals advanced, which include the following:

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**MOTION ON GENDER-BASED VIOLENCE
HON DR NDJOZE-OJO**

- (i) Do more research and find out more why there is an increase;
 - (ii) Get the churches, the Traditional Authorities, Headmen and leaders to do more among their communities to stop the increase;
 - (iii) Introduce moral and religious education in schools to restore the religious, moral and social fabric of Namibian society; limit shebeens and train more social workers to help those directly affected, especially in their homes.
- (b) It was further argued that there is a need to broaden our perspective on Gender-Based Violence as being linked to economic power, criminal behaviour and I wish to buttress the fact that it is indeed linked to the entire socio-political cultural milieu of a Nation in transition. In other words, I argue that as we deconstruct the old to construct the new, there is an invisible complex transformational engine propelled within individuals in society as they ready themselves to be part of the new Nation in transition, such as Namibia.

As a new Nation in transition like Namibia, which is only 23 years old - and you know how we treat our 23 years old children, we are still children - is prone to hidden turbulences which, when the storm settles, manifest themselves as violence. For instance, Namibia is young at 23 years old and to me it is still a Nation in transition. It has passed through the Odendaal Plan of 1948 that saw the introduction of Apartheid with its heinous Laws, its Contract Labour System and all its associated ills. The wars of resistance were soon followed by the wars of liberation. All men and boys who survived the Contract Labour System and the weighing bridge at Oshivelo went off to war. Consequently, women and girls were left alone to fend for themselves and eke a living, and they did. While their husbands and sons left, fought and died in the many wars, the women and their loved ones, especially daughters, learned, adapted and became adept at household/homestead management, at managing *epyas*, at rearing *ozongombe*, etcetera. They, the women, did not allow their predicament to overwhelm them, but used every opportunity to develop thick skins and sent their daughters to school, who soon became teachers and nurses and

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eventually, empowered women.

By the time the contract labourers returned with their little savings from their meagre Apartheid-based salaries, they found to their surprise that their grown-up boys have gone off to war and their daughters have gone off to schools of Bantu Education system nearby where they could only be teachers or nurses and they did.

Honourable Speaker, Honourable Members, it is at this juncture in our history that the tables were turning and they have never stopped turning. Educationally and thus, economically, women and girls became empowered and they started earning more compared to their male counterparts, who often as manual labourers, truck drivers and other manual workers earned very little. Fortunately, the calibre of men were very imbibed in their cultures and often they knew very well that they will not lift up their hands against the hand that feeds them and their children, namely their beloved wives. However, and if at all and sometimes out of jealousy or so, they will do it behind closed doors and without intention to kill. Their wise wives will make sure the marks on their backs caused by the horsewhip the night before were covered and not seen by their children thereby protecting their children from trauma.

My intervention is premised on the adage that **‘children are what they live’** and because in those days they lived love and protection, they saw no evil, they became love and protection for their own children. The critical question to ask ourselves is thus, what are our children today because of what they lived? What are our children today because of what they lived?

Indeed, children are really what they lived and we as parents are admonished to bring them out in the way they must go and when they are older they will never depart from it. It is said that *“bend the tree while young or else it shall surely break.”* Maybe we are seeing the breaking of our children and the fabric of our society because we missed the niche of time that would have enabled them to be nurtured and moulded appropriately. Let us go back to the basics.

Secondly, I wish to link the above thoughts to the succinctly four-paged

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summarised Notice of Motion to this House, presented by the Honourable Speaker. He argued in that document that that is an all-party Motion on Gender-Based Violence that touches the heart of every Namibian and the entire House was requested to go beyond political affiliation to support it. I like that very much, especially in relation to Article 45, quoted by the Honourable Minister of Agriculture, because there are crucial issues which should bind us together as a Nation in transition because they touché us deep, and Gender-Based Violence is no doubt one of them.

Honourable Speaker, Honourable Members, what I most appreciate is the succinct and crispy way in which this Notice of Motion is presented. First of all, it appeals to the entire Honourable Members of this House. Secondly, it tersely presents five key action points, being quoted in inherently relevant linguistic features, namely, **encourage** and **facilitate** for **effective implementation**.

Since 2000 up to today, thirteen years ago, we have had about thirteen Laws about combating Gender-Based Violence and those are quoted and listed in that Motion. There is also an Action Plan against Gender-Based Violence that should cover 2012 to 2016, in addition, there are recommendations from a plethora of national and international deliberations, reports, research, workshops, meetings on Gender-Based Violence available and at the disposal of this House. This Motion also calls us to ensure commitment of all Members of Parliament **to play a leading role**, to play, not to talk, to play a leading role in combating Gender-Based Violence as they consciously and deliberately include relevant messages on Gender-Based Violence in their everyday conversations and especially at Constituency mobilisation and sensitisation discourse levels and through this to encourage other stakeholders to come on board to do what ought and must be done as of yesterday.

These five key actionable points are then provided each with succinct bullet points as concrete actions to be taken as reaffirmations and resolve to action. Moreover, these five key points again are succinctly anchored on relevant Laws and policies stretching from 2000 to 2012, capturing the

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enormous and impressive work done on Gender-Based Violence so far. (For further details see **NOTICE OF MOTION** as presented to this House by the Honourable Speaker of the National Assembly of the Republic of Namibia.)

Thirdly, I shall attempt to consolidate these invaluable thoughts into a plausible multifaceted way forward. However and in essence this multifaceted way is encapsulated in the above discussion, as was discussed on the Floor of this House and as in the **NOTICE OF MOTION**.

