

LIST OF MEMBERS OF THE NATIONAL ASSEMBLY

SPEAKER

Dr M Tjitendero (Mr)

DEPUTY SPEAKER AND CHAIRMAN OF THE COMMITTEES

Rev W Konjore

THE CABINET

MINISTERS

(21 March 2000 – Elected in terms of Article 133 of the Constitution)

Mr T-B Gurirab (Mr)	<i>(Prime Minister)</i>
Rev H Witbooi	<i>(Deputy Prime Minister)</i>
Mr H Angula	<i>(Agriculture, Water & Rural Development)</i>
Mr J Mutorwa	<i>(Basic Education Sport & Culture)</i>
Mr E Nghimtina	<i>(Defence)</i>
Mr P Malima	<i>(Environment and Tourism)</i>
Ms S Kuugongelwa-Amadhila	<i>(Finance)</i>
Dr A Iyambo	<i>(Fisheries and Marine Resources)</i>
Mr M Hausiku	<i>(Foreign Affairs)</i>
Dr L Amathila (Ms)	<i>(Health and Social Services)</i>
Mr N Angula	<i>(Higher Education, Training & Employment Creation)</i>
Mr J Ekandjo	<i>(Home Affairs)</i>
Mr N Mbumba	<i>(Information & Broadcasting)</i>
Dr A Kawana (Mr)	<i>(Justice)</i>
Ms M Mungunda	<i>(Labour)</i>
Mr H Pohamba	<i>(Lands, Resettlement & Rehabilitation)</i>
Mr A Toivo Ya Toivo	<i>(Prisons & Correctional Services)</i>
Mr J Kaapanda	<i>(Regional and Local Government & Housing)</i>
Mr Dr N Iyambo	<i>(Mines and Energy)</i>
Mr J Nyamu	<i>(Trade and Industry)</i>

Mr M Amweelo (Mr)	<i>(Works, Transport & Communications)</i>
Ms N Nandi-Ndaitwa	<i>(Women's Affairs & Child Welfare)</i>
Ms P Iivula-Ithana	<i>(Attorney-General)</i>
Dr E N Tjiriange	<i>(Minister Without Portfolio)</i>
Mr I Ngatjizeko	<i>(Director-General of the National Planning Commission)</i>
Mr A P Tseehama	<i>(Director-General of Namibia Central Intelligence Service)</i>

DEPUTY MINISTERS

(21 March 2000 – Elected in terms of Article 133 of the Constitution)

Mr P Smit	<i>(Agriculture, Water & Rural Development)</i>
Mr B Wentworth	<i>(Basic Education Sport & Culture)</i>
Mr V Simunja	<i>(Defence)</i>
Mr P Iilonga	<i>(Environment & Tourism)</i>
Ms C Bohitile	<i>(Finance)</i>
Ms L Lucas	<i>(Foreign Affairs)</i>
Mr R Kamwi (Mr)	<i>(Health and Social Services)</i>
Mr H Hishongwa	<i>(Higher Education, Training & Employment Creation)</i>
Ms L Kasingo	<i>(Home Affairs)</i>
Mr G Shihepo	<i>(Information & Broadcasting)</i>
Mr A G !naruseb	<i>(Justice)</i>
Ms R Nghindinwa	<i>(Labour)</i>
Mr I Katali	<i>(Lands, Resettlement & Rehabilitation)</i>
Mr J Nambinga	<i>(Prisons & Correctional Services)</i>
Prof G Tötemeyer	<i>(Regional and Local Government & Housing)</i>
Mr H Ya Kasita	<i>(Mines and Energy)</i>
Mr B Esau	<i>(Trade and Industry)</i>
Mr A Kapere	<i>(Works, Transport & Communications)</i>
Ms A Muharukua	<i>(Women's Affairs & Child Welfare)</i>

SECRETARY
Mr M K Ndjarakana

DEPUTY SECRETARY
Mr F S Harker

LIST OF MEMBERS AND PARTIES WHICH THEY REPRESENT

SWAPO OF NAMIBIA

Dr M Tjitendero	<i>(Speaker)</i>
Rev W Konjore	<i>(Deputy Speaker)</i>
Mr B Amathila	<i>(Chief Whip)</i>
Mr D Boois	
Mr H G Booys	
Mr R Dinyando	
Ms M Jwagamang	
Mr H Hamutenya	
Mr E Kaiyamo	
Ms E Kamanya	
Ms L Katjita	
Dr K Mbuende (Mr)	
Ms T Mushelenga	
Ms G Ndjoze	
Ms D Sioka	<i>(First Deputy Whip)</i>
Mr R /Ui/o/oo	
Mr P Ya France	<i>(Assistant Whip)</i>
Mr A Toivo Ya Toivo	<i>(Minister)</i>
Mr J Nyamu	<i>(Minister)</i>
Mr H Angula	<i>(Minister)</i>
Ms M Mungunda	<i>(Minister)</i>
Mr H Pohamba	<i>(Minister)</i>
Mr M Amweelo	<i>(Minister)</i>
Mr N Angula	<i>(Minister)</i>
Mr J Ekandjo	<i>(Minister)</i>
Mr B Esau	<i>(Deputy Minister)</i>
Mr T-B Gurirab	<i>(Prime Minister)</i>
Mr H Witbooi	<i>(Deputy Prime Minister)</i>
Ms C Bohitile	<i>(Deputy Minister)</i>
Mr M Hausiku	<i>(Minister)</i>

Mr P Ilonga	<i>(Deputy Minister)</i>
Ms P Iivula-Ithana	<i>(Attorney-General)</i>
Dr A Iyambo (Mr)	<i>(Minister)</i>
Dr N Iyambo (Mr)	<i>(Minister)</i>
Mr J Kaapanda	<i>(Minister)</i>
Mr V Simunja	<i>(Deputy Minister)</i>
Mr P Smit	<i>(Deputy Minister)</i>
Mr H Hishongwa	<i>(Deputy Minister)</i>
Mr G Shihepo	<i>(Deputy Minister)</i>
Dr R Kamwi (Mr)	<i>(Deputy Minister)</i>
Ms L Kasingo	<i>(Deputy Minister)</i>
Mr I Katali	<i>(Deputy Minister)</i>
Dr A Kawana (Mr)	<i>(Minister)</i>
Ms S Kuugongelwa – Amadhila	<i>(Minister)</i>
Ms L Lucas	<i>(Deputy Minister)</i>
Mr N Mbumba	<i>(Minister)</i>
Ms A Muharukua	<i>(Deputy Minister)</i>
Mr J Mutorwa	<i>(Minister)</i>
Mr J Nambinga	<i>(Deputy Minister)</i>
Mr A G !Naruseb	<i>(Deputy Minister)</i>
Mr I Ngatjizeko	<i>(Director-General)</i>
Dr L Amathila	<i>(Minister)</i>
Prof G Tötemeyer	<i>(Deputy Minister)</i>
Mr A Kapere	<i>(Deputy Minister) (National Council Member)</i>
Mr H Ya Kasita	<i>(Deputy Minister) (National Council Member)</i>
Ms N Nandi-Ndaitwah	<i>(Minister)</i>
Dr E N Tjiriane (Mr)	<i>(Minister without Portfolio)</i>
Ms R Nghidinwa	<i>(Deputy Minister)</i>
Mr E Nghimtina	<i>(Minister)</i>
Mr P Malima	<i>(Minister)</i>
Mr A P Tsheehama	<i>(Director-General)</i>

DTA/UDF COALITION

Mr K Kaura	<i>(Leader of the Opposition)</i>
Mr J Garoëb	
Mr J De Waal	
Mr P Moongo	

Mr J Gaseb
Mr A Gende
Ms G Tjombe
Mr M Venaani
Mr B Rattay B

CONGRESS OF DEMOCRATS (COD)

Mr B Ulenga
Mr T Gurirab
Mr I Shixwameni
Ms R Namises
Mr L Chata *(Deputy Chief Whip)*
Dr E Amukugo (Ms)
Ms N Schimming-Chase *(Chief Whip)*

MAG

Mr J W F Pretorius *(Chief Whip)*

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBER
17 AUGUST 2004
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

HON DEPUTY SPEAKER: This afternoon session is called to order. I would like to welcome all Honourable Members back again after this very much welcome break, and hope that all the Members are now again in full swing and strong for the business and the work ahead. Having said this, Honourable Members, I do have two brief announcements to make before we commence with the business of the House.

**ANNOUNCEMENT:
BUSINESS OF ASSEMBLY**

HON DEPUTY SPEAKER: Today, Tuesday, 17th August 2004, marks the commencement of the Tenth Session of the Third Parliament of the Republic of Namibia. This session will go in recess on the 15th of October as per our Parliamentary Calendar in order to allow sufficient time for election activities and will resume in February 2005. No Bills will be tabled after the 15th of September this year in order to be able to dispose of all business timeously. A detailed calendar for the year 2005 will be distributed later during this session. That is the end of the first announcement.

BILLS CONFIRMED BY NATIONAL COUNCIL

HON DEPUTY SPEAKER: The second announcement, Honourable

17 August 2004

**TABLING OF REPORTS
HON AMWEELO**

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

1. Value-Added Tax Amendment Bill (B.17-2003);
2. Namibia Press Agency Amendment Bill (B.15-2004).

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

I have further been informed by the Chairman of the National Council that the Council, in terms of Article 75(2) of the Constitution, conceded and confirmed the following Bill with Amendments:

Labour Bill (B.1-2004)

This Bill will be placed on the Order Paper for reconsideration by this Assembly as soon as possible. End of the second announcement.

HON DEPUTY SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers. Honourable Minister of Transport, Comrade Amweelo.

**TABLING: ANNUAL REPORT 2002-2003:
ROADS CONTRACTOR COMPANY**

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION: Thank you, Comrade Deputy Speaker. I lay upon the Table, Annual Report 2002-2003 by the Roads Contractor Company.

17 August 2004

**TABLING OF REPORTS
RT HON T-B GURIRAB**

**TABLING: ANNUAL REPORT 2002-2003:
NAMIBIA POST AND TELECOM HOLDING LTD**

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION: Comrade Deputy Speaker, I lay upon the Table, Annual Report 2002-2003 from Namibia Post and Telecom Holding Ltd.

HON DEPUTY SPEAKER: Will the Honourable Minister please table the Report? Any further Reports and Papers? I recognise the Right Honourable Prime Minister.

**TABLING: ANNUAL REPORT 2003-2004:
PUBLIC SERVICE COMMISSION**

RT HON PRIME MINISTER: I lay upon the Table the Annual Report of the Public Service Commission for the Financial Year 1 April 2003 to 31 March 2004.

HON DEPUTY SPEAKER: Will the Right Honourable Prime Minister please table the Report? Any further Reports and Papers? Any Notice of Questions? I recognise Honourable Moongo.

NOTICE OF QUESTIONS

17 August 2004

**NOTICE OF QUESTIONS
HON MOONGO / HON ULENGA**

HON MOONGO: Honourable Deputy Speaker, I give Notice that on Thursday, the 26th August 2004, I will ask the Minister of Local Government and Housing:

1. Is it true that the majority local community members were the victims who suffered imbalances? Therefore, the policy of black empowerment and Affirmative Action was directly made for advancement of persons within Namibia who have been socially, economically or educationally disadvantaged by past discriminatory laws.
2. Is the Minister of Local Government and Housing aware that thousands of street vendors demonstrated against an unfair order of the Municipality of Oshakati to vacate the premises along the roads and open market of Oshakati and Ondangwa? Can the Minister agree or deny that there are no toilets, water, shade or cooking facilities at the new place where the small businesses are forced to go and that this is a health hazard?
3. Is it not wise to first create a new site and every section or location with all facilities, such as water, toilets, small shops, cooking facilities as well as a well-planned open market which will give incentives to the small businesses, rather than pushing them around?

HON DEPUTY SPEAKER: Will the Honourable Member please table the Question? Honourable Ulenga.

HON ULENGA: Thank you, Honourable Deputy Speaker. I give Notice that on Thursday, 2nd September 2004, I shall ask the Minister of Regional and Local Government and Housing, Honourable Joël Kaapanda, the following question:

17 August 2004

**NOTICE OF QUESTIONS
HON ULENGA**

What was the purpose and intention for recognising a second Mafwe Traditional Authority at Majune in the Caprivi Region while the Mafwe Traditional Authority already exists as Chinchimane in the same area?

HON ULENGA: Honourable Deputy Speaker, I would further like to give Notice that on Thursday, 2nd September 2004, I shall ask the Minister of Regional and Local Government and Housing, Honourable Joël Kaapanda, the following question:

1. Why is the Omatala Market in Oshakati being moved without a new location having been properly prepared?
2. What does the Oshakati Municipality or Town Council intend doing with the location of the old market?
3. Why does the SWAPO Government tend to favour outside businesses above the local small businesses in Oshakati?

HON ULENGA: I give Notice that on Thursday, 2nd of September 2004, I shall ask the Minister of Foreign Affairs, Honourable Marco Hausiku, the following questions:

1. Now that the German Government has accepted responsibility for atrocities committed on Namibian soil by Imperial Germany against the Herero, Mbanderu and Nama people of Namibia, when does the Government intend raising with the German Government the important issue of compensation for the atrocities committed, including the genocide perpetrated against the said communities?
2. Why does the Government prefer to play second fiddle to the traditional chiefs and be upstaged with regard to taking forward Namibia's claims in this matter?

17 August 2004

**NOTICE OF QUESTIONS
HON T GURIRAB**

HON DEPUTY SPEAKER: Will the Honourable Member please table the Questions? Honourable Tsudao Gurirab.

HON T GURIRAB: Honourable Deputy Speaker, I give Notice that on Wednesday, 25th August 2004, I shall ask the Minister of Higher Education, Employment Creation, Science and Technology:

1. Whether he still considers holding a job summit as an important national effort?
2. If one above is positive, when and how often does he consider convening such a summit as he has intimated in the past?
3. Who will be invited to such a summit?
4. What will be discussed at such summits and how will the outcome of such summits influence the Government's policy?

HON T GURIRAB: I give Notice that on Wednesday, 25th August 2004, I shall ask the Minister of Regional and Local Government and Housing the following questions:

1. Whether the Ministry has any plan, immediate or long-term, to address the seeming collapse of Local Authorities as recently experienced in, for example, Usakos, Karibib, Katima Mulilo and Okakarara?
2. Whether a situation, as was the case in Okakarara recently, where the town has no water supply for more than a week, is acceptable to his Ministry or to the Government indeed?
3. Why the Minister has not intervened in terms of specific powers vested in him as set out under Section 54(a) of the Local

17 August 2004

**NOTICE OF QUESTIONS
HON NAMISES**

Authorities Amendment Act (Act 24 of 2000)?

4. Why the Minister has not provided any assistance, financial or otherwise, as enjoined under Section 3 of the Trust Fund for Regional Development and Equity Provisions Act (Act 22 of 2000) in order to assist the distressed Local Authorities?
5. What criteria the Ministry employs to assist some Municipalities, for example Katima Mulilo and Okakarara, immediately and leave Usakos and Karibib to float or sink?

HON DEPUTY SPEAKER: Will the Honourable Member table the Questions? Are there any further Notice of Questions? Honourable Namises.

HON NAMISES: Honourable Deputy Speaker, I give Notice that on Wednesday, 25th August 2004, I shall ask the Minister of Health and Social Services the following questions:

1. What criteria are used to open ARVT Distribution Centres in a given location or area?
2. Whether all stakeholders are consulted before opening an ARVT Distribution Centre?
3. How many centres have been opened since the introduction of the ARVT in December 2003?
4. How many medical officers are there to monitor the process?
5. What efforts has the Minister undertaken to ensure that patients who go on ARVT remain on the programme without any lapses?
6. Generally, how much is the Ministry doing to educate the public

17 August 2004

**NOTICE OF QUESTIONS
HON NAMISES**

about the ARVT and how to access the programme?

7. Why does the Ministry of Health and Social Services specifically name a clinic “STD clinic” and located right outside the Outpatients Department?
8. Whether the Minister is aware that this practice contributes to further stigmatisation of people living with HIV/AIDS?
9. What corrective actions will the Minister take in this regard?

HON NAMISES: I give Notice that on Wednesday, 25th August 2004, I shall as the Minister of Health and Social Services:

1. In the light of the recent power failure in the country, the State Hospital of Katutura suffered to the extent that they had to use candles. Does the Ministry of Health and Social Services not have a backup support supply of power in case of emergency?
2. What happened to the patients in the Acute Care Unit who were on life support systems on this specific day of the power failure and what damages were suffered the patients hospitalised and the Ministry in this regard?

HON DEPUTY SPEAKER: Will the Honourable Member please table the Questions? Any further Notice of Questions? Any Notice of Motions?

NOTICE OF MOTIONS

17 August 2004

**NOTICE OF MOTIONS
HON H ANGULA**

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: I give Notice that tomorrow, 18th August 2004, I shall Move:

That leave be given to introduce a Bill to amend the Meat Corporation of Namibia Act, 2001, so as to further regulate the exercise of voting rights by directors and to provide for matters incidental thereto.

HON DEPUTY SPEAKER: Will the Honourable Minister please table the Motion? Any further Notice of Motions? Any Ministerial Statements? I recognise the Right Honourable Prime Minister.

MINISTERIAL STATEMENT

RT HON PRIME MINISTER: Honourable Deputy Speaker, Honourable Members, dear Colleagues, I join you, Deputy Speaker, and express happiness to see you back in your individual and collective capacities as Members of our august House. We have a very hectic session, as the Deputy Speaker reminded us, ahead of us. I would, therefore, like to entreat the Party Whips to ensure required attendance and scrupulous adherence to the timelines of the work schedule that we have all earlier agreed to.

Deputy Speaker, the past weekend drew to a close one of the critical aspects of the longstanding agonies and painful memories of the German colonial legacy in Namibia's history and human relations.

In commemorating the 1904 genocide committed by the colonial forces of Imperial Germany against the Namibian people, Namibians from all regions of the country in their thousands demonstrated overwhelming unity and firm commitment towards a new beginning at an awesome ceremony which took place last Saturday near Okakarara.

17 August 2004

**MINISTERIAL STATEMENT
RT HON T-B GURIRAB**

In remembering that ugly and unforgettable past, the Namibian people showed the world on that emotionally charged occasion that political differences and personal preferences have their time and place, but that on the other hand, national interest of the country and the collective security of all our people occupy in our hearts and minds a special place of honour and reverence.

Many important speeches were made, history relived, tributes paid to the fallen martyrs and champions of Namibia's freedom. Restoration of our people's legitimate rights and humanity were reaffirmed, unity reiterated and at the same time, the unfinished business of the past was so eloquently unveiled. I have said over the years, *to forgive is human, to forget is out of the question*. Therefore also today and Saturday we must accept, as Honourable Hifikepunye Pohamba said on that consecrated soil of our Motherland at Ohamakari, the apology proffered on behalf of the German Government and people by Honourable Mrs Heide-mari Wiecek-Zeul, Minister of Economic Cooperation and Development of that country.

The choice of our Minister of Lands, Resettlement and Rehabilitation, Honourable Pohamba, as the keynote speaker representing our Government and if I may add, the Ruling Party, was not without deliberate intention. Pledges are good, but verification of any commitment must be to ensure follow-up and implementation. It has taken a full century for German authorities and now finally we have heard the words that we have all along waited to hear that means so much to recognition of human dignity and to the souls of our people.

President Nujoma had earlier, soon after the Minister's arrival in Windhoek, held frank and constructive discussions with the German delegation at the State House, reminding the Minister of the earlier communications that they had sent to the German authorities and particularly the written submission he had made to that Government. The German Minister's apology at long last acknowledges both the guilt and indebtedness, on the one hand, and the affirmation of the fact that untold brutalities and suffering were imposed upon fellow human beings.

Now the German Government has stated for the record for the whole

17 August 2004

**MINISTERIAL STATEMENT
HON T-B GURIRAB**

world to be a witness to these words, amongst others, expressed by the Minister:

“We Germans accept our historical and moral responsibilities and guilt incurred by Germans at that time and so in the word of the Lord’s Prayer that we share, I ask you to forgive our trespasses. Everything I said in my speech was an apology for crimes committed under the German colonial rule.”

It follows that we must keep the book open and start a genuine process of dialogue, of healing and of sharing in constructive and practical ways. By doing this we will add an essential and lasting ingredient to the special relationship that the *Bundestag* proclaim in terms of Namibian-German official interactions. Dialogue presupposes a give-and-take scenario. To begin with, however, all options should be kept open until amicable solutions are found for outstanding issues and memorialised in a written bilateral agreement. The two sides would need henceforth to talk with each other and not pass each other.

Memories are painful and haunting, but let us face it, we are not reinventing the wheel, there are near and present examples that can usefully serve the Namibian-German purpose here as well. All is well so far, but the real dialogue must now commence in earnest. For our part, the Namibians representing the communities of the victims must adopt a common position and speak with one voice. The ball is now in our court and we must make the next move. Courage and perseverance do inevitably pay off and that was the epitome of the 1994 commemoration by Namibians and our invited guests on 14 August 2004 at that honoured place.