Honourable Members, I take consideration of all the individual contributions made since I joined this House by the Honourable Members, irrespective of their political affiliations, and simply state that the time has come for us to go back to the basics. I shall, therefore, premise the concluding remarks of my intervention on two adages, namely, “*charity begins at home*” and that “*children are what they live.*” Therefore, our anti Gender-Based Violence conversations should start tonight at home, at the dinner table, at the breakfast table tomorrow. Subsequently, our daily conversations on Gender-Based Violence should continue until we reach our various Constituencies across the width and breadth of our beloved country with these very important life saving messages, lest posterity judge us.

Mother Theresa is purported to have said: “*If each and everyone sweeps in and in front of one’s house, we shall have clean cities.*” It is, therefore, possible to argue that in actual fact clean countries are but a conglomeration of clean houses, of clean villages and suburbs, of clean towns and clean cities. Let us, therefore, clean the front of our houses.

Honourable Speaker, Honourable Members of the National Assembly, indeed, children are what they live. We as parents are admonished to bring the child the way he must go and when he or she is older will not depart from it. Bend the tree in your house while young so later it shall not break. Therefore, if we as an entire Nation wish to pass on positive messages against Gender-Based Violence, we should and must discuss around bonfires in front of our huts in our villages and take these

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messages to our dinner and breakfast tables in towns and cities of Namibia. We should also have group discussions under the biggest shady trees in our villages. Such an approach to me, will not only empower both the boy child and the girl child at home, but will simultaneously also cause a very lifesaving message to be had as a family meal for easy digestion, liken to deeper understanding of this critical issue.

Drawing inferences from this, it seems as if indeed we have talked enough and have done all and everything we could do. However, it is possible to argue that our mutual desire to sincerely save lives should propel the individual and collective engines within us to say more and do more and act in good faith at all times.

In my view, the girl child is empowered in Namibia, we need to empower the boy child. We need to empower him and talk calming messages to him and say to him, it is okay, it is alright for your sister to be empowered, it is alright for your mother or your wife to be the breadwinner of the family, provided she holds the family together. It is democratically right for the majority of the Namibian people, who are women, to be empowered, for men to understand that they are only making a contribution to nation-building.

I conclude with Second Corinthians 13:11. It says: *“Live in peace and the God of love and peace will be with you.”* Thank you, Honourable Speaker, thank you, Honourable Members. I support the Motion.

HON SPEAKER: Wonderful. Thank you and welcome back to the National Assembly. Honourable Lempy Lucas.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Honourable Speaker, Honourable Members, I rise to briefly participate in the Debate on the Motion on Gender-Based Violence and to congratulate Honourable Pendukeni Iivula-Ithana, the Minister of Home Affairs and Immigration, for her courage to introduce this Motion before Parliament for discussion.

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ADJOURNMENT

The crime committed through Gender-Based Violence has become the number one cause of death in our country, replacing cancer, HIV/AIDS, diabetes, hypertension, etcetera. Since Independence a lot has been done to address the impact of Gender-Based Violence in our society. Government has established the Ministry of Gender Equality and Child Welfare whose principal objective is to deal with issues of gender equality in our society, which the Namibians were deprived of by our colonial masters. Credit should be given to His Excellency Hifikepunye Pohamba, the President of SWAPO Party, and the entire leadership of the SWAPO Party for having taken a bold, mature and wise decision to implement the principle of gender-equality, well-known as the 50/50 principle, across the broader spectrum of the SWAPO Party. Of course, the road travelled to reach where we are was not an easy one, but today we can proudly say we have finally reached the intended destination.

Various speakers who spoke before me alluded to various forms of Gender-Based Violence which have taken an ugly face in our society. It is disturbing that a day hardly goes by without reading of hearing of acts associated with Gender-Based Violence.

HON KAURA: Honourable Speaker, I am reminded by Honourable Nahas Angula that there is no quorum in this House.

HON SPEAKER: We live by the Constitution and its manifestations, as sacred as it is include Rules, and by those Rules we have lost the quorum and, therefore, the situation obliges the Speaker to uphold the Rules and to adjourn the House until tomorrow, 14:30.

HOUSE ADJOURNS AT 16:38 UNTIL 2013.07.11 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
11 JULY 2013**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT

HON SPEAKER: I am exercising my prerogative as the Speaker that this is the day that I would have loved that we deliberate on matters on the Order Paper, after that I would have happily told you that we close today and reconvene on the 10th of September 2013 and we will consider that I have said that in a fully constituted Assembly, otherwise we will have to reconvene on Tuesday next week, which would be illegal, and what I am doing is sort of out of the ordinary but the Speaker has the prerogative to let you go.

We have received an invitation from the Zambian Parliament to play a soccer match against their Parliament team in Zambia.

In order to form the team of at least 15 players, I would like to request all the interested Members to forward their names to Honourable Dr Amweelo to start preparing for a proud Parliamentary team.

In terms of Rule 17(b) of the Standing Rules and Orders, the Speaker adjourned the Assembly at 15:05 until Tuesday, 10 September 2013.

HOUSE ADJOURNS AT 15:05 UNTIL 2013.09.10 AT 14:30

SPECIAL SESSION

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
16 AUGUST 2013**

The Assembly met for a Special Session.

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

HON SPEAKER: I call the Business of the House to order. I need not explain to you, Honourable Members, why we are gathered this afternoon, having earlier told you that we shall not return until 10 September, which is yet to come, but the Business that brings you back to the Chamber is important, it cannot be done by any other group of Namibians but by us. It cannot happen anywhere else but here in this Chamber. On that note, I call for any Motions. Honourable Minister of Regional and Local Government, Housing and Rural Development.

NOTICE OF MOTION

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Honourable Speaker, I Move without Notice, that leave be given to introduce a Bill to provide for the extension of the deadline on which the ten year interval expired to a certain date in future within which the third general registration of voters shall take place and to provide for incidental matters.