In the self-anointed Christian words, that confronted with a united action, the 1904-1908 German genocide in Namibia as a crime against humanity at that time, a firm precedent would have been set for the future holocaust against the Jews and other communities in Europe during World War II might have been prevented. Colonial Namibia’s case would have taught the world a lesson by a negative example, but that did not happen. Racist attitudes and pre-occupation with mineral rights above human rights,

17 August 2004

**MINISTERIAL STATEMENT
HON T-B GURIRAB**

blinded the greedy proponents of western civilisation, to the brutal atrocities that had been wrought upon defenceless Namibian men, women and children. The smokescreen is finally gone and the naked truth has been considered.

Honourable Deputy Speaker, if I may now move on from the manifestly sublime to the routinely mundane, I would like, in my capacity as the Leader of Government Business in the House to extend warm regards and best wishes to the CoD, for holding a successful second Congress of their party and congratulate Honourable Ben Ulenga for his re-election as President of the CoD, as well as the other office-bearers for their respective election or re-election. May you continue to live in interesting times as far as Namibia's future and political prospects of the opposition are concerned.

Deputy Speaker, today is SADC Day. We in Namibia are proud of the role that we have played. It was shortly, nearly two years after our independence that SADCC was transformed into SADC as we know it today and we have continued to play a leading role in transforming that regional body into one that is now poised to serve the best interest of our people in the region. We have provided both resources and intellectual input in the transformation of SADC. We have, among other things, offered one of our best, Kaire Mbuende, as the Executive Secretary and we continue to invest in our regional body, not only serve the institutional and structural transformation, but to serve as an agent for transforming the lives of our people. We have offered to host the SADC Forum in our country and we are also playing a leading role towards its transformation into Regional Parliament of the African Union.

I thank you, Honourable Deputy Speaker, for the chance to express these views. I thank you.

HON DEPUTY SPEAKER: I thank the Right Honourable Prime Minister for his Ministerial Statement. As you know, there is no Debate on it, but if there are burning, pertinent questions for elucidation, then

17 August 2004

**MINISTERIAL STATEMENT
RT HON T-B GURIRAB**

short questions may be allowed by the Presiding Officer. Honourable Venaani.

HON VENAANI: Thank you very much, Honourable Deputy Speaker. I just have two minor questions which is of great concern to me.

In the Prime Minister's opinion, why did His Excellency, the President of our Republic fail for the last 14 years to honour any invitation by the Herero community to attend the annual celebrations that were the platforms of remembering these past crimes that were perpetrated against them?

Secondly, does the Right Honourable Prime Minister agree that the current funding that we are receiving from the German Government does not directly benefit those victims to which the crimes were perpetrated? I thank you.

HON DEPUTY SPEAKER: Right Honourable Prime Minister, I leave it in your hands, but as far as I am concerned, the first question is not to the content of your statement and therefore, I fail to understand the relevance thereof. But let me leave it with the Right Honourable Prime Minister for the time-being.

RT HON PRIME MINISTER: I have tried to stick to a sense of propriety and serenity befitting the topic about which I spoke, leaving out the CoD and SADC part and I would not want, therefore, to allow this exchange to lead to creating the impression that Namibians are divided on the issue that I have addressed.

I spoke deliberately and as it should be about genocide committed against the Namibian people and let us not lose sight of that focus by emphasising

17 August 2004

the numbers. We know our history. President Nujoma will, as he does, have an occasion and will avail himself to interact with the Members of this Honourable House and I will invite Honourable Venaani to keep that question in abeyance and put it to the President on that occasion.

Government has always and will continue to do so, separated the development assistance that Germany renders to Namibia from the consideration of compensation, reparation or whatever else we may want to place before the German Government and I will invite the Honourable Member – and I will provide you with a copy of the speech I just delivered – to carefully read each one of the words that I have used here. I have said that we must adopt a common position and speak with one voice. Let us therefore begin to do that. It is an opportunity, the ball is in our court, we must make the next move and when we make that next move, it must be a move that enjoys the overwhelming national consensus.

HON DEPUTY SPEAKER: I thank the Right Honourable Prime Minister for his reply. It was a Ministerial Statement, no Debate. It is only to elucidate the purpose of the statement by questions relevant to the content that was shared with us this afternoon. Let me once again thank the Right Honourable Prime Minister for his Ministerial Statement and today, being the day it is, before I call on the Right Honourable Prime Minister to move to that part of the business of the House, Honourable Members, allow me on behalf of the Honourable Speaker and myself and, indeed, on behalf of all the Members of this august House to wholeheartedly welcome back Honourable Member Mr Gaseb whom we know could be with us for quite some time because of illness. Honourable Gaseb, welcome back and we are really pleased to see you again in your own seat here and we are looking forward to your usual constructive contributions.

In the same vein, I would also like, on behalf of all the Members of this House, to convey our sincere condolences and best wishes for the loss of your beloved wife. We are with you in feelings and in prayers.

17 August 2004

Having said this, I now call on the Right Honourable Prime Minister to adjourn the House until tomorrow afternoon.

RT HON PRIME MINISTER: I Move the adjournment of the House until tomorrow afternoon, 14:30.

THE HOUSE ADJOURNS AT 15:25 UNTIL 2004.08.18 AT 14:30

**ASSEMBLY CHAMBER
18 AUGUST 2004
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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

TABLING: REPORTS OF THE AUDITOR-GENERAL

RT HON PRIME MINISTER: Honourable Deputy Speaker, I lay upon the Table, Reports of the Auditor General on the Accounts of:

- (a) Karas Regional Council for the Financial Year ended 31 March 1996;
 - (b) Town Council of Ondangwa for the Financial Year ended 30 June 2001;
 - (c) Municipality of Otjiwarongo for the Financial Year ended 30 June 2003;
 - (d) Namibia Agronomic Board for the Financial Year ended 31 March 2003;
 - (e) Town Council of Ongwediva for the Financial Year ended 30 June 2001;
 - (f) Municipality of Lüderitz for the Financial Year ended 30 June 2002.
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18 August 2004

**NOTICE OF QUESTIONS
HON KAURA / HON PRETORIUS**

HON DEPUTY SPEAKER: Will the Right Honourable Prime Minister please table the Reports? Any further Reports and Papers? Any Notice of Questions? Honourable Mr Kaura.

NOTICE OF QUESTIONS

HON KAURA: Thank you, Honourable Deputy Speaker. I give Notice that on Thursday, 26th August 2004, I shall ask the Minister of Regional and Local Government and Housing, Honourable Kaapanda, the following:

Forty-six Herero Traditional Leaders have a court case pending for their non-recognition since 1998 and we understand that some would be handpicked for recognition.

1. Who are those Herero chiefs that are going to be selectively recognised while there is no finality on their court case?
 2. For how long is the SWAPO Government going to treat the Hereros as foreigners in their own country? Are you going to imitate the Von Trotha in your suppression of the Herero people?
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HON DEPUTY SPEAKER: Will the Honourable Member please table the Questions? Honourable Pretorius.

HON PRETORIUS: Mr Speaker, I give Notice that on Thursday, 2nd September 2004 I shall ask the Right Honourable Prime Minister:

1. How many persons are there in Namibia with disabilities that are

18 August 2004

**NOTICE OF QUESTIONS
HON PRETORIUS**

physically constrained and why does the Public Service Commission not report about any progress made in connection with the balanced structuring in employment of disabled persons?

HON PRETORIUS: I give Notice that on Thursday, 2nd September 2004, I shall ask the Right Honourable Prime Minister:

Is it possible to give a detailed explanation of the composition of the 261 political office-bearers and other office-bearers as indicated in the Annual Report of the Public Service Commission for the year 2003-2004?

HON PRETORIUS: I give Notice that on Thursday, 2nd September 2004, I shall ask the Right Honourable Prime Minister:

1. Is the policy of a balanced structure still followed by the Public Service Commission?
 2. Is the policy of a balanced structure defined in any legislation or policy?
 3. Is the implementation of a balanced structure based on race, colour, ethnicity, language or which other norms?
 4. According to which official statistics is the policy of a balanced structure implemented?
-

HON PRETORIUS: I give Notice that on Thursday, 2nd September 2004, I shall ask the Right Honourable Prime Minister:

1. According to which legislation, notices, instructions and directives is the National Youth Service managed and controlled?

18 August 2004

**NOTICE OF QUESTIONS
HON T GURIRAB / HON MOONGO**

2. What has happened with the National Youth Service Agency Bill which was withdrawn during March 2003?

HON DEPUTY SPEAKER: Will the Honourable Member please table the Questions? Honourable Gurirab.

HON T GURIRAB: Honourable Deputy Speaker, I give Notice that on Wednesday, 25th August 2004, I shall ask the Minister of Fisheries and Marine Resources the following:

Given Section 3(3) of the Foreign Investment Act of 1990 (Act 27 of 1990), how many and which foreign Companies have been requested at any stage by the Ministry of Fisheries and Marine Resources to grant shares in their Companies as a condition of being granted fishing rights in Namibia?

HON T GURIRAB: I give Notice that on 25th August 2004, I shall ask the Honourable Minister of Trade and Industry the following:

Given the Government's Small and Medium Enterprise drive in its newfound evangelism about BEE, whether and/or when its going to enforce Section 3(4) of the same Act or in the alternative, is this Section of the Act redundant?

HON DEPUTY SPEAKER: Will the Honourable Member please table the Questions? Honourable Moongo.

HON MOONGO: Mr Deputy Speaker, I give Notice that on Thursday,

18 August 2004

**NOTICE OF QUESTIONS
HON VENAANI**

2nd September 2004, I shall ask the Minister of Health and Social Services:

1. Is the Minister aware that the United Africa Company's machines which are used to pay the pensioners are always out of order while pensioners queue in lines in the scorching sun and others lying in wheelbarrows? When will the Ministry investigate this seriously and recommend corrective measures?
2. Is it true that many pensioners miss their monthly pensions due to dirty thumbs and unclear fingerprint machines at their pay-points and that they starve for months without pensions?
3. Is it true that pensioners that are residing in Oshakati are denied the right to their monthly pensions at the Oshakati Hospital and forced to go to Okatana and Ongwediva instead?
4. When will the Minister consider increasing pensions to N\$500 per month since the cost of living is becoming unbearable?
5. Is the Minister aware that other SADC countries increased their pensions to N\$700 or 800 per month?

HON DEPUTY SPEAKER: Will the Honourable Member please table the Questions? Honourable Venaani.

HON VENAANI: Honourable Deputy Speaker, I give Notice that on Thursday, 2nd of September 2004, I shall ask the Minister of Health and Social Services the following:

1. How many nurses in total are employed by the Ministry of Health and Social Services?

18 August 2004

**NOTICE OF MOTIONS
HON EKANDJO**

2. How many nurses are needed to be employed by the Ministry in all our public health centres, clinics and hospitals in our country?
3. How many nurses have resigned in total during the last two financial years from the employment of the Ministry and what is the cause of these massive resignations?
4. When last did the Ministry of Health review the payment level and benefits of nurses in our country? If not, when would the Minister commission such a review?
5. What is the average cost of the Ministry's spending on overtime on medical employees per month?
6. How much does the Ministry of Health owe to its staff on overtime payments?

HON DEPUTY SPEAKER: Will the Honourable Member please table the Questions? Any further Notice of Questions? Any Notice of Motions? Honourable Minister of Home Affairs.

NOTICE OF MOTIONS

HON MINISTER OF HOME AFFAIRS: Thank you, Comrade Deputy Speaker. I give Notice that tomorrow, 19th August 2004, I shall Move:

That leave be given to introduce a Bill to amend the Motor Vehicle Theft Act (Act 12 of 1990), so as to redefine certain expressions to criminalize the tampering with motor vehicles and motor vehicle parts; to prohibit the issue of clearance certificates in certain circumstances; to

18 August 2004

**NOTICE OF MOTIONS
HON EKANDJO**

prescribe minimum sentences for certain offences relating to motor vehicle and motor vehicle parts; to provide anew for the jurisdiction of Magistrates' Courts and to provide incidental thereto.

HON DEPUTY SPEAKER: Please table the Motion, Honourable Minister.

HON MINISTER OF HOME AFFAIRS: I give Notice that tomorrow, 19th August 2004, I shall Move:

That leave be given to introduce a Bill to amend the Stock Theft Act, 1990, so as to insert a certain definition; to provide for minimum sentences in respect of certain offences; to provide anew for the jurisdiction of Magistrates' Courts; to adjust a provision relating to compensation that may be awarded to persons for loss or damage suffered as a result of certain offences committed; and to provide for matters incidental thereto.

HON DEPUTY SPEAKER: Please table the Motion, Honourable Minister. Any further Notice of Motions? Any Ministerial Statements?

The only Notice of a Motion is the one of the Honourable Minister of Agriculture, Water and Rural Development. Does the Honourable Minister Move that the Bill be now introduced?

**INTRODUCTION AND FIRST READING: MEAT
CORPORATION OF NAMIBIA AMENDMENT BILL:**

18 August 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON H ANGULA**

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: I so Move.

HON DEPUTY SPEAKER: Any objection? Agreed to. Will the Honourable Minister please table the Bill? The Secretary will now read the Bill a First Time.

SECRETARY: *Meat Corporation of Namibia Amendment Bill.*

HON DEPUTY SPEAKER: Does the Honourable Minister of Agriculture, Water and Rural Development Move that the Bill be now read a Second Time?

**SECOND READING: MEAT CORPORATION
OF NAMIBIA AMENDMENT BILL**

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: I so Move.

HON DEPUTY SPEAKER: Any objection? Agreed to. The Honourable Minister now has the Floor to motivate the Bill.

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: Honourable Deputy Speaker, Honourable Members, in preparing the Amendment of the then SWA Meat Corporation Ordinance of 1986 an unintended omission was made to deny the

18 August 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON H ANGULA**

representative of the employee from having voting rights. Currently the Meat Corporation of Namibia Act 2001 does not give voting rights to a director nominated by employees to represent their interest on the Meatco Board of Directors.

Comrade Deputy Speaker, you will agree with me that it is imperative that employees should have a say in the form of voting rights on issues that affect them. The employee representative cannot sit on the board of directors, not only as the ear of workers, but he/she must be the voice of the workers. It is not possible to justify the denial of an employee representative, not only at Meatco, but also other State-Owned Enterprises the right to vote on issues that affect both the corporation and employees.

Meatco currently has a staff complement of 1,150. It is a major player in the meat industry of this country and is doing an excellent job. Meatco exports meat and meat products to Europe and South Africa, the benefits of which are passed on to the Namibian livestock farmers. This ensures the employment of some 20,000 people in the commercial livestock centre, many of whom are workers on farms.

The history of Meatco has not been clean though when it comes to its relationship with the Ministry of Agriculture, Water and Rural Development and, indeed, the Government. There continues to be dispute of ownership of Meatco. Although it was all along clear that Meatco is a state corporation, there were those who felt otherwise. This prompted Government to amend the SWA Meatco Ordinance of 1986 by replacing it with the Meatco Corporation of Namibia Act which was passed by this august House in 2001. The repeal was also necessitated by the need to ensure proper representation on the board of directors, something the ordinance did not provide for.

It is the Ministry's policy to seek mutual understanding and accommodation of each other with Meatco. Previously the board of directors consisted of people who never had the interest of the entire nation at heart, but were there to further their own sectarian interests.

The Ministry though, through the Meat Corporation of Namibia Act, has

18 August 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON H ANGULA**

been trying to appoint people who are sensitive to national interest by promoting interest of both commercial and communal livestock producers in Namibia.

Since Independence Meatco was mandated to engage itself in communal areas by operating the abattoirs at Oshakati and Katima Mulilo. Meatco will soon begin with a process of restructuring its business activities and this will see its disengagement from certain activities in the northern communal areas by giving up management of the two abattoirs at Oshakati and Katima Mulilo. This disengagement will create an opportunity for the indigenous and previously disadvantaged business people to engage in meat slaughtering and to market livestock in communal areas.

We are all aware of the negative effect of livestock over-population on grazing land. One way of overcoming this problem is to encourage livestock farmers with big herds to sell some of their livestock to abattoirs. This will create dual benefits by ensuring throughput at abattoirs and prevent overgrazing.

The Ministry and, indeed, Government has been encouraging the diversification of our export markets for meat. An opportunity exists for meat from communal areas to be exported to our northern neighbours such as Angola, DRC and even Tanzania as well as the Asian countries. The two abattoirs I referred to above could play a great role in the diversification of the export market.

Comrade Deputy Speaker, to ensure that representatives of Meatco employees also have voting rights, the Ministry, in consultation with the Ministry of Justice, decided to amend Section 5(1)(b) of the Meatco Corporation of Namibia Act, 2001 (Act 1 of 2001). The Amendment is now brought to this House for approval. We cannot keep on denying workers the right to have a say on company affairs and issues that affect them directly or indirectly. This will also ensure good labour relationships since by giving them voting rights, they become part of the decision-making process at Meatco.

18 August 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON VENAANI**

I, therefore, call upon the House to approve the proposed Amendment. I thank you.

HON DEPUTY SPEAKER: I thank the Honourable Minister for his motivation. Are there any further discussions? Honourable Venaani.

HON VENAANI: Honourable Deputy Speaker, I seek your concurrence to adjourn the Debate until the 2nd of September 2004.

HON DEPUTY SPEAKER: Any objection? Agreed to. The Debate on this item stand over until the 2nd of September 2004. Honourable Members, this indeed brings us to the end of business as scheduled for today. I now call on the Right Honourable Prime Minister to adjourn the House until tomorrow afternoon at 14:30.

RT HON PRIME MINISTER: I Move for the adjournment of the House until tomorrow afternoon 14:30.

HOUSE ADJOURNS AT 15:18 UNTIL 2004.08.19 AT 14:30

**ASSEMBLY CHAMBER
19 AUGUST 2004
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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

**TABLING: ANNUAL REPORT 2003:
LAW REFORM AND DEVELOPMENT COMMISSION**

HON DEPUTY MINISTER OF JUSTICE: Honourable Deputy Speaker, I lay upon the Table the Annual Report 2003 of the Law Reform and Development Commission.

HON DEPUTY SPEAKER: Please table the Report. Honourable Minister of Information and Broadcasting.

**TABLING: ANNUAL REPORT 2003:
DEVELOPMENT BANK OF NAMIBIA**

HON MINISTER OF INFORMATION AND BROADCASTING: Honourable Deputy Speaker, on behalf of the Minister of Finance, I lay upon the Table Annual Reports of the Development Bank of Namibia for the year 2003.

19 August 2004

NOTICE OF QUESTIONS
HON PRETORIUS / HON T GURIRAB

HON DEPUTY SPEAKER: Please table the Report, Honourable Minister. Any further Reports and Papers? Any Notice of Questions? Honourable Pretorius.

NOTICE OF QUESTIONS

HON PRETORIUS: Honourable Deputy Speaker, I give Notice that on Thursday, 2nd September 2004, I shall ask the Honourable Minister of Justice:

Whether the Government, being responsible for the protection of the lives and properties of citizens and visitors, just as in the case of land expropriation in public interest and for the well-being of almost two million people, could not decide to bring back the death penalty?

HON DEPUTY SPEAKER: Could the Honourable Member please table the question? Honourable Tsudao Gurirab.

HON T GURIRAB: Honourable Deputy Speaker, I give Notice that on Wednesday, 25th of August 2004, I shall ask the Honourable Minister of Higher Education, Employment Creation, Science and Technology:

1. Given the Cabinet decision to wind up the DBC more than three years ago in 2001, when does the Minister intend to table the Bill to wind up this Corporation in this Honourable House?
2. Will the Report of the Presidential Commission of Investigation on the DBC help to expedite this process?

19 August 2004

**NOTICE OF QUESTIONS
HON NAMISES**

HON DEPUTY SPEAKER: Please table the Questions, Honourable Member. Honourable Namises.

HON NAMISES: I give Notice that on Thursday, 27th August, I shall ask the Minister of Women Affairs and Child Welfare the following:

The Minister has been very outspoken on the plight of the HIV/AIDS orphans and vulnerable children during her familiarisation visit of 2003 and has vowed to support their cause.

1. Can the Minister explain whether it is part of her mandate as the Child Welfare Minister to also close down community places of safety or threaten that Social Workers will remove vulnerable children from such places of safety?
2. If 1 above is yes, what is the Minister's intention with those children removed from the care of a community safety net?

HON NAMISES: I give Notice that on Thursday, 27th August, I shall ask the Minister of Health and Social Services the following:

The Minister in her schedule of 2003 and as recently as last week has been very active in opening health centres and launching various programmes, including the Breastfeeding Week.

1. In the light of the above, can the Minister inform this Honourable House and the public at large, specifically about the workers of orphan care, why a well-built and equipped Clinic has not been opened to date, when the Minister intends to deploy medical personnel to these marginalised workers to stop them from dying on the way to Oranjemund or at home due to lack of a Clinic and when the Minister will officially open the Clinic?

19 August 2004

**NOTICE OF MOTIONS
HON TÔTEMEYER**

HON DEPUTY SPEAKER: Please table the Questions, Honourable Member. Any further Notice of Questions? Any Notice of Motions?

NOTICE OF MOTIONS

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING: Honourable Deputy Speaker, I give Notice that on 31st of August 2004, I shall Move –

That leave be given to introduce a Bill to amend the Local Authorities Act, 1992, so as to define “*municipal police service*” and to redefine “*staff member*”; to extend a provision relating to the powers, duties and functions of local authorities councils; to provide for the application of certain provisions of the Act; and to provide for matters incidental thereto.

HON DEPUTY SPEAKER: Please table the Motion, Honourable Deputy Minister. Any further Notice of Motions? Any Ministerial Statements? The first Notice of a Motion is the one of the Honourable Minister of Home Affairs. Does the Honourable Minister Move that the Bill be now introduced?

**INTRODUCTION AND FIRST READING:
MOTOR VEHICLE THEFT AMENDMENT BILL**

HON MINISTER OF HOME AFFAIRS: I so Move.

19 August 2004 **MOTOR VEHICLE THEFT AMENDMENT BILL**
HON EKANDJO

HON DEPUTY SPEAKER: Any objection? Agreed to. Will the Honourable Minister please table the Bill? The Secretary will now read the Bill a First Time.

SECRETARY: *Motor Vehicle Theft Amendment Bill.*

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

**SECOND READING: MOTOR VEHICLE
THEFT AMENDMENT BILL**

HON MINISTER OF HOME AFFAIRS: I so Move.

HON DEPUTY SPEAKER: Any objection? Agreed to. The Honourable Minister now has the Floor to motivate the Bill.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:
Honourable Deputy Speaker, Honourable Members, the proposed Amendments to the Motor Vehicle Theft Act, (Act 12 of 1990) is to make provision for minimum sentences in respect of certain offences and to provide for the tampering of the engines and chassis of motor vehicles.

The high level of motor vehicle theft is linked to the simplistic with which stolen vehicles can be sold in whole, part or re-registered as new vehicles.

19 August 2004

MOTOR VEHICLE THEFT AMENDMENT BILL
HON EKANDJO

It is so that criminals compare the benefits of the proceeds from their crimes with the possible punishment. Criminals calculate benefits of stealing vis-à-vis the consequences of punitive mechanism provided by the criminal justice system under the enacted law. Their findings point to the benefits and, therefore, the criminal stands to remain to continue committing crimes with impunity.

Furthermore, the bulk of trans-national crimes involves syndicates which are a major contributor to the increase in general crime levels and crimes relating to the Motor Vehicle Theft Act. In particular, Namibia has become a target for regional and international syndicates. These syndicates find an easy way in and out of Namibia with stolen motor vehicles. The punitive measures in place are not deterrent enough to make it a life risk for criminals involved in the commission of such crimes. It so happens that some perpetrators apprehended and sentenced continue to commit similar crimes after their release from jail.

Clause 1 of the Motor Vehicle Theft Amendment Bill amends the existing definition of “*identification mark*”, “*motor vehicle part*”, “*possession*” and “*tamper*”. The Amendments of these definitions are necessary to bring it in line with the relevant Clauses that also have to be amended.

Clause 2 makes provision for the Amendment to the present Section 2 of the Motor Vehicle Theft Act (Act 12 of 1999). The law enforcement agents experience problems to prosecute successfully suspects in possession of tampered vehicles. This Clause closes the loopholes related to persons who fail to give satisfactory account of their possessing tampered motor vehicles or motor vehicle parts.

In terms of Clause 3, no clearance certificate shall be issued in respect of a motor vehicle which at the time of presentation for verification by a member of the police is found to be stolen or the engine number, chassis number, registration number or registration mark or any identification mark is then found to be tampered with. The present Section 6 of the principal Act lacks such a provision to prevent the issuing of a clearance certificate. Clause 4 makes provision for a vehicle that has been tampered

19 August 2004 **MOTOR VEHICLE THEFT AMENDMENT BILL**
HON DE WAAL

with to be searched and seized by the Police without a warrant.

Clause 7 amends Section 15 of the principal Act to make provision for minimum sentences. Minimum sentences are necessary to provide the theft and/or the robbery of motor vehicles.

Clause 8 deals with the jurisdiction of magistrates and regional courts.

Honourable Speaker, Honourable Members, the proposed amends have become necessary because of the realisation of some shortcomings in the existing Act. The wide experience, consultations and studies made for a number of years now have led us to conclude that the reduction of theft of motor vehicles can only be realised if the proposed minimum sentences are imposed. It is my hope that all the Honourable Members will support the proposed Amendments. I thank you.

HON DEPUTY SPEAKER: I thank the Honourable Minister for his motivation and now invite further discussions. Honourable Mr De Waal.

HON DE WAAL: Honourable Deputy Speaker, I Move that the Debate on this Motion be adjourned until the 7th of September.

HON DEPUTY SPEAKER: Is there any objection to the adjournment of the Debate of this Motion until the 7th of September? Who seconds? The Debate on this item stands over until the 7th of September 2004. The second Notice of Motion is the one of the Honourable Minister of Home Affairs. Does the Honourable Minister Move that the Bill be now introduced?

19 August 2004

STOCK THEFT AMENDMENT BILL
HON EKANDJO

HON MINISTER OF HOME AFFAIRS: I so Move.

HON DEPUTY SPEAKER: Any objection? Agreed to. Will the Honourable Minister please table the Bill? The Secretary will now read the Bill a First Time.

SECRETARY: *Stock Theft Amendment Bill.*

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

SECOND READING:
STOCK THEFT AMENDMENT BILL:

HON MINISTER OF HOME AFFAIRS: I so Move.

HON DEPUTY SPEAKER: Any objection? Agreed to. Will the Honourable Minister please motivate the Bill?

HON MINISTER OF HOME AFFAIRS: Thank you, Comrade Deputy Speaker. Comrade Deputy Speaker, Honourable Members, the proposed Amendments to the Stock Theft Act, 1990 (Act 12 of 1990) is to provide for minimum sentences in respect of the theft of stock.

19 August 2004

STOCK THEFT AMENDMENT BILL
HON EKANDJO

Stock theft remains a huge problem in Namibia. Farmers as well as the economy of the country suffer disproportionate losses every year due to increasing stock theft. The current legislation on stock theft does not impose adequate penalties deterrent enough to minimise the stealing of stock. Equally, the legislation is not in tandem with the heavy losses suffered by the victims.

The loss of livestock presents a negative impact not only to the micro and macro economy of the country, but produces traumatic effects to the farming community and threatens their survival. The theft of livestock in Namibia has proven to be impacting on the lives of the victims. Cattle theft has been recorded to be a cause of destruction to the lives of Namibians, many of whom are already impoverished and destitute. Most rural families in Namibia, being the majority of the population, rely on their livestock as their essential form of survival. Subsistence farming cannot sustain a family without being augmented by cattle farming and money. In certain circumstances cattle are sold as the only source of income, generating money to buy agricultural implements, to pay for children's school fees, to settle hospital bills, to buy clothes, for burials and to address other essential needs for families and individuals.

The stealing of cattle leaves victims without survival means and in abject poverty, with the future of the children decimated and imposes permanent physical and psychological damages. Often cattle are passed on from generation to generation and owned by a family cluster. Such valued traditional norms are abruptly halted by thieves.

The effect of cattle theft can be equated with the total loss of money from a bank account which has been invested for generations and from which families sustain themselves.

It has become necessary that Amendments to the Stock Theft Act is made to holistically address the scourge of stock theft bedevilling our society.

Clause 2 amends Section 14 of the principal Act to make provision that where the value of the stock stolen is less than N\$500 in the case of a first

19 August 2004

STOCK THEFT AMENDMENT BILL
HON EKANDJO

conviction, to imprisonment for a period not less than two years without the option of a fine. Where the value of stock stolen is more than N\$500 in the case of first conviction, a minimum sentence of imprisonment for a period of not less than twenty years without the option of a fine shall be imposed. In the case of a second or subsequent conviction, a person shall be liable on conviction to imprisonment for a period not less than thirty years without the option of a fine.

Minimum sentences in any legislation are always controversial. I am aware that there are some schools of thought who are of the opinion that such provisions are unconstitutional. To overcome this problem of unconstitutionality, a provision is inserted that if the Court is satisfied that substantial and compelling circumstances exist which justify the imposition of a lesser sentence than the prescribed minimum sentence, the presiding officer shall record those circumstances and then he may impose a lesser sentence.

To bring a stop to stock theft it has become necessary to remove such convicted person for a long period from society. To ensure that convicted persons serve the term of imprisonment, the proposed Section 14(3) makes provision that the sentence shall not, withstanding anything to the contrary in any law contained, not run concurrently with any other sentence of imprisonment imposed on the convicted person. If he has to serve another term of imprisonment, he shall not have the benefit to serve it concurrently with any other term of imprisonment.

Magistrates' and Regional Courts shall have jurisdiction to make any compensation order irrespective of the amount payable under that order.

Comrade Speaker, Honourable Members, I hope and trust that all the Honourable Members shall support the proposed Amendments. I so Move.

HON DEPUTY SPEAKER: I thank the Honourable Minister for the motivation of this Bill. It is in the interest of all farmers and stock owners.

19 August 2004

STOCK THEFT AMENDMENT BILL
HON GASEB

I now invite further discussions. Honourable Mr Gaseb.

HON GASEB: Honourable Deputy Speaker, may I postpone this Debate until the 1st of September?

HON DEPUTY SPEAKER: Any objection? Agreed to. The Debate on this item stands over until the 1st of September 2004. As this brings us to the end of the business as scheduled for today, I am now obliged to call on the Right Honourable Prime Minister to adjourn this august House until the 31st of August 2004.

RT HON PRIME MINISTER: I rise to Move for the adjournment of the House until 31st August 2004.

HOUSE ADJOURNS UNTIL 2004.08.31 AT 14:30

**ASSEMBLY CHAMBER
31 AUGUST 2004
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

HON DEPUTY SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers. Honourable Minister of Works, Transport and Communication.

**TABLING: ANNUAL REPORT 2002-2003:
NAMIBIA POST LTD**

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION: Comrade Deputy Speaker, I lay upon the Table, Annual Report 2002-2003 of Namibia Post Ltd.

**TABLING: ANNUAL REPORT 2002-2003:
TELECOM NAMIBIA**

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION: I lay upon the Table, Annual Report 2002-2003 of Telecom Namibia.

HON DEPUTY SPEAKER: Please table the Reports, Honourable Minister. Honourable Deputy Minister of Finance.

31 August 2004

**TABLING OF REPORTS
HON BOHITILE / HON SHIHEPO**

TABLING: REPORTS OF AUDITOR-GENERAL

HON DEPUTY MINISTER OF FINANCE: I lay upon the Table, Reports of the Auditor General on the Accounts of:

- (a) National Monuments Council for the Financial Year ended 31 March 2001; and
 - (b) Ministry of Health and Social Services for the Financial Year ended 31 March 2001.
-

HON DEPUTY SPEAKER: Please table the Reports. Honourable Deputy Minister of Information and Broadcasting, Honourable Shihepo.

TABLING: NAMIBIA'S MARINE RESOURCES POLICY

HON DEPUTY MINISTER OF INFORMATION AND BROADCASTING: Comrade Deputy Speaker, on behalf of the Minister of Fisheries and Marine Resources I lay upon the Table, Namibia's Marine Resources Policy: Towards Responsible Development and Management of the Marine Resources Sector by the Ministry of Fisheries and Marine Resources, August 2004, for discussion and adoption. I so Move.

HON DEPUTY SPEAKER: Please table the Report, Honourable Minister. Any further Reports and Papers? Any Notice of Questions? Honourable Moongo.

31 August 2004

**NOTICE OF QUESTIONS
HON MOONGO / HON PRETORIUS**

NOTICE OF QUESTIONS

HON MOONGO: Mr Deputy Speaker, I give Notice that on Thursday, 9th September 2004, I shall ask the Minister of Defence:

1. Is the Minister of Defence aware that ex-fighters of South Africa, Zimbabwe and others in the world who participated in the war of liberation were granted special pensions in order to start a living?
 2. When are Namibian fighters going to be considered?
-

HON DEPUTY SPEAKER: Table the Questions, Honourable Moongo. Honourable Pretorius.

HON PRETORIUS: Mr Speaker, I give Notice that on Thursday, 16th of September 2004, I shall ask the Honourable Minister of Home Affairs:

How many firearms were stolen from safes during the last five years, in Namibia respectively?

HON PRETORIUS: I give Notice that on Thursday, 16th of September 2004, I shall ask the Right Honourable Prime Minister:

1. According to which Cabinet decision, number, date and wording, was it decided to expropriate properties in the vicinity of the new State House?
2. What is the approximate cost involved?

31 August 2004

**LEAVE OF ABSENCE
HON YA FRANCE**

3. Are the property owners supposed to stop any further developments?
 4. If so, who will be responsible for the extra costs involved as a result thereof?
-

HON PRETORIUS: I give Notice that on 16th September 2004, I shall ask the Honourable Minister of Basic Education, Sport and Culture:

1. What number and percentage of white Namibian teachers was appointed respectively for every year from 1990 to 2004?
 2. What number of white Namibian teachers did apply for jobs over the same period?
-

HON DEPUTY SPEAKER: Please table the Questions, Honourable Pretorius. Any further Notice of Questions? Any Notice of Motions?

LEAVE OF ABSENCE

HON YA FRANCE: Comrade Deputy Speaker, I Move without notice that leave of absence, due to illness, be granted to the Honourable Ella Kamanya and the Minister of Finance, Honourable Saara Kuugongelwa-Amadhila, respectively until 15th October 2004. I so Move.

HON DEPUTY SPEAKER: Will the Honourable Member please table the Motion. Honourable Deputy Minister of Environment and Tourism, Mr Iilonga.

31 August 2004

**NOTICE OF MOTIONS
HON IILONGA**

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:

Comrade Deputy Speaker, I give Notice that on the 7th of September 2004, I shall Move –

That this Assembly ratifies the Cartagena Protocol on Biosafety to the Convention on Biological Diversity so as to provide an adequate level of protection in the field of the safe transfer, handling, storage and use of Living Modified Organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking into account risks to human health and specifically focussing on trans-boundary movement of Living Modified Organisms and incidental matters.

HON DEPUTY SPEAKER: Please table the Motion, Honourable Deputy Minister. Any further Notice of Motions? Any Ministerial Statements? We will thus commence with the business of the House scheduled for the day. The Notice of Motion is the one of the Honourable Deputy Minister of Regional and Local Government and Housing, Honourable Tötemeyer. Does the Honourable Deputy Minister Move that the Bill be now introduced?

**INTRODUCTION AND FIRST READING:
LOCAL AUTHORITIES AMENDMENT BILL**

**HON DEPUTY MINISTER OF REGIONAL AND LOCAL
GOVERNMENT AND HOUSING:** I so Move.

HON DEPUTY SPEAKER: Are there any objections? No objections. Agreed to. Will the Honourable Deputy Minister please table the Bill? The Secretary will now read the Bill a First Time.

31 August 2004

**LOCAL AUTHORITIES AMENDMENT BILL
HON TÔTEMEYER**

SECRETARY: *Local Authorities Amendment Bill.*

HON DEPUTY SPEAKER: Does the Honourable Deputy Minister of Regional and Local Government and Housing Move, that the Bill be now read a Second Time?

**SECOND READING: LOCAL AUTHORITIES
AMENDMENT BILL:**

**HON DEPUTY MINISTER OF REGIONAL AND LOCAL
GOVERNMENT AND HOUSING:** I do Move.

HON DEPUTY SPEAKER: Any objection? No objection, it is agreed to. Will the Honourable Minister please take the Floor and motivate the Bill?

**HON DEPUTY MINISTER OF REGIONAL AND LOCAL
GOVERNMENT AND HOUSING:** Thank you, Comrade Deputy Speaker, Honourable Members of this House. We are all aware of the ever-increasing crime in our society and the City of Windhoek is no exception to this. Nearly on a daily basis we hear over the radio or read in the newspaper of people having been attacked or robbed. Windhoek is known throughout the world as the cleanest city in Africa. We are proud of this. Now it is time to take the next step, making Windhoek a crime-free city.

This Amendment to the Local Authorities Act (Act 23 of 1992) is about

31 August 2004

**LOCAL AUTHORITIES AMENDMENT BILL
HON TÖTEMEYER**

the establishment of a Municipal Police Service in Windhoek. Certain preconditions had to be met before these Amendments could be tabled.

The Amendments are based on Section 43(c) of the Police Act making provision for the establishment of a Municipal Police Service. This is, Honourable Deputy Speaker, however not reflected in the Local Authorities Act. First we had to see to it that the City of Windhoek accommodates the Municipal Police Service in its regulations and that additional Amendments are made in the regulations to the Police Act,

The Municipal Police Service is presently restricted by law, the Police Act, to Schedule 1, Part 1 municipalities covering Windhoek, Swakopmund and Walvis Bay. All three have been consulted on the Amendments.

The tabled Amendments to the Local Authorities Act confirm that the municipal police service is now becoming the responsibility of Part 1 municipalities and thus part of their establishments. The Amendment further makes provision that charges, fees and other money payable in respect of any Municipal Services also apply now to services rendered by the Municipal Police Service.

Insertion of the Section 94(c) in the Local Authorities Act exempts some of the rules as applicable to municipal officials as not being applicable to the Municipal Police Service as these are covered by the Police Act (Act 19 of 1990) as applied by Regulation 10 of the regulations promulgated under Government Notice No 184 of 16 October 2002, as amended on 15 December 2003 and subsequently on 11 August 2004. These Amendments deal with regulations for Municipal Police Services with reference to the Police Act. The latest Amendments to the regulations of the Police Act make provision for additional functions the Municipal Police Service can perform as may be delegated or assigned under the Local Authorities Act and this is reflected in the Amendment in front of us, specifically referring to Subsection (1)(c)(ii)(bb) and (3) and Subsection (5) of Section 27 of the Local Authorities Act.

The introduction of the Municipal Police Service is a joint undertaking by

31 August 2004

**LOCAL AUTHORITIES AMENDMENT BILL
HON TÔTEMEYER**

Part 1 municipalities and the Police Force. There will be a strong and complementary inter-linkage between the respective municipality and the Police Force when upholding rule and order. The appointment of the City Police Chief is covered in the Amendment to the regulations for municipal police services, Police Act 59 of 1990, Section 5 reading that *the City Police Chief must be appointed by the Municipality in consultation with the Inspector General of the Namibian Police and upon the recommendation of the Chief Executive Officer of the Municipality.*

Honourable Deputy Speaker, I now request the support of this August House to approve the Amendments to the Local Authorities Act as related to the introduction of the Municipal Police Service and the services to be delivered.

Before retiring, Comrade Deputy Speaker, let me end on a personal note. As this will be my last day in Parliament, allow me to express my appreciation to all Members of this august House for the comradeship and friendship they have extended to me during the last four-and-a-half years. To His Excellency the President and my party, the SWAPO Party, thank you for the trust you have put in me by becoming a Member of this august House. Thank you for the opportunity to make a small contribution to the governance and administration of our country, not only as a Member of this august House but also previously as member of the first Delimitation Commission dividing the country into regions and constituencies and thereafter as Director of Elections, assisting in shaping an electoral culture in our country.

For me as an academic it was a new experience to be exposed to practical politics and policy-making. It was a rewarding experience to which all of you have contributed. Thank you for that and I wish you well on the road ahead.

HON DEPUTY SPEAKER: I thank the Honourable Deputy Minister for the introduction and motivation of this Bill. Before I invite further discussion, does the Honourable Deputy Minister imply that he wants the

31 August 2004

LOCAL AUTHORITIES AMENDMENT BILL
RT HON T-B GURIRAB

Bill to be passed today before he leaves us? Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you very much, Deputy Speaker, for your kind forbearance and understanding. Comrade Professor Gerard Tötemeyer, your life is lively and an open book, a life that has been eventful, rewarding and productive for yourself as a person, for your people, Namibians and you country, Namibia.

You are Deputy Minister of your Government, our Government, our country's Government. You are a precious national commodity, a team player, a leader, a servant of the people, an authentic and dedicated public servant, Mr Election, educator, researcher, writer. You are a noted policy-maker as member of the Executive Branch, a Legislator, our colleague here in Parliament, a mobiliser of the public out there for decentralisation that you worked on for so long and so successfully. You have left your imprints on delimitation to allow for free, fair and transparent elections. You have been centrally involved in the enactment of relevant Acts of Parliament for Local and Regional Authorities. Gibeon, your hometown, is ululating you and Keetmanshoop where you went to school and grew up is saying "*hallelujah, amen*" for your achievements.

You leave Parliament, but obviously not the Public Service in one form or another. I know the Government will enlist your brain and your work to serve the people better and I have no doubt in my mind that the Parliament too will from time to time enlist your professionalism and expertise. Good luck and may God bless you and your future.

HON DEPUTY SPEAKER: I thank the Right Honourable Prime Minister for his kind words on behalf of this House to the Deputy Minister who informed us this being his very last day. Honourable Tsudao Gurirab.

31 August 2004

LOCAL AUTHORITIES AMENDMENT BILL
HON T GURIRAB

HON T GURIRAB: Honourable Deputy Speaker, we too wish the good Professor all the best in his future endeavours and Godspeed. But I am rising to adjourn the Debate until Thursday.

HON DEPUTY SPEAKER: It seems there is no one else who would wish to take the Floor at this point in time.

RT HON PRIME MINISTER: I beg for your understanding, Deputy Speaker, while I was making the speech in saying bye-bye to Professor Töttemeyer, I also wanted to express congratulations and best wishes to the DTA on a successful Congress, for election and re-election of the Members of your leadership. Congratulations, let us work together.

HON DEPUTY SPEAKER: I thank the Right Honourable Prime Minister for that last contribution as well and in the absence of any request for the Floor, let me revert it back to Honourable Gurirab for his proposal to adjourn until Thursday this week. Who seconds? Any objections? The Debate on this item then stands over until Thursday this week, the 2nd of September 2004.