I further request the concurrence of the House that the Bill be dealt with very urgently in terms of Rule 98 to allow the House to deal with all stages today. I so Move, Honourable Speaker.

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**ELECTORAL AMENDMENT BILL
HON NAMOLOH**

HON SPEAKER: Who seconds the Motion? Any Objection? Will the Minister table the Motion? I now put the Question that the Bill be considered as an urgent Bill. Agreed to. Does the Minister of Regional and Local Government, Housing and Rural Development Move, that the Bill be now introduced?

**INTRODUCTION AND FIRST
READING: ELECTORAL BILL [B.8 – 2013]**

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

HON SPEAKER: Who seconds? Any Objection? Agreed to. Will the Honourable Minister please table the Bill? The Secretary will now read the Bill a Second Time.

SECRETARY: *Electoral Amendment Bill [B.8 – 2013].*

SECOND READING: ELECTORAL BILL [B.8 – 2013]

HON SPEAKER: Does the Minister Move that the Bill be now read a Second Time? Any Objections? Agreed to. The Honourable Minister has the Floor.

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**ELECTORAL AMENDMENT BILL
HON NAMOLOH**

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Speaker. Honourable Speaker, I rise to motivate an Amendment to the *Electoral Act of 1992* (Act 24 of 1991) as amended, in order to enable the Electoral Commission of Namibia to embark on the Third National Voters Roll.

First and foremost, allow me to express my appreciation and gratitude to our Lawmakers for attending this Special Session of the National Assembly in order to attend to an issue of national interest.

Honourable Speaker, the conduct of free and fair elections is an event which is divided in stages. These stages are election preparations; before, during and after elections. All these stages should involve all stakeholders. Once such process is followed to the letter, then the Nation would be assured of a transparent, credible, free and fair elections. Against this background it is important that the Electoral Commission of Namibia (ECN) is given sufficient time to prepare a National Voters' Roll which is credible and verifiable.

Honourable Speaker, it is my conviction that those who win elections in a free and fair manner will command legitimacy and earn acceptance and respect even from those who are defeated. This should be the culture of our democracy in Namibia.

Honourable Members may recall that the delimitation of our country into Regions and Constituencies is linked to the Voters' Roll. In terms of the *Electoral Act* I referred to, voters at regional level are only allowed to vote in the Constituencies where they are registered as voters. Given the fact that we are a Republic that is founded on the principles of democracy, Rule of Law and justice for all, a considerable number of eligible voters are no longer residing in Constituencies where they registered. Article 21(g) and (h) of the Namibian Constitution guarantees freedom of movement and to reside and settle in any part of Namibia in accordance with the Law. It is partly this state of affairs which necessitates a new Voters' Roll after every ten years.

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Honourable Speaker, Honourable Members may further recall that the Delimitation Commission, whose members were appointed by the President with the approval of Parliament in terms of Article 104 of the Namibian Constitution, submitted its Reports to His Excellency the President on the 4th of July this year. The Report of the Commission was approved and made public by His Excellency Dr Hifikepunye Pohamba, President of the Republic of Namibia, last week. Allow me, therefore, to express my appreciation and gratitude to His Excellency Dr Hifikepunye Pohamba, President of the Republic of Namibia, for considering the recommendations of the Commission within such a short period of time.

In terms of Section 15 of the *Electoral Act* of 1992, the current Voters' Roll expires at the end of this month, therefore, in order to avoid a legal vacuum it became necessary to call a Special Session of the National Assembly in terms of Article 62(1)(c) of the Namibian Constitution in order to deal with the matter by way of amending the Electoral Act.

Honourable Speaker, the Bill before this august House consists of only two Clauses.

Clause 1 amends Section 15 of the *Electoral Act* so as to extend the period within which a new Voters' Roll is to be prepared to the end of June next year. I am fully confident that before the date the Nation is assured of a new Voters' Roll where all stakeholders, especially Political Parties, will be given an opportunity to scrutinise and, if need be, to object to any name that would appear on the Voters' Roll.

Specific dates within which a new Voters' Roll is to be finalised would be made known by the President by proclamation in the Gazette. I have no doubt that all stakeholders will be consulted by His Excellency before such period is gazetted.

Clause 2 is the short title of the Bill, which is called the *Electoral Amendment Act, 2003*.

Honourable Speaker, you will recall that our High Court during the election challenge confirmed that the electoral roll of Namibia is too

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complicated and, therefore, needs to be simplified. Indeed, you will further recall that the Honourable Attorney-General agreed with the view expressed by our High Court. Against this background there is an urgent need to come up with a consolidated Act in a simplified form that is understood by the common man and woman in the street. The current Act has already been amended nine times. The Bill before you is the tenth Amendment. For example, it was amended in 1994 by Act 23, in 1997 by Act 3, in 1998 by Act 30, in 1999 by Act 11, again in 1999 by Act 19, in 2002 by Act 20, in 2003 by Act 7 and in 2006 by Act 4, in 2009 by Act 7 and in 2010 by Act 11. At the end of the day the Namibian Electoral Roll is a jungle which needs urgent attention.

Therefore, once the simplified is passed by Parliament, there will be a need for public education so that those who are entrusted with its implementation as well as stakeholders will be in a position to internalise the new Law.

Honourable Speaker, due to the urgency of this Amendment and given the fact that it has only two Clauses, it is now my single honour to Move that this august House passes all the stages of this Bill today. I so Move and I thank you, Honourable Speaker.

HON SPEAKER: Thank you, Honourable Minister. Any further discussion? Honourable Kaura.

HON KAURA: Thank you very much, Honourable Speaker. While supporting the Amendment tabled by the Honourable Minister, I just want to stand still at this point where it states: *“Notwithstanding Subsection (1), the third general registration of voters shall take place during the period not later than the 30th of June 2014, as the President may determine under Subsection (1).”*

Honourable Speaker, given the experience we have had, Voters' Rolls

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were provided maybe three days before the election, in particular on a stiffy and you had to fend for yourself to get it printed and verify within three days. Given the fact that by the 30th June next year the Voters' Roll will be completed, I hope the Voters' Roll will be made available to the public three months ahead of time so that we can peruse it and look at it and make sure that every walking, living, breathing Namibian's name is on the Voters' Roll instead of being told on voting day that your name does not appear on the Voters' Roll. I have all the confidence in the Minister that this process will be finalised and three months before November the Voters' Roll will be made available. Thank you very much.

HON SPEAKER: I thank Honourable Kaura. Deputy Minister of Foreign Affairs.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you very much, Honourable Speaker. I rise to support the Bill tabled before this House by the Minister of Regional and Local Government, Housing and Rural Development to amend the *Electoral Act*.

First, I would like to concur with the Minister that we need a consolidated Act that regulates elections. These many legislations by very nature are confusing and time-consuming because one always has to do cross-referencing when you read one of them. A consolidated Act would enable the voters to know their rights and obligations under the Act.

Secondly, I wish to thank the Minister for bringing this Bill to the House in order to prevent a legal vacuum when the current voters registration expires, because bad losers always try to find excuses under these loopholes in order to bring triviality in the entire election process.

Honourable Speaker, the Minister spoke about thinking of a consolidated Act and perhaps when that time comes we should also consider some of the following issues:

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Firstly, as it happens in other countries, we need to have a continuous registration period whereby people do not have to wait for election year to be given two months within which to register, because this always disadvantages people who are outside the country during the registration period and I am saying this, knowing that I have a number of staff outside the country serving this Government. But when we have a continuous registration, as it happens in some other countries, that person just goes to the Electoral Commission to register, just as one registers for birth certificate, etcetera, then no one will be left out during the registration period when they are not in the country.

Another issue, Honourable Speaker, that the Honourable Minister may wish to discuss with the Minister of Home Affairs, is that perhaps when death certificates are issued, the same information is transmitted to the Electoral Commission so that registered voters who pass on are automatically deleted. When one has the names of people who have passed on appearing on the Voters Roll, although we all know that they did not vote ...(intervention)

HON DEPUTY MINISTER OF DEFENCE: May I ask a question? You are making very good suggestions, but if a person dies on the same day as elections, how will that information be sent to the Electoral Commission?

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: I was not finished when my elder brother here interrupted me. I was saying for those who died before elections the information should be transmitted, because while we all know that these people do not vote, the Opposition Parties always use this as an excuse to say the Voters' Roll has been inflated, knowing very well that this cannot happen.

Another issue is the announcement of election results. Honourable Speaker, I mentioned during the Budget discussion this year that during

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the previous elections I noticed that there were people who took the Law into their own hands and made themselves electoral officers and started posting misleading election results. Elections are very important in a democratic set-up, but democracy is not mobocracy. For example, the RDP was posting information that at Ohalushu SWAPO got two votes. Shame on you RDP. We should have a Law that makes it an offence for unauthorised persons to deliberately do this. (Intervention).

HON NYAMU: Honourable Speaker, I believe you have closely followed the Member's Statement, which is insulting and shaming a democratic Political Party in a democratic House, the National Assembly. It is unheard of and should not be tolerated. I, therefore, demand that he withdraws those insulting words.

HON SPEAKER: I do not know what the Honourable Member is talking about, so I do not have something to make a judgment on, but what you have said is sufficiently recorded.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Speaker, we must have a Law which prohibits misleading election results. With these few words, I support the Amendment and I thank you.

HON SPEAKER: Honourable Lucks.

HON LUCKS: Thank you, Honourable Speaker. Allow me to also make my contribution to this very short but urgent Amendment to the current legislation.

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If I read the introduction made by the Honourable Minister, in the first paragraph it says, “*this Amendment is necessary in order to enable the Electoral Commission of Namibia to embark on the third National Voters Roll.*” That is very clear, the current Voters’ Roll expires and we need to have a new Voters’ Roll. The problem I have with this is that we have the current *Electoral Act* under which the new Voters’ Roll has to be conducted. We all know that the previous Voters’ Roll was a complete mess, with many deceased people and ghost voters being on the Voters’ Roll and this can also be expected with a Voters’ Roll that is ten years old because after ten years many people have passed on, many people have moved away, etcetera. The problem is; we have a new *Electoral Act* coming up. If we start to register voters now under the current *Electoral Act*, we have voters being registered under this Act and we have in a few months from now the new *Electoral Act* coming into force, and we will then have voters being registered under a new Act. So, we have voters being registered under two different Acts, probably with different provisions.

The one provision I am thinking of here, which is very important, is the provision in the current Act that voters can be registered with sworn statements. A voter without a valid ID card can be registered with a sworn statement. Hopefully in the new Act this provision will not be here anymore, because after 23 years of Independence I cannot imagine that there are any Namibian voters who do not possess a legal Namibian ID card. The only reason why the ECN would still allow registration of voters with a sworn statement, the only reason I can think of, is to draw up a Voters’ Roll that is not real, that is aimed at rigging elections. I cannot imagine that this will take place. I can honestly not foresee that the registration of voters with a sworn statement can still take place because, as I said, the only reason would be to rig elections.

Therefore, this provision will most likely not be in the new Act and you cannot have a certain parts of the voters....(intervention).