Honourable Members, that brings us to the end of business as scheduled for today. I will thus call on the Right Honourable Prime Minister to adjourn this House until tomorrow afternoon at 14:30.

RT HON PRIME MINISTER: I rise to Move the adjournment of the House until tomorrow afternoon 14:30.

HOUSE ADJOURNS AT 15:10 UNTIL 2004.09.01 AT 14:30

**ASSEMBLY CHAMBER
01 SEPTEMBER 2004
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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

**TABLING: ANNUAL REPORT 2002-2003: MINISTRY OF
LANDS, RESETTLEMENT AND REHABILITATION**

HON DEPUTY MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION: Comrade Deputy Speaker, I lay upon the Table the Annual Report 2002-2003 of the Ministry of Lands, Resettlement and Rehabilitation.

HON DEPUTY SPEAKER: Please table the Report, Honourable Deputy Minister. Any further Reports and Papers? Any Notice of Questions? Honourable Moongo.

NOTICE OF QUESTIONS

HON MOONGO: Mr Deputy Speaker, I give Notice that on Thursday, 9th of September 2004, I shall ask the Minister of Higher Education the

01 September 2004

**NOTICE OF QUESTIONS
HON NAMISES**

following:

1. Is it true that the National Youth Service is to be transferred from the Ministry of Higher Education to the Office of the President?
2. If yes, is the Minister of Higher Education aware that youth can easily be misled? What is the motive behind the transfer?

HON DEPUTY SPEAKER: Please table the Questions, Honourable Moongo. Any further Notice of Questions? Honourable Namises.

HON NAMISES: I give Notice that on Thursday, 9th September 2004, I shall ask the Minister of Health and Social Services the following questions:

1. Whether she is aware of the shocking and scandalous state of the wards of the health centre at the Elim Onashiku Constituency? I attach a copy of the picture published in the *New Era* of 31st August 2004.
2. I will also further ask whether she is going to heed the plea by the Councillor Nangolo Mukwiilongo to replace these dilapidated structures.
3. How many wards under the Ministry's care are in a similar unacceptable state of dilapidation?
4. What criteria are used in building and/or renovation of health facilities?

HON NAMISES: I give Notice that on Thursday, 9th September 2004, I shall ask the Minister of Health and Social Services the following

01 September 2004

**NOTICE OF MOTIONS
HON N ANGULA**

questions:

1. In the light of the strong campaign on Malaria in the affected regions by the Ministry of Health and Social Services, has the Minister considered Gibeon?
2. Whether she is aware of any complaints about the problem of mosquitoes and what is the Ministry doing about this?

HON DEPUTY SPEAKER: Please table the Questions, Honourable Member. Any further Notice of Questions? Any Notice of Motions? Honourable Minister of Higher Education, Nahas Angula.

NOTICE OF MOTION

HON MINISTER OF HIGHER EDUCATION, TRAININD AND EMPLOYMENT CREATION: Mr Deputy Speaker, I give Notice that tomorrow, the 2nd of September 2004, I shall Move –

That leave be given to introduce a Bill to provide for the promotion, coordination and development of research science and technology in Namibia; to establish the National Commission on Research, Science and Technology and the National Research, Science and Technology Fund; and to provide for incidental matters.

HON DEPUTY SPEAKER: Please table the Motion, Honourable Minister. Any further Notice of Motions? Any Ministerial Statements? I call on the Secretary to read the Order of the Day.

01 September 2004

STOCK THEFT AMENDMENT BILL
HON GASEB

HON MINISTER WITHOUT PORTFOLIO: On a Point of Order. I want to be guided, I seek guidance from the Chair. Maybe I misunderstood, but there was a question here by the Honourable Member that has gone through which insinuates that when the youth are under the President he will mislead the youth. Is that question permissible?

HON DEPUTY SPEAKER: The Honourable Minister without Portfolio is out of order, because the question will be scrutinised and if it does not conform, it will be rejected and sent back to the Member. That is why there was no ruling as yet, but it will be scrutinised. Thank you. The Secretary will now read the only Order of the Day.

RESUMPTION OF SECOND READING:
STOCK THEFT AMENDMENT BILL

SECRETARY: Resumption of Debate on Second Reading – *Stock Theft Amendment Bill*.

HON DEPUTY SPEAKER: When this Debate was adjourned on Thursday, 19th August 2004, the Question before the Assembly was a Motion by the Honourable Minister of Home Affairs and Immigration that the Bill be now read a Second Time. Honourable Gaseb adjourned the Debate and he now has the Floor.

HON GASEB: Thank you, Honourable Deputy Speaker, Honourable Members. As someone whose is like so many of my fellow countrymen involved in farming, I welcome the proposed Amendments brought before

01 September 2004

STOCK THEFT AMENDMENT BILL
HON GASEB

this House by the Honourable Minister Jerry Ekandjo. Namibia's farming community has been suffering under the scourge of stock theft for many years. We all know that stock theft has increased enormously and that it has been very difficult for the police to act effectively against this crime wave.

Many people in Namibia are completely dependent on their livestock to make a living and it is a major disaster for them when sometimes all their animals are stolen.

Honourable Deputy Speaker, some people will argue that thieves steal stock because they are poor or hungry or because there is high unemployment in our country and this is a way for them to make some money. The threat of going to jail for a couple of months does not deter them, because in jail they are at least certain of a roof over their heads and food to eat every day. This, however, is not an excuse for ruining the livelihood of someone else.

If we look at the following statistics it becomes clear that stock theft has become a major problem not only in Namibia but also in our southern neighbour, South Africa. According to the Namibian Police, 697 sheep and goats with a value of about N\$278,000 were stolen in the 6 months between January and May this year, while 501 cattle with a value of about N\$1,469,433 were stolen in the same period. In South Africa, 24,417 cattle and 23,016 sheep and goats were stolen during 2002 and 2003 with a value of N\$125,894,600. From this it is obvious that these thefts are not only a serious problem for the individuals from whom the animals are stolen, but also for the national economy.

Honourable Deputy Speaker, I can only hope, that stricter punishment as proposed by Honourable Ekandjo in this Amendment Bill will have the desired effect of deterring stock thieves and making them think twice before they drive off hundreds of sheep or cattle that someone else has worked hard to raise and maintain.

With this, Honourable Deputy Speaker, I fully support this Amendment

01 September 2004

**STOCK THEFT AMENDMENT BILL
HON SCHIMMING-CHASE**

Bill. I thank you.

HON DEPUTY SPEAKER: I thank Honourable Gaseb for his contribution. Honourable Schimming-Chase.

HON SCHIMMING-CHASE: Thank you, Honourable Deputy Speaker. In rising to make a contribution to the Stock Theft Amendment Bill, I would like to make the following clarification:

Firstly, as an owner of livestock I herewith declare that I have a vested interest. Furthermore, having sat on the Prisoners Parole Board for over two years until Honourable Marco Hausiku excused me when I became a member of CoD, I had deep insight into the different Judgments meted out in cases of stock theft. Glaring examples of the injustice in terms of sentences meted out forced us as members of the Parole Board to seek a meeting with the Judges in order to find out why, for example, a poor person was punished more severely for stealing one goat than somebody who perpetrated the same crime in other parts of the country or for that matter, someone who stole 200 goats in the same region, but could afford legal representation and had the right to pay a fine.

Furthermore, Honourable Deputy Speaker, as a member of the former Standing Committee on Governmental Affairs, now the Standing Committee on Foreign Affairs, Defence and Security, I visited Prisons and Police Cells throughout the country and had long discussions with inmates who were very open as to why they perpetrated the crime.

Honourable Deputy Speaker, I am providing this background to explain why I for one should really give total support in this august House and welcome a Bill that seems to have the intention to regularise the irregularities that seem to entrench the system of apartheid and showed very little understanding for the poor as opposed to the rich.

01 September 2004

**STOCK THEFT AMENDMENT BILL
HON SCHIMMING-CHASE**

Honourable Deputy Speaker, whilst I totally support the principle of the Bill, I cannot accept the draconian punishment of 20 years for the theft of a goat as a first offender. I call it draconian, Honourable Deputy Speaker, because a CEO or management staff of a parastatal can steal millions whilst having a huge salary and not go to jail. To add insult to injury, the findings of Commissions of Inquiry we are told, is not the business of this House. Introducing a fine of 30 years for a second offence will not only result in further overcrowding of our prisons, but also untold suffering families of the perpetrators of the crime.

Honourable Deputy Speaker, if we compare the proposed sentence for the theft of one goat to the sentence meted out for murder, for domestic violence, for fraud, for theft or rape in this country, we, as lawmakers risk to seem to give the stolen goat a higher value than the life of a Namibian or the mental and physical health of a young rape victim.

Honourable Deputy Speaker, Sir, I support and welcome the provision that the Judiciary will have the right to look at the merits of the case and impose a lesser sentence if so demanded. In a democracy the Judiciary must at all times be allowed to exercise its discretion. There must be the possibility to treat a poor, unemployed parent who steals a goat to feed his or her starving family differently to a rich person who steals for financial gain. For as long as we have unemployment and poverty, for as long as we tolerate the fact that the rich are getting richer and the poor, poorer, we have to have humane legislation that takes these problems into account.

Honourable Deputy Speaker, let me not be misunderstood, if people commit crimes, they must be punished, but all who commit a crime, not just some of them. Stock theft, Honourable Deputy Speaker, has become a thriving business in this country. Unfortunately the proposed Amendment only punishes the person who steals the stock. However, what I have learned in speaking to inmates, the greatest perpetrators are not those who steal the goat to eat, no they are firstly those rich persons who entice young naïve people to steal, paying them a pittance while they get off scot-free and take all the money with them.

01 September 2004

STOCK THEFT AMENDMENT BILL
HON PRETORIUS

Secondly, there are the rich white-collared criminals who buy the stolen stock, once again paying the thieves a pittance whilst they live the good life whilst our children are languishing in jail.

Therefore, Honourable Deputy Speaker, I would like to appeal to the Honourable Minister to include in his proposed Amendments the criminalisation of those on whose behalf livestock is stolen and impose heavy penalties on them, because without the one who entices or without the one who buys the stolen stock, livestock theft will not pay. If you do that, Honourable Minister and livestock owner like myself, justice will not only be done, but it will be seen to be done once the real thieves are brought to book. We as lawmakers put there by our people, rich and poor, will be seen as people not there to protect our own livestock, but there to see that justice is not only done, but it is seen to be done, that the one who steals and the one who entices the person to steal are also punished. If this happens, even those of us who feel that long-term jail sentences do not always act as a deterrent, may in this case be convinced otherwise.

Honourable Minister, we would like this Amendment to be passed unanimously. Include punishment for the real thieves, the real criminals and you will have our unconditional support. I thank you.

HON DEPUTY SPEAKER: I thank Honourable Schimming-Chase for her contribution. Any further discussion on this Bill? Honourable Mr Pretorius.

HON PRETORIUS: Mr Deputy Speaker, I promise to be very brief, I want to agree with the two previous speakers. In principle I have no problem, but I want to emphasise what was already said by the Honourable Schimming-Chase and that is that I think it is wrong for our legal drafters and those who are compiling the laws of this country not to synchronise the different kinds of crime, because this Amendment, according to my opinion, is sending out the wrong signals.

01 September 2004

STOCK THEFT AMENDMENT BILL
HON MOONGO

For example – and I repeat what she said – there are now the penalties for certain offences and then the penalty of thirty years without the option of a fine for stock theft, for something worth more than N\$500. But if you murder another person, you get life sentence and life sentence – and please let the legal advisors in our House correct me – is fifteen to twenty years.

I welcome the compensation for damage or loss of stock, no problem, but again, if you can compensate for stock, what about the family of a murdered person, where is the compensation?

I therefore think we must not try to compile legislation on an *ad hoc* basis, but must look at the picture as a whole so that our people and ourselves are not confused by it. There must be a kind of a balance between the different kinds of crime and the fines. Thank you.

HON DEPUTY SPEAKER: I thank Honourable Pretorius for his contribution. Honourable Moongo.

HON MOONGO: Thank you, Honourable Deputy Speaker, I will also be very brief. I would like the Minister to look into the new regulations by the Traditional Authorities. Whenever your livestock are missing from your place and you follow it to your neighbour, you are not allowed to take your livestock back. You have to travel 40 or 200 kilometres to the traditional office and get permission to go and fetch your livestock. These things are complicating the traditional set-up. In the past we used to go to the neighbour and the neighbour instructed you to go to the kraal and look for your cattle and if there, you could take your livestock. (Intervention)

HON MINISTER OF MINES AND ENERGY: May I ask the Honourable Member a small question? Honourable Moongo, so far so good what you are saying, but are you aware that as people are driving the

01 September 2004

STOCK THEFT AMENDMENT BILL
HON MOONGO

livestock in the fields all over the place, some of those animals are also stolen and the only reason why you must go and get papers, is that when you are found by the police or somebody questioning you, you have a paper to prove it is your animals. Otherwise if they are wondering on their own, it is easier, but the problem arises when you are herding them. That mechanism is actually to protect those who lost their animals through theft. Are you aware that it is only to protect the owners of the animals?

HON MOONGO: I take note of that point, but the forms are not available in every Village and you have to drive 200 kilometres and your cattle got lost yesterday and they are in the neighbourhood but it is difficult for you to take them back. While in the meantime the forms are not available, let the Minister consider an easier way to bring your stray livestock back to your house. It is complicated and it is against the tradition. (Intervention)

HON MINISTER OF MINES AND ENERGY: On a Point of Information. Comrade Deputy Speaker, Honourable Moongo is doing very well, but I think he is exaggerating. It is not a printed form that you get, you get a paper from the Headman of the Village, any paper that has his name. You do not need to travel kilometres. When your animals are lost, they must be in a particular village and you just go to the headman of that village and he will give you a paper, that is all.

HON MOONGO: I do not want to deny or reject, but the point is that I myself was involved in that and I followed my cattle and I found them at the neighbour and it took me three months to bring them back, because I had to travel 200 kilometres to the office and did not find the secretary there. It must be reorganised. (Intervention)

01 September 2004

STOCK THEFT AMENDMENT BILL
HON MOONGO

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: On a Point of Information. The Honourable Member must be hiding something. If those cattle have his brand-mark and he comes with his brand-mark to the headman, that these are my cattle, this is my brand-mark, no headman can refuse him to take his cattle. But if he has no brand-mark, then he is acting illegally. His animals must be branded.

HON MOONGO: Therefore, I have a serious concern and as I have said, this is against the tradition. I would like the Minister to also look into that point and to come up with a practical Amendment on that. If your cattle got lost yesterday and you find it at your neighbour, it must not take three months to bring it back. (Intervention)

HON MINISTER WITHOUT PORTFOLIO: The regulations to which the Honourable Member is referring have been introduced by me in this House and they do not say the things that he is implying. What Comrade Helmut Angula and Comrade Iyambo have said is what the regulations are seeking. Therefore, he must clarify what was his problem.

HON MOONGO: It seems the Colleagues took it as a personal problem, but this is a national problem. We need proper ways to speed up the return of the cattle. (Intervention)

HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: On a Point of Order. The Honourable Member knows what he is saying is not accurate. In the village your cattle are known by your neighbours, branded or not branded. They know that this type of cattle come from that household and it cannot happen that your cattle goes into the neighbour's field and you cannot remove it, because the neighbour will know that it is your cattle. Therefore you must

01 September 2004

STOCK THEFT AMENDMENT BILL
HON DR MBUENDE

be hiding something. Why do your neighbours not know your cattle?
You must be hiding something.

HON DEPUTY SPEAKER: Although the Honourable Senior Minister is done, he is not supposed to address the Honourable Member directly but through the Chair.

HON MOONGO: That is why I say the Minister has to look into this matter in order to make it easier for the owner to get his cattle back, rather than taking three months and spending a lot of money in order to return your cattle. I thank you.

HON DEPUTY SPEAKER: I thank Honourable Moongo for his contribution. Any further discussion? Honourable Mbuende.

HON DR MBUENDE: I Move that the Debate be adjourned until tomorrow.

HON DEPUTY SPEAKER: Any objection to the adjournment of this Debate until tomorrow afternoon? No objection. Who seconds? Agreed to. The Debate on this item stands over until tomorrow afternoon at 14:30. I now call on the Right Honourable Prime Minister to adjourn the House until tomorrow afternoon at 14:30.

RT HON PRIME MINISTER: I rise to Move for the adjournment of the House until tomorrow afternoon 14:30.

01 September 2004

HON SPEAKER: Who seconds the Motion? Any objection? Agreed to.

HOUSE ADJOURNS AT 15:20 UNTIL 2004.09.02 AT 14:30

**ASSEMBLY CHAMBER
02 SEPTEMBER 2004
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT

HON DEPUTY SPEAKER: Honourable Members, allow me, before going into the business of the House as scheduled for today, to recognise the presence of some of our learners from the country who are here to learn and therefore, also remind Honourable Members, being responsible elected Members, that we remain teachers of our children and therefore, we are supposed to be good examples even in this august House. End of brief remark and announcement.

HON DEPUTY SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Honourable Ya France.

**TABLING: REPORT ON FAMILIARISATION VISIT
TO RESETTLEMENT AND OSTRICH FARMS**

HON YA FRANCE: Honourable Deputy Speaker, I lay upon the Table –

Report on the Familiarisation visit to Resettlement and Ostrich farms in Hardap, Karas, Omaheke, Otjozondjupa and Kunene Regions for discussion. I so Move.

02 September 2004

**NOTICE OF QUESTIONS
HON VENAANI**

HON DEPUTY SPEAKER: Please table the Report, Honourable Member. Any further Reports of Standing or Select Committees? Other Reports and Papers? Any Notice of Questions? I recognise Honourable Venaani.

NOTICE OF QUESTIONS

HON VENAANI: Honourable Deputy Speaker, I give Notice that on Thursday, 9th of September 2004, I shall ask the Minister of Agriculture, Water and Rural Development the following:

By June 2004 water rates in Swakopmund increased by a further 11 percent and electricity cost went up by around 19%. Prices for consumers who used up to 30 cubic metres per month went up by 5%. Those in the 31 to 60 cubic metres bracket had to pay 7.5% more and those who used above 60 cubic metres were charged 11%.

At that time water prices at Henties Bay proofed much higher than in the larger towns. At Walvis Bay water cost N\$2.50 per cubic metre, at Swakopmund N\$2.70 pr cubic metre but in Henties Bay it cost N\$3.25. The town of Uis, a small town with little or no Industry and a very poor working class community, reported that water already cost N\$4.11 per cubic metre, according to the Research Foundation Report of 2003.

1. What is the current NamWater tariffs charged for water per cubic metre to the City of Windhoek and what are the Council's charges per cubic metre to consumers? What were the tariffs in the year 2000 and what led to this increase?
2. What is the water cost per cubic metre in the town of Uis as of date?
3. What is the cost of water per cubic metre in all villages and towns?

02 September 2004

**NOTICE OF MOTIONS
HON VENAANI**

May the Minister specific each town in detail, the NamWater charges to Council and the actual cost charged to consumers?

4. In his Ministerial Statement the Minister spoke of subsidising water for the poor. When will this legislation be tabled and when will this process be implemented?

HON DEPUTY SPEAKER: Please table the Questions, Honourable Member. Any further Notice of Questions? Any Notice of Motions? Honourable Venaani.

NOTICE OF MOTIONS

HON VENAANI: Honourable Deputy Speaker, I give Notice that on Tuesday, 13th of September 2004, I shall Move a Motion on security against terrorism.

International media and the continuous reports of terrorism acts that are perpetrated by terrorist groups have become a matter of great concern. The 1998 bombings of two American Embassies in Kenya and Tanzania that left a few hundred of African sons and daughters lifeless, the catastrophic 9/11 attacks on the Twin Towers and the Pentagon that have left thousands of American citizens dead and a few hundred international citizens lifeless have changed the world we knew.

The continuous bombings of trains in Spain and Turkey cannot be underestimated. The fire that broke out in Paraguay that left a couple of hundred people dead, a possible, apparent terrorist attack, the bombings of a nightclub in Bali in the Far East, nearly every continent of the world has become the victim of one form of terrorist attack or another.

02 September 2004 **RULINGS AND RESPONSES TO QUESTIONS**
HON REV KONJOKE

A few weeks ago two planes that left the Russian Airport had crashed and left 89 people dead. Yesterday close to 300 minor school-going children were kept hostage by an international terrorist group which is believed to come from Chechnya, a southern town in Russia. The international media has kept us informed while we watched the agony and the long wait of parents for information on the status of their loved ones.

It brings one back home as elected representatives, to us, yourself, are we safe in our country? I Move that this House debates and extract information from our Intelligence Director-General on the safety of our country against possible terrorism attacks. How safe is places such as the International Airport, Sanlam Building which houses a few western embassies, places such as Wernhil Park that is a centre of attraction for many western leaders, especially the last congressman of the US that visited our country recently, a few key Restaurants and Lodges that attract many tourists?

Terrorist groups have proven not to care about whom they harm in the process and we as a nation with leaders that traverse the whole world, how safe are we? How prepared are SADC countries against fighting terrorism? Honourable Deputy Speaker, I so Move.