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order. Honourable Speaker, we came here

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for a serious matter and the Honourable Member should not speak about things he does not know.

HON LUCKS: In other words, it puts this country in a dilemma if we have a certain number of voters registered under an old Act and others registered under a new Act. I do not think we can allow this situation to happen. It is unthinkable to register voters under two different Acts, it is recipe for disaster and we should think carefully about this. I do not know when the new *Electoral Act* will be tabled in this House, but even if the Voters' Roll expires now and we pass the new Act within the new two months, that means we have two or three months without a valid Voters' Roll. The only thing that can happen is that a by-election has to take place in these two or three months. If that happens, this by-election can be postponed.

I urge Members to wait until the new Act is tabled to do this properly once and for all so that we do not have such situation again in the future.

HON KAZENAMBO: On a Point of Order. Honourable Member, it is an *Amendment Bill*, it is not the introduction of a new Bill. Can you help your ignorance and stop torturing us?

HON SPEAKER: Let us speak to what is contained in the Bill that the Minister introduced and not bring in extraneous matters which are unrelated to it. That is why we are here. Honourable Ulenga.

HON ULENGA: Thank you, Honourable Speaker and Honourable Comrades (interjections). I am addressing those who are this side if the other side does not want to be called Comrades. I want to keep to the

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contents of this one page document, but first of all, let me congratulate the Minister for tabling this Amendment just in time for the deadline.

When I look at the document, it clearly says it is an *Amendment Bill*, but it does not seem to say this right at the beginning, it seems to be a different Bill, but perhaps that is not a big issue. I thought it should be presented as an *Amendment Act*.

Honourable Speaker, a few people in this House today actually stole words from my mouth, because I wanted to make sure that the Minister guarantees to this House that there shall be a presentation to this House of a new *Electoral Act* not too far from today, which will make sure that all the loopholes that existed in the past and which have allowed some people in this country to try to steal elections will be closed. Those people may not necessarily be on the side that I am facing.

Honourable Speaker, I wanted to have the guarantee from the Minister that we shall be dealing with a new *Electoral Act*. For example, the mobile election centres, this is a piece of legislation we do not need in this country, but if the Minister says that we shall have a new *Electoral Bill* in this House, then I will wait until that time so that I can introduce the necessary Amendments. I thank you, Honourable Speaker.

HON SPEAKER: I thank Honourable Ulenga. Honourable Maamberua.

HON MAAMBERUA: Thank you, Honourable Speaker. I rise to support this *Amendment Bill*, however I have one question to the Minister.

Taking into account that the Ministry and probably also the Electoral Commission were aware of the time that the Voters' Roll was going to expire, my question is: In order to embark on the new Voters' Roll exercise, was enough financial provision made to that end and if so, how

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much is that? Thank you.

HON SPEAKER: Thank you. Honourable Bezuidenhoudt.

HON BEZUIDENHOUDT: Honourable Speaker, thank you for the opportunity to speak on this very short and technical Amendment.

Basically my question to the Minister would be to advise me whether it would not be appropriate to have dates excluded from any Act so that it can be taken up in the regulations. That is just for my own education, so that we do not have to rush into these things in future. If the Act refers to a regulation, the Minister would then be empowered through the Act to change any date by regulation. If it is not possible under electoral legislation, that is fine, but I only wanted to be educated on that one.

On the 17th of July this year the Right Honourable Prime Minister spoke seriously to the Electoral Commission and I fully supported his views and expectations. The Minister in his Motivation said exactly the same things, that the stages must be transparent, it must be accepted by all stakeholders. That I would also support and I think the Electoral Commission must listen to some of the discussions in this House so that it appears that they take their job seriously.

On the matter of the Voters' Roll, hopefully in future the Voters' Roll can be verified and compared against our National Population Register under the domain of the Minister of Home Affairs and Immigration, which is an electronic version that can be verified.

With these few remarks, I fully support the Amendment as it stands. Thank you very much.

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HON RIRUAKO / HON MOONGO**

HON SPEAKER: Thank you. Honourable Riruako.

HON RIRUAKO: I thank you, Honourable Speaker. I hope this time we are going to be honest and fair to ourselves and to our children. It is a part of history that is going to be revealed after our term, not now but when you are not here. Some people who were on the list were being used by those who are alive in a criminal way of doing things. You are aware of that and in your last days you are going to report to Heaven on that side. I am saying this in an honest way. I am not going to say before this august House, a highly respected House, where the people have been sworn in, in front the people who are living there, not here.

I may say, Honourable Speaker, we must be honest to ourselves and our children. If you do not want to be that way, it is up to you, but the time shall come when you are going to regret it and I am saying this with a reason behind it. It happened several times, but it must be avoided and not repeated again. I thank you.

HON SPEAKER: Thank you. Honourable Moongo.

HON MOONGO: Thank you, Honourable Speaker. First of all, I would like to thank the Minister and his staff for the tabling of this straightforward *Amendment Bill* and that they realised that the old Electoral Law is complicated. I appeal to the Minister of Home Affairs and Immigration to cooperate with the Electoral Commission and present a list of people who passed on, so that their names do not again appear on the Voters' Roll. This is why elections in Africa are not seen as free and fair, because the Voters' Roll is the cause of the trouble. I support the *Amendment Bill*.

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**ELECTORAL AMENDMENT BILL
HON IIVULA-ITHANA**

HON SPEAKER: Thank you. Honourable Ithana.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:

Thank you, Honourable Speaker. I thank the Honourable Minister of Regional and Local Government, Housing and Rural Development for tabling this Bill and allow me also to thank the members of the Delimitation Commission who have just completed their work. Congratulations to those Regions which were split into two from one Region or those which have acquired new names, such as the Zambezi Region. Congratulations.