HON DEPUTY SPEAKER: Honourable Venaani, I am still not so clear as to whether this was only a notice or a motivation of the Motion. But in any case, table the Motion. Any further Notice of Motions? Any Ministerial Statements? The House will commence with the business. This being Thursday, the day on which the business is initiated from the Opposition benches, I wish to make the following announcement before we commence:

Honourable Members, please be informed, that inasmuch as the Members have the right to address questions for the purpose of seeking information or asking for official action, such right to question is subject to Rules, also to the interpretation of which the Speaker shall be the sole judge. Be

02 September 2004 **RULINGS AND RESPONSES TO QUESTIONS**
HON REV KONJORE

informed that there will thus be some rulings on some of the questions today.

The 67th Notice of Question is the one by Honourable Tsudao Gurirab. The Question was put to the Minister of Trade and Industry. Here follows the Ruling:

In terms of Rule 79(c), read with Rule 79(b) and Rule 80(b), the question contains unnecessary facts and is of excessive length and should, therefore, be rephrased. The question is referred back to the Honourable Member to be rephrased and to be put again.

The 68th Notice of Question is once again by Honourable Tsudao Gurirab. Does the Honourable Member put the Question? (Interjections). If the Honourable Members do not look at the Rules, it is not my problem. I am just following the Rules and I am doing what the Rules request, that is all. The Member is requested to rephrase the question. Honourable Ulenga, there is no Debate on this.

HON ULENGA: No, there is no Debate, Honourable Deputy Speaker, I would however pray for your indulgence to explain further the Ruling that you just gave. In the light of the question that you just referred to and the way it looks like on paper, can you please explain further the Ruling, because you said it is too lengthy.

HON DEPUTY SPEAKER: Thank you for the question. For the clarity of the Honourable Members, what happened here, the question is rephrased, but that has to be communicated to the Honourable Member for him to agree, because as it stands now on the Order Paper is not how he put it originally in writing. I have the text here, but the Clerks did not communicate the change in the question. The contents did not change, but it is the right of the Honourable Member to agree to the format as it is now and then put it. The Clerks, after having rephrased the question, did not communicate with the Honourable Member. Therefore, his approval was

02 September 2004

**RULINGS ON QUESTIONS
HON REV KONJORE**

not obtained and that is why it is referred back to him to agree and then put the Question again. That is all. Question 68 is not put, according to Honourable Tsudao Gurirab. The 69th Notice of Question is by Honourable Member Mr Moongo.

Honourable Member Moongo, in terms of Rule 79(b) and (d), read together with Rule 80(b), the Honourable Member is hereby requested to rephrase question 1 and 3 in order to exclude seeking of opinions and to contain statements or facts. Similarly, question 5 of that question infringes on the proper object of questioning, which is to ask for information or for official action and should, therefore, be incorporated in question 4. In terms of Rule 79(b) and (d), read with Rule 80(a), question 2 of that question is out of order and cannot be allowed. Therefore, the first portion is referred back to the Honourable Member to be rephrased and put again.

The 70th Notice of Question is one by Honourable Venaani. Does the Honourable Member Put the Question?

HON VENAANI: No, I do not Put the Question.

HON DEPUTY SPEAKER: The 71st Notice of Question is one by Honourable Member Pretorius. Does the Member Put the Question?

QUESTION 71:

HON PRETORIUS: I Put the Question.

RT HON PRIME MINISTER: Thank you, Deputy Speaker. Certainly I

02 September 2004

RULINGS AND REPOSE ON QUESTIONS
HON REV KONJORE

shall oblige next week, 9th September. The deferment is purely for cosmetic reasons.

HON PRETORIUS: Mr Speaker, I am requesting whether it cannot stand over to the 16th of September. I will not be here next Thursday.

HON DEPUTY SPEAKER: So agreed. That question stands over until the 16th of September for the reply by the Honourable Minister. The 72nd Notice of Question is one by Honourable Pretorius. Does the Member Put the question?

QUESTION 72:

HON PRETORIUS : I Put the Question.

RT HON PRIME MINISTER: The first response was to all the questions relating to the Prime Minister's Office.

HON DEPUTY SPEAKER: The same applies, the question is also deferred to the 16th of September. The 75th Notice of Question is by Honourable Ulena. Does he Put the question?

QUESTION 75:

HON ULENGA: I decline.

02 September 2004

**RULINGS ON QUESTIONS
HON REV KONJORE**

HON DEPUTY SPEAKER: You do not put the question. The 76th Notice of Question is one by Honourable Namises. In terms of Rule 79(b) and (d), read with Rule 80(a), Honourable Namises is hereby informed that questions 8 and 9 are out of order because they contain statements of facts, alternatively an opinion and cannot be allowed.

The 77th Notice of Question is once again by Honourable Namises. Does the Member Put the Question?

HON T GURIRAB: In the previous question is no 8 and 9, but we do not put that question either. I am saying we are not putting Question 77, but I just wish to point out that there are no 8 and 9 in the previous question. You made reference to 8 and 9.

HON DEPUTY SPEAKER: Do you have the original question of Honourable Namises. It refers to that one. On the Question Paper it might not be.

HON T GURIRAB: I am referring to the Question Paper which is the subject of the business of this Parliament.

HON DEPUTY SPEAKER: Question 77 is not Put. Question 78 is by Honourable Tsudao Gurirab. Unfortunately I do have a Ruling on that one as well, it has to be referred back to the Honourable Member because in terms of Rule 79(d), read with Rule 79(6) and Rule 80(a), the Honourable

Member is hereby informed that question 1 of the question is out of order because it contains an opinion or an inference as well as soliciting the

02 September 2004 **RULINGS AND RESPONSES TO QUESTIONS**
HON REV KONJORE

expression of an opinion and cannot be allowed. Therefore, in terms of Rule 79(d), read with Rule 80(b), the Honourable Member is hereby informed and requested to rephrase the question so as to exclude opinions and to refrain from seeking and soliciting an opinion. End of ruling.

The 79th Notice of Question is one by Honourable Mr Ulena. Does the Member Put the Question?

QUESTION 79:

HON ULENGA: I decline.

HON DEPUTY SPEAKER: The 80th Notice of Question is once again by Honourable Member Mr Ulena. The ruling as follows: In terms of Rule 79(b), read with Rule 80(b), the Honourable Member is hereby requested or informed that question 3 is Out of Order because it contains an inference and should be rephrased. End of Ruling.

The 81st Notice of Question is one by Honourable Member Mr Moongo. In terms of Rule 79(c), read with Rule 80, the Honourable Member is hereby requested and informed that the question is of excessive length and should be rephrased. End of ruling.

The 82nd Notice of Question is by Honourable Member Tsudao Gurirab. There is also a ruling attached to this question. In terms of Rule 79(b), read with Rule 80, the Honourable Member is hereby requested and informed that question 5 contains an inference and it is out of order, it cannot be allowed. End of Ruling.

The 83rd Notice of Question is one by Honourable Member Pretorius. Does the Member Put the Question?

QUESTION 83

HON PRETORIUS: I Put the Question, Mr Speaker.

HON MINISTER OF JUSTICE: Thank you, Comrade Deputy Speaker. I rise to respond to the question by Honourable Mr Pretorius, the President of MAG and presidential candidate in the forthcoming elections.

The Government of the Republic of Namibia certainly is responsible for the protection of the lives and property of citizens and visitors in our country. This responsibility lies, first and foremost, in the upholding of the Constitution of the Republic of Namibia. This is essentially because the Namibian Constitution is the Supreme Law of Namibia, as provided for by Article 1(6).

The Namibian Constitution has within it enshrined fundamental human rights in Chapter 3 which, as Article 5 provides, “*must be respected and upheld by the Executive, the Legislature, the Judiciary and all organs of government and its agencies where applicable to them, by all natural and legal persons in Namibia and must be enforced by the courts in the prescribed manner.*”

The first human right mentioned in Chapter 3 concerns the protection of life under Article 6, which provides as follows: “*The right to life shall be respected and protected. No law may prescribe death as a competent sentence. No court or tribunal shall have the power to impose a sentence of death upon any person. No execution shall take place in Namibia.*”

This Article is clear and unambiguous. The most important aspect about the human rights enshrined in Chapter 3 of the Namibian Constitution is that these are entrenched rights which means that they can neither be repealed, nor amended by the Legislature in so far as such repeal or Amendment results in diminishing the guaranteed rights. It is clear and unequivocal that the framers of our Constitution, including Honourable Mr Pretorius, found these human rights to be not only inalienable, but

02 September 2004 **RESPONSE-QUESTION BY HON PRETORIUS
HON DR KAWANA**

also indispensable to the cause of freedom, justice and peace and, therefore, ensured that these rights would be eternally guaranteed.

Article 131 of the Namibian Constitution, entitled, “*Entrenchment of Fundamental Rights and Freedoms*” reads as follows: “*No repeal or Amendment of any of the provisions of Chapter 3 hereof, in so far as such repeal or Amendment diminishes the rights and freedoms contained and defined in that Chapter, shall be permissible under this Constitution, and no such purported repeal or Amendment shall be valid or have any force or effect.*”

Furthermore, Article 132, which deals with “*Repeal and Amendment of the Constitution*” also provides in Sub-article (5)(a) as follows: “*Nothing contained in this Article shall detract in any way from the entrenchment provided for in Article 131 hereof of the fundamental rights and freedoms contained and defined in Chapter 3 hereof.*”

It is, therefore, very clear that the protection of life article prohibits the imposition of the death penalty and furthermore, that this human right can neither be repealed nor amended so as to bring about capital punishment in an independent Namibia.

It is, therefore, incumbent upon us to respect and uphold the human rights guaranteed by Chapter 3 of the Constitution and to fully comprehend that these rights cannot be repealed or amended in a manner that intends to diminish the essence of the human rights guaranteed therein. Therefore, any measures taken by government for the protection of the lives and properties of our citizens and visitors cannot include any action or conduct that violates our sacred Constitution, but must be measures that are within the parameters of our Constitution.

It is also a fact that given the rate of violent crime in our country, criminals have already amended the Namibian Constitution by introducing the death penalty through the backdoor. As a responsible government there is a need to adopt counter measures aimed at protecting our citizens and visitors’ lives and property. One of these measures will be the

02 September 2004 **RESPONSE-QUESTION BY HON PRETORIUS**
HON DR KAWANA

introduction of life imprisonment without any possibility of parole, remission of sentence or pardon on certain violent crimes if such crimes are committed with aggravating circumstances.

In addition, there is a need to provide a minimum sentence on certain violent offences. The Ministry of Justice has been working around the clock with a view to fundamentally reform our criminal justice system.

For the information of the Honourable Member, a Bill will be tabled before this august House during the course of this month. I look forward to counting on the support of the Honourable Member Mr Pretorius in this regard and I thank you.

HON PRETORIUS: Mr Deputy Speaker, in the first place I want to thank the Honourable Minister for a very comprehensive answer, but as usual I want to reserve my right to come back on it later with supplementary questions and if you will allow me, I just want to clarify something.

The Honourable Minister referred to the “*President of MAG*”. MAG does not have a president, it has a Chairman, but we are aspiring to have a president in two months’ time.

HON DEPUTY SPEAKER: I thank the Honourable Minister for his reply. Honourable Members, you have the original text of questions and you will recall that there was a question put by Honourable Kaura regarding the genocide and the Herero Traditional Leaders. The ruling on this question is that in terms of Rule 79(e)(vi), read with Rule 80(a), the Honourable Member is hereby informed that these questions are out of order since it is *sub judice* and therefore cannot be allowed.

There was also a question by Honourable Gurirab to the Minister of

02 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON N ANGULA

Higher Education and Employment Creation regarding the DBC. In terms of Rule 79(e)(iii), read with Rule 80(a), Honourable Gurirab is hereby informed that these questions are out of order since it deals with matters that have been referred to a Commission of Inquiry and therefore cannot be allowed. End of Ruling.

Honourable Members, this indeed brings us to the end of the stage of questions.

HON DEPUTY SPEAKER: The only Notice of Motion is the one of the Honourable Minister of Higher Education, Training and Employment Creation. Does the Honourable Minister Move that the Bill be now introduced?

**INTRODUCTION AND FIRST READING:
RESEARCH, SCIENCE AND TECHNOLOGY BILL**

HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: I so Move.

HON DEPUTY SPEAKER: Any objection? Agreed to. Will the Honourable Minister please table the Bill? The Secretary will now read the Bill a First Time.

SECRETARY: *Research, Science and Technology Bill.*

HON DEPUTY SPEAKER: Does the Honourable Minister of Higher Education, Training and Employment Creation Move that the Bill be now read a Second Time?

**SECOND READING: RESEARCH, SCIENCE
AND TECHNOLOGY BILL:**

**HON MINISTER OF HIGHER EDUCATION, TRAINING AND
EMPLOYMENT CREATION:** I so Move.

HON DEPUTY SPEAKER: Any objection? Agreed to. Will the Honourable Minister please take the Floor and motivate the Bill?

**HON MINISTER OF HIGHER EDUCATION, TRAINING AND
EMPLOYMENT CREATION:** Thank you, Honourable Deputy Speaker and Honourable Members. The Bill on Research, Science and Technology is aimed at providing a legal framework for the promotion, coordination and development of research, science and technology in Namibia. These functions will be carried out under the direction and auspices of the National Commission on Research, Science and Technology. The programmes and activities of the Commission will be funded through the National Research, Science and Technology Fund. The research and development programmes will be conducted by Research Councils and Institutes. The Commission shall, however, provide a broad regulatory, monitoring, funding and policy framework.

The overall objectives of the Bill are provided for in Clause 2. Clause 4 establishes the Commission and Clause 5 defines the functions and powers of the Commission. The composition of the Commission is provided for in Clause 6. Clauses 7 to 17 provide for the administration, management, regulation and functioning of the Commission. Clause 18 establishes the National Research, Science and Technology Programme. Clauses 19 to 20 provide for the establishment of Research Councils and Institutes, while Clauses 20 and 21 provide for the regulation and monitoring of research and related activities.

02 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON DR A IYAMBO

The National Research, Science and Technology Fund is established by Clause 23. The management, administration and governance of the Fund is provided for in 25 and 26. Finally, Clauses 26 and 28 are of general provision nature.

The Bill will be administered by the Minister responsible for Higher Education, Research, Science and Technology, the President of the Republic of Namibia will be the patron of the National Commission on Research, Science and Technology.

In my view, the Bill will enhance the national capacity for achieving the goals of the National Development Plans as well as Vision 2030. I, therefore, urge Honourable Members of this August House to pass it expeditiously. I thank you.

HON DEPUTY SPEAKER: I thank the Honourable Minister for the motivation of this Bill. Are there any further discussions?

HON MINISTER OF FISHERIES AND MARINE RESOURCES: Honourable Deputy Speaker, I would like to contribute on this Bill, but I will not be here for the next few days. I would like to seek the concurrence of the Minister of Higher Education for me to participate on the 12th of this month. If it is too far, then I will withdraw my request. I withdraw my request.

HON DEPUTY SPEAKER: Anybody else who would like to participate and adjourn the Debate or take the Floor right away? (Interjection). Honourable Pretorius, thank you very much for your assistance on this one and since the Members have not seen the Bill, the motivation is there even in written form, the Bill still has to be distributed, therefore the Debate on this item will stand over until Tuesday, next week.

02 September 2004 **CONSIDERATION: MARINE RESOURCES POLICY**

The Secretary will now read the First Order of the Day.

CONSIDERATION: MARINE RESOURCES POLICY

SECRETARY: Consideration of Marine Resources Policy Towards Responsible Development and Management of Marine Resources Sector.

HON DEPUTY SPEAKER: Does the Honourable Minister of Fisheries and Marine Resources Move that the Policy be considered?

HON PRETORIUS: On a Point of Order. I am not sure whether we still have a quorum.

HON DEPUTY SPEAKER: My attention has been drawn to the fact that there is no quorum. The bells will be rung. Please close the doors.

In terms of Rule 17 of the Standing Rules and Orders, the Assembly adjourned at 15:45 with the following Members present:

Honourable Pretorius, Honourable Ui/o/oo, Honourable Mushelenga, Honourable Ndjoze, Honourable Kaiyamo, Honourable H. Booy, Honourable Ya France, Honourable Sioka, Honourable Dinyando, Honourable Katjita, Right Honourable T-B Gurirab, Honourable Hamutenya, Honourable Ngatjizeko, Honourable H. Angula, Honourable N. Angula, Honourable N Iyambo, Honourable Tjiriange, Honourable Nghimtina, Honourable Iilonga, Honourable Lucas, Honourable Smit,

02 September 2004

Honourable Kamwi, Honourable Simunja, Honourable Amweelo,
Honourable A Iyambo, Honourable Nyamu, Honourable
Kasingo, Honourable Nghidinwa, Honourable Shihepo, Honourable
Bohitile, Honourable Ya Toivo and Honourable Hausiku.

HOUSE ADJOURNS AT 15:45 UNTIL 2004.09.07 AT 14:30

**ASSEMBLY CHAMBER
07 SEPTEMBER 2004
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

NOMINATION OF NEW MEMBER

HON DEPUTY SPEAKER: Honourable Members, I have a brief announcement to make, in terms of Article 48(2) of the Constitution, SWAPO has nominated Mr Leon Jooste to fill the vacancy which occurred in the Assembly as a result of the resignation of Mr Gerard Tötemeyer. I thus now call upon the Chief Justice to administer the oath or affirmation to Mr Jooste.

OATH/AFFIRMATION BY NEW MEMBER

THE CHIEF JUSTICE: Administers the Oath to Mr Leon Jooste.

HON DEPUTY SPEAKER: I now declare Mr Leon Jooste as a duly elected Member of this Assembly. Mr Jooste, most welcome, please take your seat.

As we all know, the Chief Justice has a heavy schedule and responsibilities, thus the House will be prepared to excuse him if he wishes to go and take care of his responsibilities. Mr Chief Justice, thank you very much for coming.

07 September 2004

**NOTICE OF QUESTIONS
HON NAMISES**

HON DEPUTY SPEAKER: Are there any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Notice of Questions? Honourable Namises.

NOTICE OF QUESTIONS

HON NAMISES: I give Notice that on Thursday, 9th September 2004, I shall ask the Minister of Health and Social Services the following question:

1. In the light of the letters being written for needy individual families and request made by the Social Workers of the Ministry of Health and Social Services for food, money, furniture or other donations, when did this scheme start?
2. How many indigent Namibians have already benefited through the scheme?
3. Which Regions does it cover and where can needy Namibians go to receive this letter to solicit for the said assistance?

HON DEPUTY SPEAKER: Please table the Questions. Any further Notice of Questions? Any Notice of Motions? Honourable Deputy Minister of Finance.

NOTICE OF MOTIONS

07 September 2004

**NOTICE OF MOTIONS
HON BOHITILE**

HON DEPUTY MINISTER OF FINANCE: Comrade Deputy Speaker, I give Notice that on Thursday, 9th September 2004, I shall Move –

That this Assembly ratifies the Convention between the Governments of the Republic of Namibia and the Government of the Republic of Botswana for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and capital gain. I so Move.

HON DEPUTY SPEAKER: Please table the Motion, Honourable Deputy Minister.

HON DEPUTY MINISTER OF FINANCE: I give Notice that tomorrow, Wednesday, 8th September 2004, I shall Move –

That leave be given to introduce a Bill to amend the Agricultural Bank of Namibia Act, 2003 so as to further regulate the term of office of members of the Board of the AgriBank and the power of the Minister to remove a member from office; to vest in the Minister the power for appointment of the Chairperson and Vice-Chairperson of the Board; to provide that performance criteria to be specified in an agreement which the Chief Executive Officer is required to conclude with the Board must be determined by the Board in consultation with the Minister and the Minister responsible for agriculture and to provide for matters incidental thereto.

HON DEPUTY SPEAKER: Please table the Motion, Honourable Deputy Minister. Any further Notice of Motions? Any Ministerial Statements? Please take the Floor, Honourable Minister.

07 September 2004

**MINISTERIAL STATEMENT
HON KAAPANDA**

MINISTERIAL STATEMENT

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT
AND HOUSING:**

Honourable Deputy Speaker, Honourable Members, first and foremost I would like to say that the challenges faced by Local Authorities in Namibia are however not unique to Local Authorities as Regional Councils experience similar challenges with regard to the management and development of settlement areas, which implies that these challenges I will outline encompasses the entire country.

Honourable Deputy Speaker, with this in mind I would like to express my utmost appreciation for having been given an opportunity to explain the challenges and the ongoing efforts the Minister is making to address these problems to this august House.

In order to provide a better understanding of challenges, I will outline these at various levels. These are technical organisational, managerial and administrative, financial and infrastructure.

Firstly, at the technical level, the technical capability of the councils are essential in addressing the service needs of the rate payers. In this context, an upgraded and functional service infrastructure, new equipment and tools as well as supporting schemes and competencies of the service personnel are important. However, you know that most of our Local Authorities have in their employment under-qualified technical and administrative staff. Attracting qualified and skilled staff is a challenge due to the high cost involved in attaining skilled staff.

Secondly is the managerial and administrative level. There are still shortages in terms of computers as well as relevant office equipment for most of the Local Authorities. Strategies for promoting public relations are lacking as well as expertise for embracing successful public relations campaigns. Lack of skills and competencies in the area of administration and at the level of management are being experienced. In addition,

07 September 2004

**MINISTERIAL STATEMENT
HON KAAPANDA**

implementation is largely hampered by the problem of accepting changes also within the political leadership and the council administration.