HON RIRUAKO: The Delimitation Commission did not do the demarcation in a fair and honest manner. It was to add some more voters to certain Regions in order to favour somebody else. That is what happened.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:

Yes, Comrade Speaker, the Electoral Law requires that after every ten years a Delimitation Commission must be appointed to delimit the Regions and Constituencies in order to put in Motion the registration of voters for the forthcoming elections. For those who are articulating wrong perceptions here, that there is going to be an old registration of voters, there will be nothing of that sort. We are going to start from scratch. Those who have died will not appear on that roll, believe you me. Nobody will take them from wherever they are buried to the registration centres to come and register, so please do not worry.

That, however, is not the work of the Minister, it is the work of the Electoral Commission who will be telling us when the registration of voters will start. The *Amendment Bill* here only tells us that not later than the 30th of June that process of voters registration will start, but thereafter,

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no more.

Comrade Speaker, having said that, I just want to mention something which is linked to the process of registration of voters we will be starting and that is what the SWAPO Party experienced during the last elections. Our election results are always issued shortly before the Christmas holiday and we know that during Christmas holidays no Namibian is here in Windhoek, except those with ill-intent. We all go to our villages, we go to the coast or even abroad, but since the results would have just been issued, there will be those who want to challenge the results and I think if we as a Christian community want to honour the Christmas holiday, want to go and enjoy our Christmas holiday in peace, let us find a way of not issuing the election results so close to the Christmas holidays. (Intervention)

HON ULENGA: Honourable Speaker, I stand up on a Point of Order because I have an urgent question that I need to put to the Minister. She just said something that may lead to a complete misunderstanding as far as some of us are concerned. The Minister says that nobody stays here except for those with ill-intent. Is the Minister talking about the 1% who can afford to drive their expensive machines to the coast and elsewhere or is the Minister talking about the general Namibian population, where I am included, who stays home because they have nowhere else to go and no money to do so?

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: Comrade Speaker, the issue being raised by other Honourable Members of the linkages to be created between the Ministry of Home Affairs and Immigration and other institutions is very valid because we are the custodians of all the population data, those being born, those who are dying, those who are turning 18 years of age, those who are going on pension and that is why during the Budget Debate I mentioned the fact that the Budget of the Ministry of Home Affairs and Immigration is not being considered in a more sensitive manner to cater for all these issues.

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Currently we are not linked to any of the institutions, but for this particular exercise, the Voters' Roll, I think there is a need that the Ministry of Local Government and Housing and ourselves get into contact to see how we can create these linkages, but this will require funds.

Having said so, Comrade Speaker, I fully and wholeheartedly support the Bill.

HON SPEAKER: Thank you. Honourable Kawana.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY GENERAL: Thank you very much, Honourable Speaker. It was really not my intention to prolong the discussion, but I rise now to clarify a few misconceptions by some Members on the other side of the isle.

Let me first wholeheartedly congratulate my senior brother, Comrade and friend, General Ho Chi-Min for tabling this important piece of legislation and his very clear and eloquent statement. Indeed, maybe some Members of the Opposition are just politicking after having heard the very clear statement by the Honourable Member.

Let me address the issue of the voters register and I am speaking from experience as a result of the electoral challenge of the 2009 elections. The first step of the voters register is called provisional voters register and after the publication of the provisional voters register, all registered voters and registered Political Parties have a right to scrutinise the provisional voters register and come up with objections before a judicial officer within the given specified period. At the expiry of that period stipulated by the Law the final voters register is published. Everybody was given that opportunity, including Political Parties, thus I do not understand what is the problem regarding the voters register. Therefore, it is totally unacceptable for Members of the Opposition, particularly a member from RDP, who said that the purpose of registering voters by sworn statement is

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to rig elections. That is most unfortunate, because those who are administering the elections by Law are not in this House to defend themselves.

HON MOONGO: Honourable Speaker, was the Attorney-General correct when he advised the President to rename Caprivi to Zambezi, which is not a Namibian name?

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY GENERAL: Honourable Speaker, in terms of Section 5 of the *Regional Councils Act* that mandate is given to the Delimitation Commission to do so after consultations with the stakeholders. The Honourable Member seems not to have read that provision and if he did so, he did not understand it.

Honourable Speaker, what is really the purpose of the voters registration? The Political Parties, especially the Opposition Parties, are advised that the Law gives them every right to scrutinise the provisional voters register before the closing date and should they have an objection to any name appearing on the provisional voters register, to raise that before a judicial officer, which is a Magistrate. If the Magistrate is satisfied that you are indeed right, that name will be removed from the provisional voters register before the final register is published. However, my experience with some of the Opposition Political Parties is that they object to the register after the closing date.

HON RIRUAKO: On a Point of Order. We did scrutinise and found several names. Our late Speaker was on the list and you did not find that out yourselves. We mentioned it to you and what did you do? Nothing! He did not vote but his name appears there. You have written those names from the graveyard.

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HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY GENERAL: Honourable Speaker, that is precisely my point. After scrutinising the provisional voters register, you draw the attention of the Magistrate to those names which do not qualify and then those names will be removed. That is the purpose of the Law. However, the problem with some of the Opposition Political Parties is that they wait until after the deadline, but then it is not the fault of the Electoral Commission, it is your own fault because we amended the Law to give you an opportunity. Previously the Law stipulated that only registered voters may object, but we amended it to include also Political Parties. (Intervention).

HON NYAMU: Honourable Speaker, on a Point of Order. I want to remind the Attorney-General, in case he has forgotten, of what transpired a couple of months ago in his own Party, where he was quoted that the winner of the election used money and, therefore, the elections should have been declared invalid. If your Party rigs internal elections, what about rigging national elections?