Honourable Deputy Speaker, this information and data required to efficiently monitor the operations of service is poor, particularly in many small urban areas. In the same vein, no data and management information on physical system losses, for example unaccounted water losses, is available. Equally, there is no leakage detection equipment available to enable many of the Local Authorities to monitor the actual and potential losses, especially in the water reticulation system. Such equipment requires huge financial investment to be purchased. The availability of such information is a prerequisite on the part of Local Authorities to enter into partnership with the Private Sector. These data and information services is an indicator of the deficiency and the investment requirements into the urban infrastructure.

The third level is that of finance. Honourable Deputy Speaker, any Council's financial affairs are important in terms of exercising financial discipline and ensuring that the council's financial commitments are met. Within specific Local Authorities the non-existence of financial policies that articulate the Council's approach to borrowing, owing and management of debts or deficits is a major challenge. The current financial systems existing are not adequate or flexible in terms of allowing the disaggregation of information or financial management deposits. The absence of the spending guidelines inhibits the proper financial administration on a day-to-day basis. This in most cases has resulted in financial mismanagement.

Honourable Deputy Speaker, Honourable Members, many Towns cannot balance their books, because they are unable to collect enough revenue due to inefficient revenue collection system, non-payment of services by customers, illegal connections and unaccounted water due to excessive losses in the reticulation system.

Some towns are unable to raise funds from the capital market to finance their capital investment needs due to credit unworthiness or the inability to

07 September 2004

**MINISTERIAL STATEMENT
HON KAAPANDA**

service debts. The fourth level is the organisation level. Since the commencement of decentralisation implementation many Local Authorities seem to be sitting ducks in terms of planning for the incorporation of decentralised services as part of the several Municipal Services. In this regard there seems to be limited or no strategies in place for new decentralised services being anticipated by adoption as per the decentralisation guidelines which impose unexpected financial and administrative burdens on the Local Authorities.

Honourable Deputy Speaker, Honourable Members, the fifth is infrastructure level. In many Towns development policy guidelines and regulations necessary to regulate urban infrastructural development and thus ensure sustainable development are lacking. This situation negatively affects the ability of Local Authorities to render improved services and to expand their accessibility to the communities.

Another challenge in this area is outdated pipes, a lack of day-to-day lay-out plans, designs, water losses due to leakages and illegal connections is a problem experienced by many urban centres in Namibia. The problem is also exacerbated by the increasing urbanisation which resulted in urban populations outgrowing the capacity of water, sewerage, electricity reticulation system. These also cause expansion from the informal settlements in most of our Towns. Hence there is a need for a significant capital investment to rehabilitate and expand these reticulation systems if access to improved services is to be guaranteed.

Local Government Reform: The Ministry fully understands that to achieve quality local governance, the following is imperative: The application of democratic values, norms, practices and processes at the Local Government level.

Honourable Members, such processes should reflect a participatory approach, fairness, honesty, transparency, equitable distribution of resources and concerns for the needs of the local population. In line with addressing these aspects, the Ministry is embarking on a local government reform process as mandated by Cabinet.

07 September 2004

**MINISTERIAL STATEMENT
HON KAAPANDA**

Honourable Deputy Speaker, the objective of local government reform is to develop efficient and competent management, administration, service delivery and decision-making at the Local Authority level for the benefit of all the stakeholders. The local government will cover capacity building, review and development of policies, review of existing structures, institutionalising quality governance, enhancing financial sustainability, human resources development and developing appropriate communication.

This first phase of the Local Authority reform is near completion. The first phase involved the formulation of Local Authority rules and regulations. Honourable Deputy Speaker, we all concur that transparent accountability and responsibility are lacking in our Local Authorities and management of resources leaves much to be desired. The lack of clear standards and procedures to see our Local Government system has successful and efficient service delivery, has necessitated the formulation of these rules and regulations. The rules and regulations should be in place to assist in the performance functions.

In the context of decentralisation the rules and regulations provide a firm basis for the clear determination of responsibility through the local government system as well as policing the conduct of both central and lower levels of governance.

Honourable Members, as I speak now, the draft document on the Local Authorities' rules and regulations has been submitted to the Office of the Attorney-General and the Minister of Justice for their perusal, upon which the Ministry will forward the document for gazetting.

Honourable Deputy Speaker, Honourable Members, the public-private partnership programme:

Taking into account the limited budgetary resources available within the Public Sector, I am convinced that the public-private partnership arrangement could be used as an additional and complementary instrument to meet infrastructure provision for best service delivery needs

07 September 2004

**MINISTERIAL STATEMENT
HON KAAPANDA**

in a wide range of sectors.

It is clear that the public-private partnerships present a number of recognised advantages for the public sector to exploit. These include the ability to raise additional finance in an environment of budgetary restrictions, the ability to speed up infrastructural development, making the best use of private and civil society sector, operational efficiency and reduce costs, increased quality services to the pro-poor and competitive advantages of fostering pro-poor service delivery partnerships to empower local organisation.

For this private-civil society sector the benefits of public-private partnership includes:

1. The creation of business opportunities for the financial sector, the industrial sector and the social sector;
2. Diversification of economic development activities to enhance sustained job creation opportunities;
3. The creation of opportunities for small-scale organisations to enter into pro-poor service delivery ventures;
4. Playing advocacy roles to provide conducive environments for smart partnerships with the local governments.

Furthermore, Honourable Deputy Speaker, the recognition by the government to develop guideline principles for public-private partnerships demonstrates the commitment to provide technical guidance to support the implementation of legislative forums on the public-private in Namibia.

At this moment my Ministry's staff members are in the field, promoting awareness and building capacity on the use of guiding principles and policy guidelines on PPP. The Ministry provides the public-private partnerships with the expressed intention to overcome the limitations in the public funds, to overcome investment needs in an effort to increase the

07 September 2004

**MINISTERIAL STATEMENT
HON KAAPANDA**

quality and efficiency of public service and the desire to access private sector funding, including Civil Society efficiencies.

This programme of partnership seeks increased cooperation between the public and private sectors for the development and cooperation of infrastructure for wide-ranging socio-economic activities.

Local Authority Councillors Induction Programme: My Ministry embarked on an extensive induction programme in June 2004. The induction training targeted each and every elected Councillor, whether new or re-elected. It was, therefore, decided that the training should be conducted immediately after the Local Authority Elections in order for the Councillors to start their five-year term, knowing and exactly understanding the various laws of the country, but more specifically the Local Authorities Act, Decentralisation Enabling Act and the Constitution.

The key focus of the induction included the following: Human resource management; decentralisation process in Namibia; land management; financial policies and good governance. The topics were chosen carefully after the Ministry investigated in which areas most Local Authorities lack expertise. It was the sincere hope of my Ministry that after councillors were inducted on these topics, it would become easier for them as the councillors to govern the local affairs of the communities they are leading.

Honourable Deputy Speaker, allow me to briefly outline some of the objectives of the induction programme:

- To reduce and expose Local Authority Councillors to the local government administration and the policies governing such entities or institutions;
- To give councillors the opportunity and time to settle in, in their new roles and to learn all procedures required;
- To sensitise councillors about corruption and mismanagement of resources;

07 September 2004

**MINISTERIAL STATEMENT
HON KAAPANDA**

- To inculcate work ethics and good management behaviour in our councillors in order to be productive, accountable and answerable to the needs of their communities;
- To motivate councillors to take their destiny of their local community and advance it with the assistance of Central Government.

Honourable Deputy Speaker, Honourable Members, allow me to conclude my outlining key strategy outcomes the Ministry is adhering to. In summary, the strategy outcomes to be achieved by the Ministry are as follows:

- Effective communication within the Local Authorities with stakeholders;
- To ensure commitment at all levels;
- Enhance effective planning with the Local Authorities to optimise the use of scarce resources;
- Enhance the role of Local Authorities in economic development to facilitate employment creation, resulting in the payment of services;
- Improve service delivery to the clients to ensure commitment for payment of services;
- To effect organisational development and ensure financial innovation of Local Authorities in order to achieve sustainable services.

Honourable Deputy Speaker, Honourable Members of this august House, I as the Minister of Regional and Local Government and Housing has the full confidence that the various efforts and the strategies my Ministry is implementing now will result in positive changes in the performance of local government now and within the near future.

07 September 2004

With these remarks, I conclude my statement and I thank you for your attention.

HON DEPUTY SPEAKER: I thank the Honourable Minister for his Ministerial Statement. This being a Ministerial Statement in terms of Rule 89(b), short questions are permissible. In the absence thereof, let me once again thank the Honourable Minister for his statement.

Let me also take this opportunity to refer all Members wishing to make Ministerial Statements to Rule 89(a). This is just a reminder. We commence with the business, the Secretary will now read the First Order of the day.

CONSIDERATION OF MARINE RESOURCES POLICY

SECRETARY: Consideration of Marine Resources Policy: Towards Responsible Development and Management of Marine Resources Sector.

HON DEPUTY SPEAKER: Does the Honourable Minister of Fisheries and Marine Resources Move that the Policy be now considered?

HON YA FRANCE: Comrade Deputy Speaker, on behalf of the Minister, who due to unavoidable urgent official business can not be here, I Move that the introduction by the Minister be postponed until 14th September 2004.

HON DEPUTY SPEAKER: Any objection? Who seconds the Motion?

07 September 2004

STOCK THEFT AMENDMENT BILL
HON DR MBUENDE

So agreed. This item now stands over until the 14th of September 2004.
The Secretary will read the Second Order of the day.

RESUMPTION OF SECOND READING:
STOCK THEFT AMENDMENT BILL

SECRETARY: Resumption of Debate on Second Reading – *Stock Theft Amendment Bill*.

HON DEPUTY SPEAKER: When this Debate was adjourned on Thursday, 19th August, the Question before the Assembly was a Motion by the Honourable Minister of Home Affairs that the Bill be now read a Second Time. Honourable Dr Mbuende adjourned the Debate and he now has the Floor.

HON DR MBUENDE: Thank you, Comrade Deputy Speaker. First of all I would like to congratulate the Honourable Minister of Home Affairs, Comrade Jerry Ekandjo, for tabling the Stock Theft Amendment Bill before the House. The Amendment to this Bill is long overdue as the principal Act does not have sufficient provisions to deal with the complexity of the stock theft industry.

Comrade Deputy Speaker, agriculture is the single largest employer in the country. It provides jobs and social security to over 70% of the population. About 80% of agricultural income is derived from the livestock sector. Therefore, it goes without saying that activities that will render the livestock sector dysfunctional in one or another way, amount to economic sabotage and must be dealt with accordingly through appropriate legislation.

07 September 2004

STOCK THEFT AMENDMENT BILL
HON DR MBUENDE

Comrade Deputy Speaker, I do not want to confuse economic crimes with any other crime. There have been debates in the media whether the Minister attaches more importance to livestock than other crimes, such as the crimes against women and children. I think these are separate issues, they must be dealt with through appropriate legislation. I should however hasten to add that a fine for stock theft should be compared or benchmarked against penalties for crimes such as money-laundering and illegal dealing in diamonds. Contraventions of the various provisions of the Diamond Act, for example, on conviction one is *“liable to a fine not exceeding one million Namibia Dollars or to imprisonment for a period not exceeding twenty years or to both such fine and such imprisonment.”* The penalty in the Diamond Act is similar for the one selling as well as the one buying.

The Minister may wish to add a Clause that imposes the same penalty for the one buying stolen stock as the one selling. The selling of stock is encouraged by the fact that there is a market for it. Those buying stolen stock are indeed fuelling the stock theft industry. One way of preventing stock theft is through the proper organisation of auctions. Currently there are no clear regulations in terms of organising auctions. Too many people are involved in the organisation of auctions. The police in the area are often not notified. A provision should also be inserted to restrict the organisation of auctions to recognised farmers unions. Provision should be made to empower the police to enter and search farms and other premises if they have reasonable grounds to suspect that stock theft has been committed or being contemplated.

Provisions should also be introduced to deal with smuggling of stock across the borders. There is a problem that the Namibian nationals cross our national borders into Botswana, Angola and Zambia and bring stock into the country. The smuggling of livestock into the country has the potential of importing diseases and put the entire industry in jeopardy. These cases were in the past left to Traditional Authorities that do not have the necessary competence to deal with those cases adequately and, therefore, I would like to submit, Honourable Minister, through you, Comrade Deputy Speaker, that this issue of smuggling stock into the

07 September 2004

STOCK THEFT AMENDMENT BILL
HON KATJITA

country must also be addressed in the Act so that it is taken care of appropriately.

I would also suggest that in view of the time pressure, that certain consultations must take place so that some of the issues that I addressed here are inserted into the Act, and also the debate on the penalty, the question of a minimum penalty is something that the legal experts must look into because first you are imposing a minimum penalty and then you are introducing exemptions. Once you introduce exemptions, we will go by the exemptions and that will make the whole idea of a minimum penalty not effective, because you start giving leeway and the Judges can just go by the exemptions and then what is the idea then of a minimum penalty if you have exemptions to the minimum penalty?

I think there are a few technical issues that need to be looked into. Of course, they say that life expectancy in Namibia is 40 years or so and if you are sentenced to prison for thirty years, that is almost 75% of your life sitting in jail for having stolen a cow. (Interjections). I am not disputing that, but I am saying that the crime and the penalty must be commensurate and without really expressing an opinion, I think that there is something that is worth re-looking at. I thank you.

HON DEPUTY SPEAKER: I thank the Honourable Dr Mbuende for his contribution Honourable Katjita.

HON KATJITA: Thank you, Honourable Deputy Speaker. I rise to support and add my voice to the previous speaker on the Stock Theft Amendment Bill.

Honourable Minister of Home Affairs, this is a very welcome Amendment and improvement on the Bill. I think this is the trend needed to be implemented, then to be evaluated and then to be improved to ensure

07 September 2004

STOCK THEFT AMENDMENT BILL
HON KATJITA

efficiency and effectiveness of our laws.

Honourable Minister, through the Deputy Speaker, as you rightly said in your motivation speech, “*the stealing of cattle leaves victims without surviving means and in abject poverty.*” I am missing the part on how the victim is to be compensated. We all know that stock theft is an enrichment business on its own. Thieves are most of the time arrested after a long time doing this business. Also the fact that the immediate thief is not the real business person or the brain behind the transaction, there are millionaires involved who are providing markets to the thieves. Sometimes the thieves are just getting peanuts for the work they do for their bosses.

Honourable Deputy Speaker, I would therefore like to suggest that we need to impose penalties on the real thieves or the brains behind the business or the market providers too in terms of cash to compensate the victims for their loss.

The police should not stop searching immediately after the first arrest, but should continue until the whole gang has been arrested. Victims are sometimes lucky to get their stock back alive, but mostly it has already been killed when found and imprisonment will not really benefit the victim and only prevent further theft by the same person taking place.

Most of our elderly people’s kraals are closed with no stock due to stock theft and no compensation whenever thieves are brought to book. That is why, Honourable Minister, I would like us to insert something that deals with compensation for the people who lost their livestock at the hands of the thieves. I thank you.

HON DEPUTY SPEAKER: I thank Honourable Katjita for her contribution. Honourable Ulenga.

07 September 2004

STOCK THEFT AMENDMENT BILL
HON ULENGA

HON ULENGA: Thank you, Honourable Deputy Speaker. I do not want to take away from the contributions which were made already with regard to this Amendment Bill, especially from my side of the House. I also believe it is very important to take legislative steps to have in a serious crime that is rampant and that does not only wreck havoc with the means of subsistence for many low-income households in our country, but that also threaten to even sink our very meat industry as such. In other words, I want to say that I cannot fault the principle of the Amendment Bill at all.

Yet, Honourable Deputy Speaker, I think it must be said that the Amendment on the Floor raises serious questions of consistency from the legal point of view, also in terms of the level-handedness on the side of Government when it deals with similar crimes and indeed with the issue of fair justice itself.

I happened to look at some statistics issued by the Namibian Police, that is national crime statistics for the first five months of 2004, that is to say from January to May this year. The total number of crimes or criminal incidents reported to the police, according to this document, are given as 13,047 in all. It looks like this does not include the petty crimes such as drunken driving and so forth or traffic related incidents.

However, of these 13,000 plus reported criminal incidents, only 500 were related to stock theft, involving about the same number of victims. In other words, we are talking about less than 5% of the total criminal incidents.

Now, according to this, Honourable Deputy Speaker, housebreaking of residential premises was as high as 3,120, involving more or less the same number of victims again and additional to this, we are talking again about 664 burglaries or housebreaking of business premises which altogether brings us to 3,770 of cases of reported housebreakings. You will find surprising statistics if you look at other areas of crime, for example involving violence. In other words, what I want to say is that looking at the entire field and not specifically about one kind of crime only, the crime is bad, crime is taking gigantic strides, it is increasing exponentially

07 September 2004

STOCK THEFT AMENDMENT BILL
HON ULENGA

all over the whole area and we are not really talking about one particular area here.

I do not intend to take away from the seriousness of the crime of stock theft as such, but just to urge level-headedness and balance – like my Colleagues have called for in the past few days. (Intervention)

HON MINISTER WITHOUT PORTFOLIO: I am extremely sorry, but I would like to ask the Honourable Member a question. In view of what you are saying, Honourable Ulenga, through the Chair, I would like to know whether you are aware that because of the compensation factor, most of the people in communal areas tend to go to the Traditional Authorities rather than to the Courts for compensation and solution of their problems when it comes to stock theft. Maybe that also contributes to the small numbers reported, because there it is straightforward. You go to the Traditional Authority, they give you compensation, you are happy, rather than sometimes waiting five, six years at the normal courts without getting anything. People tend to go to the Traditional Authorities.

HON ULENGA: Honourable Deputy Speaker, in answer to the question put by the Honourable Minister without Portfolio, I must say I appreciate the fact that the Minister was once the Minister of Justice. I do not believe that the Minister would want to argue that you can actually go and claim compensation without having reported the case in the first place.

However, be that as it may, as I was saying, crime in general and not just stock theft is taking on gigantic proportions in Namibia and as a society and as Legislature we should look at the root causes of crime in order to be effective in minimising if not eradicating it from our society entirely.

The chief factor regarding stock theft and the root causes of stock theft, like for other crimes, is the socio-economic factor, is the poverty factor. Cattle and other stock theft in Namibia is rife in the following areas:

07 September 2004

STOCK THEFT AMENDMENT BILL
HON ULENGA

Number one, in the communal areas where the number of landless,

stockless, unemployed adults have multiplied exponentially over the last few decades alone. Number two, it is found on private farms neighbouring communal areas or so-called reserves where the above described socio-economic situation also prevails. Number three, these happen on farms near poor towns and near squatter areas. (Intervention)

HON DR MBUENDE: May I ask the Honourable Member a question? Through you, Honourable Speaker, I would like to know from the Honourable Member whether indeed he has statistics for the assertion that he is making now about the relationship between poverty and stock theft, because the trend that we seem to have observed is that the people who are involved in this industry are not necessarily the poor, but it is a whole organised industry and it is the rich who are actually involved in stock theft. The stock theft by the poor is the one who slaughters one to eat, but the rich one closes down the whole kraal of a poor woman by taking a hundred or more. I just wanted to know because it is an interesting theory, connecting crime to poverty, but whether it can be supported statistically specifically in respect of stock theft, I doubt.

HON ULENGA: Thank you, Honourable Deputy Speaker, I will not necessarily have a quarrel with what the Honourable Member is saying. As a matter of fact, he could just have said that also in his own contribution. (Intervention)

HON SCHIMMING-CHASE: Would the Honourable Member please allow me a question? Honourable Ben Ulenga, are the statistics that you have based on those who were actually brought to court and jail? Because

07 September 2004

STOCK THEFT AMENDMENT BILL
HON ULENGA

in terms of stock theft the rich thieves are not brought to court and jail, they use the poor.

HON ULENGA: Thank you very much, I am dealing with a lot of questions now, I will ask my dear Colleague just behind me if she will allow me to deal with that one a little later, because I was just talking about the other one. As I have said, I do not really have any fight and as a matter of fact, the statistics that I was citing now are simply those that say that if you look at the areas where stock theft happens, you will find that it happens in farms neighbouring, for example, poor neighbourhoods. It also happens on farms close to poor towns where there are squatter areas, where there is a lot of unemployment. This may mean or may not mean anything to some of us or to all of us, I am just trying to refer to a suspicious trend as far as stock theft is concerned.

I support fully those who were saying that the rich should be punished and some of the people actually behind stock theft may be the right people. But however, then in that case the Amendment Bill that we have before the House may be missing the point, because here we are targeting people who steal one cow, which is N\$700, which means the people that you are sending to prison... (Interjections). I have been to Katima, I have been to Caprivi, perhaps you are not aware of all the prices nationwide, but you can imagine a poor member of the society on the other side of Impalila who steals a cow or a heifer, in the Caprivi these are normally priced around N\$700, N\$800. Those are the prices that are being offered anyhow. (Intervention)

HON MINISTER OF INFORMATION AND BROADCASTING:

Honourable Deputy Speaker, may I ask the Honourable Member a question? I would like to ask a question of geographic and morphological significance. Which Namibians live the other side of Impalila Island? If you are a Namibian and you live on the other side of Impalila Island, in which part of Namibia are you?

07 September 2004

STOCK THEFT AMENDMENT BILL
HON ULENGA

HON ULENGA: Honourable Deputy Speaker, as I was saying and if the Honourable Minister of Information will excuse me, I will not be able to deal with morphological issues because this is completely removed from stock theft, Sir. I was saying that it looks like the chief factor and the root cause regarding stock theft seems to be going more or less together with the poverty factor.

HON DEPUTY SPEAKER: On that note of the poverty factor this House will now rise for refreshments.

HOUSE ADJOURNS AT 15:40
THE HOUSE RESUMES AFTER ADJOURNMENT AT 16:00

HON ULENGA: Thank you, Deputy Speaker, let me just quickly conclude before Member remember to ask questions.

As I was just saying just before the cruel mallet? who rudely interrupted me, there is this whole socio-economic factor that we need to look at and I have already referred to it above and unless the socio-economic factor is effectively addressed, unless the unemployment issue, for example, is totally eradicated or at least halved and if aimless living in squatter areas continue to happen in this country, stock theft would perhaps increase, irrespective of what happens to the law.

Honourable Deputy Speaker, another area that we need to look at in order to raise serious questions is of course the area of police effectiveness in dealing with stock theft. The statistics that I referred to a few minutes ago are talking about the rate of arrests. For example, where we are talking about 500 cases reported to the police, only about 300 have resulted in actual arrests. That is around 69 to 70%. Now what about convictions if only about 68% of the reported cases result in arrests? We already know that convictions will even be less than that. (Intervention)

07 September 2004

STOCK THEFT AMENDMENT BILL
HON ULENGA

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:

May I ask a question? Honourable Ulenka, you are emphasising the percentage of 69. Do you want to tell us that in your view the police are not doing their work? If you are talking of over 60%, that means that the police are doing the work and we need to be proud of that.

HON ULENGA: Honourable Deputy Speaker, unfortunately I must say the question of the Honourable Member contains an inference and is aimed at expressing an opinion and is too long and, therefore, you would have to excuse me, he will have to rephrase the question.

HON DEPUTY SPEAKER: On that one there must be a Ruling. The Honourable Member is Out of Order. Proceed with your statement as prepared.

HON ULENGA: A number of Honourable Members dealt with the question of heightening the threshold of sentence and I just wanted to say I really agree with Honourable Mbuende, for example, where he says that there should be a balance in the heightening of the threshold of sentence. Putting the minimum sentence higher than where the case is at the present moment may result in abortion of justice and I would urge the Minister to seriously look at that and perhaps seek further legal advice before it is allowed to be in the Bill.

I actually want to refer that involves the Minister himself. You will remember that many years ago, through you Honourable Speaker, the Minister had to serve eight years in prison for having uttered eight words at an aborted political meeting and that happened under a law that said that once you are found guilty, you have to go to prison for five years or more. Many parts of the world and many free societies then condemned

07 September 2004

STOCK THEFT AMENDMENT BILL
HON DR KAWANA

that law as being very draconic and I think it is the same smell we are getting in this kind of law that we see here.

I must say that at the beginning I should perhaps have declared my interest on this issue. I must say I have a few cattle, I do not own goats, but I understand that a few years ago the Minister himself suffered seriously as a result of stock theft. I hope the Minister is not mixing his public duties with his private interests. I thank you, Deputy Speaker.

HON DEPUTY SPEAKER: I thank the Honourable Ulenga for his contribution. Are there any further discussions? Honourable Minister of Justice, Honourable Kawana.

HON MINISTER OF JUSTICE: Thank you very much, Honourable Deputy Speaker. Comrade Deputy Speaker, I rise to add my voice to the Stock Theft Amendment Bill. Stock theft is nothing but economic sabotage. To most Namibians, especially among our Herero-speaking Namibians, stock possession is not only a prized possession, but it is also a spiritual possession. Stock theft is becoming a very big disease in our country, both our commercial and communal farmers are sustaining enormous losses. This Bill came at the right time to address the rampant stock theft in our country so as to address the plight of the victims of stock theft and also to preserve our economy which is adversely being affected by stock theft.

I am informed that only yesterday my Colleague, Honourable Hishongwa, became a victim of stock theft, just to give you an example of how rampant this crime is. I, therefore, take this opportunity to thank my Colleague, the Honourable Minister of Home Affairs, Comrade Jerry Ekandjo and his Deputy, Comrade Kasingo, for coming up with this very important Bill. I support the Bill and I thank you.

7 September 2004

STOCK THEFT AMENDMENT BILL
HON GENDE

HON DEPUTY SPEAKER: I thank the Honourable Minister for his contribution. Are there any further discussions? Honourable Gende.

HON GENDE: Thank you, Honourable Deputy Speaker. Honourable Deputy Speaker, the Stock Theft Amendment Bill under discussion is long overdue, but having said that, many outside this House feel that the Stock Theft Act did not achieve its objective since it was passed in this august House. Especially those of us living in the communal areas hardly see the police who have been put in place to deal with stock theft. This is the area which we are supposed to address and not the increase in the punishment *per se*, because many thieves go out there in the field unnoticed, they steal without being apprehended because there are no patrols on our roads in the communal areas.

Honourable Deputy Speaker, I personally do not think that the problem lies with the existing principal Act, but what we are supposed to do is to rather put structures on the ground with transport and communication means so that they can deal with the issue.

Some people in our areas, especially the communal areas, have closed down their cattle kraals because most of their cattle were stolen. (Intervention)

HON MINISTER HOME AFFAIRS AND IMMIGRATION: May I ask a question? Honourable Gende, are you aware that some Namibians have the habit of driving their cattle into Angola, sell them together with their neighbours' cattle and then come back to claim their cattle have been stolen?

HON GENDE: Honourable Deputy Speaker, the answer is yes, but this is only the tip of the iceberg and most of the people involved in these

07 September 2004

STOCK THEFT AMENDMENT BILL
HON GENDE

cases – maybe including the Minister himself – live near the border and their cattle are grazing on the other side of the border. Therefore, it is possible that it could happen. (Intervention)

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: On a Point of Order. I am 70 kilometres south of Rundu, so my cattle are not on the other side.

HON DEPUTY SPEAKER: The Honourable Minister is Out of Order. Please proceed, Honourable Gende.

HON GENDE: Thank you very much, Deputy Speaker, for your protection. Honourable Deputy Speaker, one thing that we also have to address in the absence of structures on the ground, is that the principal Act is stating that no one is allowed to transport cattle from 18:00 to 06:00 in the morning. You however find that people are still doing that because no one apprehends them and they are transporting stolen cattle under cover of darkness. I think the Minister responsible should look into that matter.

Honourable Deputy Speaker, with these few remarks, I support the Amendment and asking the Minister to put the structures on the ground so that they can work effectively everywhere in this country and not only to look after the affairs of the commercial farmers. I thank you.

HON DEPUTY SPEAKER: I thank Honourable Gende for his contribution. Honourable Chata.

07 September 2004

**STOCK THEFT AMENDMENT BILL
HON CHATA / HON DR TJIRIANGE**

HON CHATA: Thank you, Deputy Speaker. I have not yet amassed cattle and listening to cattle barons speaking, I am tempted to also look into that direction. However, Honourable Deputy Speaker, my question is more taking advantage of this Floor to ask the question, because as I listened to the Minister's statement on the issue of imposing such heavy penalties, his accent was on the issue of deterrence. Therefore, my question is more of a general nature, as to whether deterrence or measures aimed at deterring human spirits from doing whatever they are bent to do have ever worked. My experience is that if human beings have decided to do something, no measure of deterrence can stop them from doing that. (Intervention)

HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: May I ask a question? Honourable Member, you are saying that deterrence is not necessary and therefore, there is no need for laws and you are a Member of Parliament and you are here to make laws to deter people from committing crime. Do you not find this to be a contradiction?

HON CHATA: The question really borders on giving opinions and making inferences and I think in the spirit of our rules that is out of order. That was my input, thank you.

HON DEPUTY SPEAKER: I thank the Honourable Chata for his contribution. The Honourable Members should not try to involve the office that is not supposed to be involved. Honourable Tjiriange.

HON MINISTER WITHOUT PORTFOLIO: Comrade Deputy Speaker, I rise to support what Comrade Mbuende has said in this august

07 September 2004

STOCK THEFT AMENDMENT BILL
HON NAMISES

House and also associate myself with his request for us to look at these things in a holistic manner. He raised quite fundamental issues that need to be addressed and I took the Floor before my Colleague answers the questions, so that we would probably have that in mind that there is a need for us to consult on these points so that we can strengthen the Amendment in the fashion that is being suggested here. Mine is to appeal to my Colleague that having listened to this, I think there is room for us to improve upon the Amendment by adding all the things that have been said. Thank you.

HON DEPUTY SPEAKER: I thank Honourable Tjiriange for his contribution. Any further discussion? Honourable Namises.

HON NAMISES: Thank you, Honourable Deputy Speaker. I have no cattle, but I have interest and am seeking clarity on the question of the vulnerable farmers because I think it is also linked to the communal farming where mainly women are resettled. I was just wondering if in his answer the Honourable Minister could tell us how resettlement has contributed to stock theft, especially those of women who are so vulnerable and who have been put into a resettlement area with very strong male farmers surrounding them.

I was wondering whether in there would be a different way of compensating because usually the traditional chiefs would give you back maybe ten goats more, but are we here only talking about the money which would be paid back to that person? Usually people would like to be compensated in the same form as the loss. I thank you.

HON DEPUTY SPEAKER: I thank Honourable Namises for her contribution. Honourable Deputy Minister Katali.

07 September 2004

**STOCK THEFT AMENDMENT BILL
HON KATALI / HON HISHONGWA**

HON DEPUTY MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION: Thank you, Honourable Deputy Speaker, I rise to contribute to the Amendment Bill under discussion. I must, first and foremost, say that I support the Amendment and I have only one concern that I would like to bring to the attention of the Honourable Minister.

I do not know whether it fits in with his office or probably the office of the Ministry of Foreign Affairs, but since it relates to stock theft, I feel I must raise it here. This is the question of stock theft beyond our borders. For instance, in the area where I come cattle are stolen and taken into Angola. The owners will follow these tracks and find the cattle, in some cases with the help of the police. The problem then is that when the cattle are brought back to the Angolan side of our border, the owners are asked to pay for these cattle and this is not a small amount of money, sometimes it is a big amount of money. Therefore, I appeal to the Honourable Minister to probably negotiate with the police on the other side so that the transfer of stolen livestock be made smooth and that somebody does not lose much in terms of petrol used to go and recover the livestock and also to pay for the cattle recovered.

With that, Comrade Deputy Speaker, I support the Amendment Bill.

HON DEPUTY SPEAKER: I thank the Honourable Deputy Minister for his contribution. Honourable Deputy Minister Hishongwa.

HON DEPUTY MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: Thank you, Comrade Deputy Speaker. I rise to support the Amendment on stock theft. The issue of stock theft is quite a serious one. What the Honourable Minister of Justice said is quite correct, I have just lost some cattle for the second time. But I would like to start with the issue of cattle stolen from Namibia and taken to neighbouring countries or those stolen in other countries and brought to

07 September 2004

STOCK THEFT AMENDMENT BILL
HON HISHONGWA

Namibia, like in the case of Botswana. The first one is in the case of Angola.

We still have many citizens who lost their cattle which were taken away from here to Angola, especially during the conflict in the Kavango, Ohangwena and the Caprivi. Some documents were given to me by people who are trying to find their cattle, and not only a few but hundreds of cattle and these people have been impoverished by this. It seems that it is known where these cattle are in Angola.

I am also made to understand that it is not only the poor people who are told to go and steal cattle, but also sometimes the commercial farmers buy cattle and keep them on their farms. Sometimes these farms are sovereign states within a sovereign state, nobody has the right to enter and the poor communal farmers end up losing their animals in this manner. I want to know whether the Amendment Bill could not enable us to recover the animals of these poor people which have been confiscated when found on the commercial farms. As far as I am concerned the law should go that far to see if we could not recover some of these animals which are taken from the poor communal farmers.

The issue of compensation should be strongly emphasised here, maybe to the extent whereby one should compensate the victim as well as the state for violating the law. I feel if people have to compensate, they would become afraid.

Today in Namibia there is a problem, if you steal one million or ten million, you will go to court, be asked to pay bail of N\$100,000 and later you will hear the docket has gone missing and there is no longer a case.

I think it would be good if we have in all our laws the compensation.
(Intervention)

HON NAMISES: On a Point of Order. I just want to find out whether Members are allowed to read *Sister Namibia* in this House.

07 September 2004

STOCK THEFT AMENDMENT BILL
HON SIOKA

HON DEPUTY SPEAKER: Those who read it and those who distribute it are both on the wrong side of the Rules of this House. It is not allowed.

HON DEPUTY MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: I am is sorry that it is ruled Out of Order, otherwise some of these unparliamentary documents should not be allowed to come into this Honourable House, because they are not posted to us, we find them here. No documents are allowed to enter into Parliament, they must pass through a certain office. That was my contribution to the Amendment Bill. Thank you, I support the Bill.

HON DEPUTY SPEAKER: Honourable Sioka.

HON SIOKA: Thank you, Comrade Deputy Speaker. I would also like to raise my two concerns about stock theft although I am rising in support of the Amendment Bill.

My first concern as raised by two Honourable Members is the cattle stolen by our neighbours. The majority of the people who are stealing our cattle in Namibia are our neighbours. We have a situation in Caprivi whereby some cattle are taken to Zambia and once they have been recovered there, it is a problem to bring them back. The Veterinary Department will say that by bringing them back, we are bringing in diseases such as the foot-and-mouth disease and it is maybe better for you to slaughter and sell those cattle in Namibia and we know the value of Kwacha. (Intervention)

HON MINISTER WITHOUT PORTFOLIO: May I ask a question? On the point of foreigners being more involved in cattle theft, are you

07 September 2004

STOCK THEFT AMENDMENT BILL
HON B AMATHILA

aware that the most specialised and professional cattle thieves are basically the Hereros and that they are not coming from elsewhere?

HON SIOKA: I think the Secretary General is aware of that situation, I am not aware of the Hereros that are the most professional cattle thieves. The Veterinary Department would advise you to sell those cattle in Zambia or to slaughter them there, but then there is the question of the value of the Kwacha and the market which is not available. Then you will just have to hand it back to Zambia, you will not get your cattle and you will remain a poor victim of stock theft.

The second point which I wanted to raise is that some of the people stealing stock in Namibia are organised by the farmers. If a farmer wants to steal, he will organise his workers to go and steal from a neighbouring farm and maybe the penalties should include those farmers who are stealing from their neighbours and the sentences should be equal to the minimum set by the Minister. I support the Bill.

HON DEPUTY SPEAKER: I thank Honourable Sioka for her contribution. Honourable Amathila.

HON B AMATHILA: Honourable Deputy Speaker, I rise to support the Amendment, it is a very welcome development, but the question that I have is whether we can implement these Amendments. My experience is that on a number of occasions I lost cattle from my farm, I reported it to the police a number of times and nothing has been done. I am just wondering whether this improvement will change the situation.

We have to look at complementary requirements to make the police more effective in order to carry out the actions that we expect them to carry out

07 September 2004

STOCK THEFT AMENDMENT BILL
HON EKANDJO

and if we do not do that, this will just be pieces of law on our papers which will not really bring any improvement at all.

One day I found the heads and the remains of four of my oxen which have been slaughtered on my farm. The carcasses have been taken away and I knew that no single person could carry four carcasses of oxen with him. Three days later I found a containerised truck not far from the spot where these cattle were killed and when I turned around in order to establish whose truck it is, it turned off. That simply meant that somebody with a containerised truck was the one carrying all these cattle from people's farms, passing roadblocks because nobody inspects all these containers and get away with it.

The question is, when we make these Amendments, do we inform those who are supposed to implement them that there has been an Amendment made to a law or do we only pass the Amendments here and as far as the implementers of these laws are concerned, nothing has changed? I think we have to try and help those colleagues to be abreast with the Amendments we are making and make resources available for them to carry out these things. If we do not, we will become a Parliament that makes laws that we cannot implement and that will not be very helpful. Therefore, when we are looking at the budget of the ministry concerned, we have to make resources available so that those who are supposed to implement the laws have the means to do so. Otherwise, passing beautiful laws which cannot be implemented is really not a very helpful exercise. I thank you.

HON DEPUTY SPEAKER: I thank Honourable Amathila for his contribution and in the absence of other contributions, I would now revert the Floor to the Honourable Minister for his reply.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:
Comrade Deputy Speaker, the questions were more or less the same, but

07 September 2004

STOCK THEFT AMENDMENT BILL
HON EKANDJO

let me first react to what *Honourable Nora Schimming-Chase* said and which was echoed by *Honourable Pretorius* and many others.

First of all I would like to thank *Honourable John Gaseb* for his support and also Honourable Schimming-Chase. Regarding those who send these young boys to go and steal, if one looks at Clause 2 of the Amendment Bill, it states as follows: *“The following Section is substituted for Section 14 of the principal Act: Penalties for certain offences: Any person who is convicted of an offence referred to in Section 11(1)(a), (b), (c) or (d) that relates to stock other than poultry of which the value is,”* etcetera. Sections (a), (b), (c) and (d) of the principal Act is Section 11 of the Stock Theft Act 12 of 1990.

“Verdict on a charge of theft of stock or produce: Any person who is charged with the theft of stock or produce, may be found guilty: (a) of the theft of or an attempt to commit a theft of such stock or produce, or (b) receiving such stock or produce, knowing that the same to have been stolen; (c) inciting, instigating, commanding or conspiring with or procuring another person to steal such stock or produce or to receive stock or produce or knowingly disposing of or knowingly assisting in the disposal of stock or produce which has been stolen or which has been received with knowledge of it having been stolen, or contravening Section 2 or 3.” This means that all these people are covered, those who know that it has been stolen and they buy or those rich people who incite and send these young boys.

I visited Buitepos Police Station when I was there and I found a lot of San people there who have stolen for only a bottle of wine or N\$100.

Therefore, those people are taken care of in the principal Act and once found guilty of stock theft of which the value is less than N\$500, are liable to a fine not less than two years. But more than that, then it will come to not less than twenty years, not less than thirty years. The sentences here are not only targeting the person red-handed, it also includes those who sent these young boys. Therefore, it is taken care of here.

Coming to the question asked by Honourable Pretorius concerning serious

07 September 2004

STOCK THEFT AMENDMENT BILL
HON EKANDJO

cases such as murder, rape, etcetera, these are taken care of in the Criminal Procedure Act. The Ministry of Justice will very soon bring to Parliament a new Criminal Procedure Bill which will replace the old one. It has already gone through Cabinet and in that one they mention life sentence for serious crimes such as armed robbery and murder and they say life sentence is the period of your natural life. If you get life sentence, then it means you will go to jail for life, no more fifteen years, as Honourable Pretorius has said. They say that life imprisonment means you will spend the rest of your natural life in prison. It means you will die in prison. That is taken care of by the new Criminal Procedure Act.

When it comes to the issue of rape, it is taken care of in the Rape Act of 2002. For instance, here they say that: *“Where the rape is committed under any of the cohesive circumstances referred to in paragraphs (a), (b), (c), to imprisonment for a period not less than ten years.”* Up to Paragraph (f) they mention, *“to imprisonment for a period not less than fifteen years.”* It is in the Rape Act. Then here they also mention, *“to imprisonment for a period not less than twenty years.”* And then here they say, *“to imprisonment for a period not less than forty-five years.”* This is in the Rape Act. Therefore, rape has been taken care of here by the Rape Act and the rest has been taken care of in the Criminal Procedure Act. These are now murder, armed robbery and all those serious crimes and the Ministry of Justice is administering those and the Bill will come here. In the new Bill they say life sentence means the period of your natural life.

Comrade Mbuende, thank you very much for your support. Maybe what you have mentioned could be covered by the regulations. We can amend the Police Regulations so that when it comes to auctions, the police must be notified and no person may sell a cow without permission by the police.

Comrade Deputy Speaker, I have been struggling with this Bill for the past four years, addressing meetings all over the country. I addressed the first meeting at Okamatapati and from there I went up to Ruacana. Sometimes it happens that the only goat of an old lady is stolen, she goes to the police and lays a charge that her goat has been stolen. On her way

07 September 2004

STOCK THEFT AMENDMENT BILL
HON EKANDJO

back home she finds somebody selling meat under a tree. Then she buys a piece of meat for her children, not knowing that this piece of meat is of her own goat. Therefore, I am thinking of putting in the regulations that if you sell meat under a tree, at least the skin or the head should be there for two or three days so that any person who misses stock can in the meantime look. What happens now is that they bury the skin and everything and then you buy the meat of your own cattle, but this will be taken care of in the regulations and Comrade Mbuende, thank you very much for what you have said, we will include this in the Police Regulations. The Police Act and the Criminal Procedure Act also makes provision for the police to enter any premises.

Comrade Katjita mentioned compensation and this morning after Cabinet I had a meeting with *Comrade Katjita*. Clause 17 of the Amendment Bill makes provision for compensation and I think it is also stipulated in the Criminal Procedure Act that one can make a civil case. After the suspect has been sentenced, you may make a civil case for compensation.