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Speaker, if the Secretary-General of RDP wants to return to SWAPO, he can just apply to do so, otherwise he must leave SWAPO alone. We have democracy in SWAPO and that is why today we even say 50/50, because we are committed to democracy. We lead by example. We elect our national leaders through secret ballot.

HON SPEAKER: I remember the words of Honourable Bezuidenhout, that it is a well-written text before you, Honourable Members, and straightforward. Let us stick to it. We will come back on the 10th of September for the usual Business, but let us look at the technical issues which have not been properly spelled out and put questions to the Minister

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or somebody else to clarify that.

HON ULENGA: Honourable Speaker, on a serious Point of Order and on the point that the Honourable Attorney-General is raising now, that of following the exemplary SWAPO conduct. Can the Attorney-General tell this House exactly by whom the infamous Nyamu notes were discovered?

HON SPEAKER: Out of Order! Honourable Kawana, continue.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Speaker, as a Member of this House I am going to comply with your directives, I am going to stick to the subject matter on the Floor.

Comrade Speaker, regarding the removal of dates it is indeed correct that some of those aspects are relegated to the regulations, but because of the constitutional nature of the subject matter and especially the fact that in issues of national importance, such as elections, there is this restraint that not too much power must be concentrated in an individual, let that power reside in the Lawmakers, the Legislature, so much so that if you give too much leeway for regulations, it means one individual, who is the Minister administering that Law, will be able to legislate alone. That is the purpose why some of these issues of national importance are only to be determined by Parliament and I wanted to clear that point.

Regarding the actual dates, the *Electoral Act* of 1992, which we are amending now for the tenth time, is very clear. It says we are extending the period which is expiring this month to 30th June 2014 next year, but the period for the third National Voters Register will be determined by the President by proclamation and that is still outstanding.

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**ELECTORAL AMENDMENT BILL
HON SHIXWAMENI**

Comrade Speaker, I just wanted to clarify some of these issues as I am one of the people who are very much conversant with the *Electoral Act* of 1992. I wholeheartedly support the *Amendment Bill*.

HON SPEAKER: Thank you. Honourable Shixwameni.

HON SHIXWAMENI: Thank you, Honourable Speaker. The Bill is straightforward and we were not supposed to have taken two hours, but since many people have spoken, including those from Zambezi whom I would like to congratulate with their re-christening, there are two things that I want to raise.

I would like to congratulate the President for the good job that he has done, not only for Kavango East and West, but for creating new Constituencies that would make Government service delivery to our people and making Constituencies much smaller and more controllable in terms of administration. For that I congratulate the President.

It is good that the Minister brought this Bill to this House, but I would like to reprimand on the Floor of this House the Attorney-General and the Minister of Regional and Local Government, Housing and Rural Development for this late Amendment. You were sleeping on duty because you knew that this prescription in the Law was going to happen before the end of this month, yet you allowed yourselves and your officials to sleep on duty and have the President call a Special Session for an Amendment consisting of one page. This should not have happened as it is money wasted and I will call upon on the President that anyone who sleeps on duty must be fired immediately. That includes my brother from Zambezi as a Special Legal Advisor to Government for overlooking this Amendment. (Intervention)

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HON RIRUAKO: Can I ask you a question? I would like to know, Honourable Shixwameni, how come that someone can hold two positions in Parliament?

HON SHIXWAMENI: Honourable Speaker, I am not going to answer the question, but it all boils down to my brother from Zambezi. However, that can be corrected by the appointing authority, himself.

As regards Page 4 of the Minister's Statement, I am sure we are going to talk more about it when the substantive Bill comes, but Namibia is a big country with a small population, let us make sure that voting takes place in one day and counting is completed within 24 hours after voting. Also do away with these mobile stations where people steal the votes.

Otherwise, Honourable Speaker, I think the Bill is straightforward. We should not include dates in Bills, that is very dangerous and the Attorney-General must look at this very closely, that dates are not built into Bills but rather into the regulations. I support the Bill.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY GENERAL: Honourable Speaker, my apologies, my intention was to speak last before the Minister's response, because some of these are legal constitutional issues. I want to clarify why the Special Session was called and the President of the All Peoples Party is totally mistaken.

Honourable Speaker, you may recall that November last year this House, in terms of Article 104 of the Constitution, approved the appointment of the Delimitation Commission by the President. The President appointed the Delimitation Commission in January this year and the Delimitation Commission presented this Report to the President in July this year. The President now had to study the Report before accepting some of the recommendations of the Commission, so much so that the registration of voters will be in accordance with the new Constituencies. That is the only

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reason why we are here in an emergency situation. It was not possible for us to amend the legislation before the President had time to consider the Report of the Delimitation Commission and this is also clearly stated in the Statement of the Honourable Minister. Therefore, the Honourable Member is totally out of order.

HON SPEAKER: Honourable Nambahu.

HON DEPUTY MINISTER OF JUSTICE: I thank you, Honourable Speaker. I also want to congratulate the Minister for having tabled this *Amendment Bill* and make reference to the intervention by Comrade Ithana and Comrade Kawana by saying that if we were to deliberate on this Amendment before the Delimitation Commission's Report was out, the same voices criticising us today would have criticised us for jumping the gun. We know by now that they specialise in this.

HON MEMBER: That is a lame duck excuse.

HON DEPUTY MINISTER OF JUSTICE: That may be so, but we did not know what the recommendations of the Commission were going to be and that is what we want the public out there to take note of.

The two Colleagues mentioned two points, one of them being the linkage to the department where deaths are registered. The Opposition Parties should acquaint themselves with where this is done, so that they are also in a position to update their membership list and not count on people who have departed to win at the polls while these people are no more. The Minister should also include in his education to these effects the meaning of the word "*scrutiny*". Scrutiny does not mean to stall, scrutiny does not mean to

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HON NAMOLOH**

shelve the voters register and then to scrutinise it at the eleventh hour. Start scrutinising systematically, find out that you do not have the voters, you do not have the support and even withdraw from the election because you do not stand a chance to win. I think that should be taught to the opposition so that they update their membership registers timely and systematically, so that they do not waste money while standing no chance of winning. I support the Bill.

HON SPEAKER: Thank you. Does the Honourable Minister wish to reply?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Honourable Speaker. I would like to thank the Honourable Members who have contributed and also those who made some observations. I will be brief as much has been explained by the Attorney-General and the Minister of Home Affairs and Immigration.

Honourable Kaura said that the Voters' Roll should be made available in time. I think this will be done as per the provisions of the Law.

Comrade Mushelenga said that we need to link our systems and I agree that this should be done so people who have died are taken off the list.

As for sworn statements, this is done in exceptional circumstances, for instance if somebody's house burned down and with it the documents of five or ten people. Should we deny them their right to go and register?

Honourable Kazenambo also explained that this is an Amendment of a Bill and not the introduction of a new Bill.

Comrade Ulenga, we will be coming up with a consolidated *Electoral Act* as we are already working on that.

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HON NAMOLOH**

Honourable Maamberua asked whether we have made provision, etcetera, and I know you are a financial person, but I do not think we will be so naïve to embark upon this process without budgeting for it. We budgeted about N\$54 million for this process, it is available. We will have a staff complement of about 4,000 to do the registration.

As for the dates, I think the Honourable Attorney-General has already explained why we have dates and so forth.

Chief Riruako, I also mentioned in my speech that the elections should be free and fair and also credible. I know some of us want to prolong the discussions because we were longing for this House, but we will be back here within two weeks.

You will be given the Voters' Roll to scrutinise it and say this one is not eligible, etcetera. Also the Home Affairs Minister mentioned that we need to cooperate so that our systems talk to each other.

We will work on improving the announcement of the results. Whether we can conduct the elections in one day, it can be done and the results can also be announced within a few hours or so. (Interjections). I am not speaking on behalf of Zimbabwe, I am speaking on behalf of Namibia.

Honourable Shixwameni said that we were sleeping on duty and I think the Attorney-General has responded to that. You cannot predict how much time will be needed if you do not know how many Constituencies will be there. We were saying maybe it will be in February, but then there were so many Constituencies and we felt the time will not be enough, taking into account the festive season in December. All these were taken into consideration. Do not underestimate us, we know what we are doing.

With these few words, Honourable Speaker, I hope I have answered all the questions. Thank you very much.

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**COMMITTEE STAGE: ELECTORAL
AMENDMENT BILL
HON NAMOLOH**

HON SPEAKER: I thank the Minister for his reply and 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 a Second Time.

SECRETARY: *Electoral Amendment Bill* [B.8 – 2013].

HON SPEAKER: Does the Honourable Minister Move that this Assembly now goes into Committee?

**ELECTORAL AMENDMENT BILL:
COMMITTEE STAGE**

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

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

ASSEMBLY IN COMMITTEE

**HON ASSISTANT DEPUTY CHAIRPERSON OF THE WHOLE
HOUSE COMMITTEE:** The Committee has to consider the *Electoral Amendment Bill* [B.8 – 2013].

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**COMMITTEE STAGE: ELECTORAL
AMENDMENT BILL
HON LUCKS/ HON DR KAWANA**

Clause 1 put. Any discussions? Honourable Lucks.

HON LUCKS: Clause 1(b) reads: “*Notwithstanding Subsection (1), the third general registration of voters shall take place during a period not later than 30 June 2014.*” I believe this is stated wrongly, a period relates to a beginning date and an end date. You cannot say a period and then refer to one single date. Maybe this should be amended just to say a period ending 30 June 2014.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Deputy Chairperson, the Rules provide that those technical aspects can be ironed out. That is an expression which can either be as it is or as the Honourable Member suggested.

HON CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:
Any Objection? Agreed to.

Clause 2 and the Title put and agreed to.

I shall report the Bill without Amendments.

ASSEMBLY RESUMED

Bill reported without Amendments.

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**THIRD READING: ELECTORAL
AMENDMENT BILL
HON NAMOLOH**

**THIRD READING: ELECTORAL
AMENDMENT BILL [B.8 – 2013]**

HON SPEAKER: Does the Honourable Member Move that the Bill be now read a Third Time?

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

HON SPEAKER: Any Objection? Who seconds? Agreed to. Any further discussion?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Honourable Speaker. I would like to thank the Honourable Members for having scrutinised this Bill and also for having contributed effectively to this Bill. Of course, I am sad because they did not heed the orders of the general, they took too long, but I thank you.

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

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ADJOURNMENT

SECRETARY: *Electoral Amendment Bill* [B.8 – 2013].

HON SPEAKER: I thank each one of you, Honourable Members. We are not done yet, this is one Chamber of Parliament, the other Chamber is anxious to get the outcome of our deliberations, which means that after they have considered it the way we have done here, we shall come back. For now we have done our part, but we are not done yet. For that consideration the House stands adjourned until tomorrow afternoon, 14:30, unless if in the next couple of hours, I get the response from the Chairman of the National Council and you are able to hang around, maybe we could be able to dispose of it. But I am duty-bound to transmit the outcome of deliberations to the National Council.

HOUSE ADJOURNS AT 16:38 UNTIL 2013.08.17 AT 14:30