I remember in 2001 or 2002 I travelled to most parts of the country with the Honourable Secretary General, *Comrade Tjiriange*, when he was the Minister of Justice. The communities were asking why when your goat is stolen, the suspect arrested and sent to jail, spend a few years in jail and comes out, but you, the owner, the victim lose. Then Comrade Tjiriange advised them to make civil cases for compensation. It came out that sometimes people do not know that you can make civil cases and the Honourable Minister was saying that in that case, he may incorporate that idea in the Criminal Procedure Act so that the compensation Clause can also be compulsory.

Honourable Ulenga, if 500 cases have been reported to the police and 300 have gone to court, it is 60%, a very big number. What happens in most communities when it comes to stock theft, police go to the police and lay a charge, the police spend days and nights, even weeks, searching for the suspect. When the suspect is arrested the owner is notified. Once he comes to the police and he finds that it is his cousin or his brother's son, then he withdraws the case. The case would then have been reported but withdrawn.

07 September 2004

STOCK THEFT AMENDMENT BILL
HON EKANDJO

What we are thinking of doing in the Police Act is that when somebody committed a crime, whether housebreaking or any type of crime, and someone lays a charge and at the end of the day withdraws the case, well and fine, you will withdraw the case but the State will take over the case and then you will become a witness, because when you laid the charge, you stated under oath that, "*I, Jerry Ekandjo, my cattle or my car is stolen, I speak under oath*" and you swear. Then if I withdraw the charge, the State will take over the case and I will become a State witness. If you refuse, you will be charged for perjury. Especially when it comes to stock theft it happens in some communities. Even women are beaten up by husbands and then they withdraw the charges.

Comrade Kawana, thank you very much for your support. Honourable Gende, those things you mentioned are administrative, that the police must patrol, etcetera. These cannot be put in the Act, it is about how to deploy the police. These are administrative issues, but thank you for your support.

Honourable Chata, thank you for your support. I hope by the 20th of March next year when you exit this Parliament – because you are not coming back – you will buy some cattle with your pension money so that you can also become a cattle owner, but thank you for your support.

Honourable Namises, compensation is mentioned here, but I am told the people in the resettlement areas are well organised. There is no stock theft in the resettlement areas. These are well organised people and they cooperate. People who steal there are people from other areas, but not the resettled people. But anyhow, thank you for your support.

Comrade Katali, the issue you mentioned will be discussed in the Joint Commission on Defence and Security. If I however lump the concerns of Comrade Katali together with that of Comrade Sioka, why it happens in most cases that the stolen cattle are taken to Angola or Zambia is because foreign nationals are illegally employed without proper documentation, making use of cheap labour. For instance, a person from the Caprivi Region or the area along our Namibian-Angolan border is in Oranjemund, he does not pay this Angolan or Zambian boy, he only pays with a bag of

07 September 2004

STOCK THEFT AMENDMENT BILL
HON EKANDJO

Top Score maize, so what do you think this person has to do if for two to six months he is not paid? He asks his boss for a few cents and he is told that, "*if you continue I will call the immigration officers to come and arrest you.*" He therefore keeps quiet. This person organises his brothers on the other side to come at night and steal the cattle. I am not saying in all, but in most cases this is what happens.

We are however discussing it in the Joint Commission because in some parts you can hardly travel two, three kilometres without finding a roadblock, N\$10 per head of cattle and as you go further, you keep on paying. We are discussing it with our neighbours.

Comrade Hishongwa, thank you very much for your support, but the issue of cattle stolen during wartime can maybe be solved politically, but I do not think it can be stopped by a police investigation. However thank you for your support.

On the issue of entering a farm, be it a communal or commercial farm, once you come to the police and you suspect that your cattle are there, you can be accompanied by the police to enter that farm. That is permissible, but if you go alone, the owner might deny you entry. I would advise you to go with the police to enter that farm and to search for your cattle if you suspect it is there.

Comrade Ben Amathila, thank you very much for mentioning the increase in the budget. **Honourable Bohitile** has already promised that next time she will cut in half the budget of Education and Health. Once we have the finance we will be able to do it, because presently our aim is to have stock theft units in most part of the country where stock theft is rampant, but because of finances, the Stock Theft Unit is presently Windhoek-based. Once we get enough resources, we want to expand to most parts of the country so that the stock theft units can also be in the regions rather than operating from Windhoek.

Overall, thank you very much for your support.

07 September 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON VENAANI**

HON DEPUTY SPEAKER: I thank the Honourable 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: *Stock Theft Amendment Bill.*

**RESUMPTION OF SECOND READING: MEAT
CORPORATION OF NAMIBIA AMENDMENT BILL**

SECRETARY: Resumption of Debate on Second Reading – *Meat Corporation of Namibia Amendment Bill.*

HON DEPUTY SPEAKER: When this Debate was adjourned on Wednesday, 18th of August, the Question before the Assembly was a Motion by the Honourable Minister of Agriculture, Water and Rural Development, that the Bill be read a Second Time. The Honourable Member Mr Venaani adjourned the Debate and he now has the Floor. Honourable Venaani.

HON VENAANI: Thank you very much, Honourable Deputy Speaker. I rise to give my support to the proposed Amendment of Section 5(1)(a) of the Meat Corporation Act of 2001. I firmly believe, Honourable Deputy Speaker, that every successful business enterprise is guaranteed security and growth if its employees are well taken care of and their demands are well represented by the leadership of that Institution. I think this was proven by the fall of Chris Lamoto's Company during the fifties and

07 September 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON VENAANI**

sixties in the United States that was going down due to bankruptcy and the board of that Company appointed a lot of people in different capacities, academics from Harvard University, and they could not rescue that company and a few years after appointing eight managing directors, they appointed a gentleman with the name Lee who focused on the potential of the employees of that company. When he was asked how he saved Chris Lamottos, he said that it was through the realisation of human potential.

I, therefore, believe that this Amendment shall, in my opinion, realise the human potential of employees by ensuring a just and fair representation of the company's employees. One always asks the question: *How can one give an input without a say?* In the instance of Meatco you have employees of the company that work and give input for that company to make profits, but yet they are not well represented and they do not have a say at the management level or at the Board.

However, I caution the workers' representative on the board to go out and to be a real representative of the employees. He or she must seek solutions to problems and at all times attempt to resolve them amicably. The culture of continuous stalemates and strikes at many of the Companies in our country is costing our economy millions of dollars.

Honourable Deputy Speaker, I want to dwell on a matter that was also raised by the Minister of Agriculture on Meatco's restructuring and outsourcing some of its business activities by giving up management of its two crucial abattoirs in Oshakati and Katima Mulilo. I doubt whether the time is opportune now to close down these key critical centres that serve the farmers north of the red line. Of course, we have learnt with caution about new managements and new business groups that have mushroomed for months and later disappeared and I hope this will not be the situation with those two critical abattoirs that serve the farmers north of the red line, because when you look at abattoirs such as the one at Witvlei and many others, one has a lot of doubts and questions. I believe that our meat industry is what we have and we must be very cautious not to ruin it by sometimes taking irrational decisions.

07 September 2004

MEAT CORPORATION OF NAMIBIA BILL
HON T GURIRAB

Pertaining to the current business opportunities in the DRC and Angola that were mentioned by the Minister, we have seen some three, four years back the markets opening particularly in the DRC, where many of our people were trading with the DRC, selling meat, but we have also seen some decline in that trade. Perhaps the Minister could brief us on what happened and how the trade can be accelerated.

Honourable Deputy Speaker, with these few remarks, I would want to add my support for the Amendment. I thank you.

HON DEPUTY SPEAKER: I thank Honourable Venaani for his contribution. Honourable Gurirab.

HON T GURIRAB: Honourable Deputy Speaker, I rise to make one comment and ask two questions.

At the outset, let me say that we welcome the Amendment as proposed, but let me go to the Minister's motivation statement in making this Amendment. One of the things the Minister is saying that the workers' representatives should not only be sitting there, but they should have the right to speak. We welcome that Amendment as well.

This is the Minister who was put in charge by the Cabinet to champion the state-owned enterprise governance process, the outcome of which we are still awaiting and whilst we are welcoming what is being proposed in respect workers' representation on the Meatco Board, the point is why it is not being made parastatal-wide.

Only this afternoon an Amendment Bill was being introduced in respect of the AgriBank. Recently we had problems between the government as stakeholders and the board of directors of Air Namibia. I think the time has come that we have a standard policy which cuts across all parastatal boards and that we do not have this treatment in a piecemeal manner, that

07 September 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON T GURIRAB**

we do not have this Bill introduced last week and the Deputy Minister of Finance coming this afternoon to ask us to do a different process. The point we are raising is that we need a parastatal-wide standardised process in the governance of parastatals.

Honourable Deputy Speaker, the second issue also coming from the Minister's motivation is that it appears as if there is intention to either privatise or outsource the abattoirs in the northern communal areas. I think it is also because there is a statement which was issued by the management of Meatco to say that they have not been consulted in this process.

My question is whether the Amendments which have been tabled have been done in consultation with the directors of Meatco and secondly, whether indeed there is an intention on the part of Government to diverse part of Meatco. If that is the intention - and it again raises questions both of governance and transparency – if the intention is to diverse part of the Company, how will it be done, who will be the beneficiaries? Again, because there is no process, the Government would always stand accused of nepotism. How do we know that the Minister himself who is pushing it would not derive direct benefit from it?

Because of that it is important that there is a process of transparency, that we know how it would be done if indeed there is an intention, because after reading the statement by Meatco, it appears as if there is an intention. We therefore need to do this in a transparent manner.

I remember when we asked the former Minister of Finance in the case of the intended divestiture of Air Namibia, we were asked that we did not know CoD was a business Company as well. We are here to represent the taxpayers and if there is an intention to do so, it must be done in a transparent manner, that we avoid charges of nepotism, that those who are driving the process are using this to line their own pockets.

With these few comments, Deputy Speaker, we will support the Amendments being proposed.

07 September 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON N ANGULA**

HON DEPUTY SPEAKER: I thank Honourable Gurirab for his contribution. Honourable Minister Nahas Angula.

HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: Thank you, Comrade Deputy Speaker. I am rising to comment and support the Honourable Minister of Agriculture for having taken this half-hearted measure to amend the Meatco Bill. They say half a cup is better than nothing, we have to start somewhere and I hope this is the first step to give the workers representation in the Meatco Board and also to give them voting rights. I consider this just to be a first step.

As the next step I hope the Minister will bring to this House an Amendment to give shares to workers in the Meatco Enterprise. My understanding is that Meatco was created with public moneys and eventually it has become some kind of meat producers association and the public interest seemed to have been watered down.

I would have liked to see the workers having a vote and a count, at least to have something like 30% percent ownership of Meatco, so that when they vote, they are voting with power because they also own Meatco to start with. That is one.

The second step I hope the Minister will take is to amend the Meatco Act in such a way to empower this corporation to really develop Namibia's meat industry, not just slaughtering, freezing and transporting, but actually to do the processing, to get the high value out of our meat, rather than just transporting red meat to some other markets.

It is particularly important for those of us who are banished on the other side of the red line. (Intervention)

07 September 2004

MEAT CORPORATION OF NAMIBIA BILL
HON N ANGULA

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:

May I ask the Minister a question? Comrade Minister, do you want the Minister to instruct the Meatco Board to open the Eloolo meat packaging in Oshakati and Katima Mulilo in order to improve the Meat Industry in Namibia? Is that what you want?

HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION:

I want the Honourable Minister to make it compulsory that there is value addition in the Meat Industry, producing high-value salami, sausages, producing essential cuts for people who are catering for the airline industries and other things, especially ostrich meat and others and really targeting the niche target so that we can get optimal value of the meat.

I am making a special plea for the farmers on the other side of the red line, the exclusion side, the excluded ones like myself. (Interjections). Yes, I am excluded. When I slaughter my chicken in my village, I cannot bring it here, I must eat it there. If I bring it here, I am going to distort the market. (Intervention)

HON SCHIMMING-CHASE: May I ask the Honourable stock owner a question? I really feel that apartheid should not be allowed in any form or fashion and excluding the Minister is apartheid. Therefore, I want clarity. After 14 years in Government, how can you still exclude yourself?

HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION:

Yes, I am excluded by the money-owners. They have a certain taste and that taste is determined by historical factors and one of those historical factors is the putting up of that red line. But I was surprised last week when there was a trade fair in Ongwediva, half of my staff wanted to go there for the purpose of eating

07 September 2004

MEAT CORPORATION OF NAMIBIA BILL
HON N ANGULA

what they call "*Ovambo chicken*." They were going there for Ovambo chicken. Now this Ovambo chicken also wants to come here. I want to put up an Ovambo chicken restaurant somewhere, but I cannot do that because of that exclusion. (Intervention)

HON CHATA: May I ask the Honourable Minister a question? Honourable Minister, why did the chicken cross the road?

HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: Which one? Which chicken crossed the road? Anyway, the point is that in order to open up the market there in the zone of exclusion, we must embark on value addition and meat comes in this market as processed meat. If you clean that meat on the other side, somehow it is unhealthy, as you claim. But when there is a Trade Fair, you go there to eat Ovambo chicken. (Intervention)

HON VENAANI: Honourable Deputy Speaker, on a Point of Information. I think the Honourable Minister is a very well-respected statesman in this country and to make a statement as if there is a deliberate exclusion of the people north of the red line is not healthy and it is not fair and it will not be taken very well by the taxpayers. The reason why we have a red line is because we have a sickness of animals north of the red line and they cannot come here. If they do come here, it will jeopardise the meat market here. It is not a deliberate attempt by somebody to try to exclude. I think the Minister should be very clear in his statements. The government, through veterinary control, that knows that we must have that borderline in order to rescue our meat market and nobody is discriminating, it is because of a certain problem that exists and if the voters start saying that the Minister said that we can bring the meat, it is only some of the people who are trying to exclude that meat, I do not think it is fair and it does not augur well.

07 September 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON N ANGULA**

HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: On a point of explanation and clarity. Number one, I am not a Statesman, I do not own a State. I attempted but I failed. Honourable Shixwameni also attempted the other day. Secondly, foot and mouth was only detected on the other side in the year before you were born. It has never been detected there for the last thirty years.

If you talk of lung sickness then I can understand you, but lung sickness has nothing to do with red meat. It is just a perception in your mind that meat on the other side is contaminated. But you and me eat meat on that side and we are very strong and very healthy. (Intervention)

HON SCHIMMING-CHASE: May I ask the Honourable Minister a question? Thank you Honourable Minister. I am also one of those who believe that there are other reasons for what is happening, so my question previously was really based on how could we not have removed the root cause of the illnesses in fourteen years? My specific question is: Does the Honourable Minister not agree that the stud bull and pregnant heifer that the Herero chief gave to the Ndonga King will improve the taste?

HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: That pregnant heifer and the bull will improve the quality. You will remember that we also captured a bull from the Germans, but the quality did not improve much.

The point I am making is that it is not purely for health reasons, it is also the perception. When you have created a history that certain things are like this and that, it is very difficult to get that out of the minds of people. That is the problem and to turn around the taste of people, thinking that the meat on the other side is contaminated because the Angola-Namibia border is not properly guarded, cattle are moving between Angola and Namibia and there is no vaccination on the other side... (Intervention)

07 September 2004

MEAT CORPORATION OF NAMIBIA BILL
HON N ANGULA

HON MINISTER WITHOUT PORTFOLIO: May I ask my neighbour a small question? The forerunner of Meatco at that time was an organisation called Damara Meat Packers. (Interjection). You were not born yet, I was working for Damara Meat Packers before I left. SWA something came later. When I was working there those days, there was a camp called Pökkiesdraai. I was working there and value adding was done in that factory, polonies and everything was being produced there, including the slaughtering of cattle. What went wrong? Why did this one not follow in those footsteps?

HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: That is a very important question Namibians want to buy things cheaply, therefore they would put their cattle on trucks on-the-hoof, take them to South Africa and sell it there cheaply. Instead of taking proper care of their cattle here, slaughtering, processing, packaging, marketing, transporting and also eating, what we call the value chain is not there. They would rather just put it on a truck and go and dump it there. After all, you produced it cheaply because there is cheap labour on the farms.

I am saying Meatco should really develop the meat industry in Namibia, to study the market niche of meat in countries like Japan, China, Malaysia and other south-eastern countries and produce for specific markets so that we can get high value out of our beef.

The other day I was with a Chinese friend who travelled to some region and he was asking me where he could buy donkey meat. I said I am not quite sure, but there is a donkey butchery somewhere in Klein Windhoek. Meaning there is also a demand for donkey meat. Why can Meatco not develop this niche market so that the Meat Industry becomes *the* industry.

The Dutch has perfected a flower called the tulip. Why can we not perfect the Industry called meat, including donkey meat and dog meat and chicken meat, elephant meat, ostrich meat? We have all these different kinds of meat, but we are crying about poverty.

07 September 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON YA FRANCE**

Honourable Minister, please order that the meat industry should be developed and amend this law comprehensively so that we have a meat industry in Namibia. Thank you.

HON DEPUTY SPEAKER: I thank the Honourable Minister for his contribution. Honourable Ya France.

HON YA FRANCE: Thank you very much, Comrade Deputy Speaker. I would like to support the Amendment to the original Bill and more especially bringing workers on board, which is a very much welcomed gesture and as Honourable Minister Nahas Angula said, I think it is not the end, it should be the beginning of making the workers of Namibia co-owners of the industries, because without labour you cannot talk of production. I feel that this should also be extended to other enterprises, more especially public enterprises.

Honourable Deputy Speaker, what I would like to address here is the practices of Meatco, especially the abattoirs which find themselves the other side of the red line, Oshakati, Katima and others. The communal farmers are complaining bitterly that they are robbed by Meatco and that the price offered per kilogram is far less on that side than what is offered to their counterparts here in the police zone. I think this is not just an empty complaint and I would like to call upon the Minister responsible to at least investigate and see why the farmers are being discriminated against, so to say. At the moment very few farmers sell their cattle to Meatco and the fact that Meatco is complaining that they have no cattle, is not because there are no cattle on sale, but the fact is that farmers get absolutely nothing for their animals they sell to Meatco.

Comrade Deputy Speaker, what is happening now is that farmers are forced to slaughter their cattle on open spaces under very unhygienic and unhealthy conditions and also sell in the open, so that they can get something and this is definitely not good and not contributing to the

07 September 2004

MEAT CORPORATION OF NAMIBIA BILL
HON YA FRANCE

industries of the country and value addition. Therefore, this complaint should be investigated. It definitely has a logical justification that Meatco must offer competitive prices as are given everywhere. A price per kilo must be given.

The other point is that the price for other by-products, such as hides and skins, is very much pathetic. You bring a very big hide of a very big ox and you get only N\$50 and just imagine how much that tannery will get for that hide. It will definitely be thousands of dollars whereas they are only buying it from poor communal farmers for N\$50.

I think while Meatco is seeing the reality of bringing the workers on the board of directors, should consider further to give shares to the workers. They should see to it that they offer commensurate prices for the animals.

I do not know who determines the price of meat. Is it only Meatco or are there wider consultations with the producers or animals, that the price is now this, or is it the exclusive monopoly of Meatco and its Board? I think it is better to have linkages with the producers and on a regular basis determine the price of meat. (Intervention)

HON MINISTER WITHOUT PORTFOLIO: May I ask a question? Are you aware that there is a very funny situation when it comes to trading with cattle? If you enter any retail business, the prices are set by the owners of those shops, but when you are selling your cattle, the prices are set by the buyer. Are you aware of that?

HON YA FRANCE: Comrade Deputy Speaker, yes Secretary General, this is the anomaly I am talking about as if we are *Aanahambo's* of Meatco, cattle herders of Meatco. They have that monopoly and the cattle are ours. In fact, the abattoirs there are working under capacity. The reason is not because people do not want to sell or people have no animals to sell, it is because of the price. I think it is undemocratic economy being

07 September 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON KATALI**

practised by Meatco and that must be addressed and done away with.

With this, Comrade Deputy Speaker, I support the Amendment and pray that it should go further than that and Meatco be democratised to serve the purpose it was established for. I thank you.

HON DEPUTY SPEAKER: I thank Honourable Ya France for his contribution. Honourable Deputy Minister Katali.

HON DEPUTY MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION: Comrade Deputy Speaker, because of the time, may I please adjourn this Debate until tomorrow?

HON DEPUTY SPEAKER: Any objection to the adjournment of this Debate until tomorrow afternoon? Agreed to. The Debate on this item stands over until tomorrow afternoon at 14:30. And this House now in terms of Rule 90, automatic adjournment, adjourns until tomorrow afternoon at 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2004.09.08 AT 14:30

**ASSEMBLY CHAMBER
08 SEPTEMBER 2004
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: This afternoon's session is called to order and I must say that I am very glad to be back amongst you, Colleagues, and to continue our quest for better governance of our Republic. Are there any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Honourable Nahas Angula.

**TABLING: ANNUAL REPORT 2003:
UNIVERSITY OF NAMIBIA**

**HON MINISTER OF HIGHER EDUCATION, TRAINING AND
EMPLOYMENT CREATION:** Mr Speaker, Sir, I have the honour to lay upon the Table the Annual Report 2003 of the University of Namibia.

HON SPEAKER: Will the Honourable Minister please table the Report? Other Reports and Papers? Notice of Questions? Any Notice of Motions?

NOTICE OF MOTIONS

08 September 2004

**LEAVE OF ABSENCE
HON YA FRANCE**

LEAVE OF ABSENCE

HON YA FRANCE: I Move without notice that leave of absence, due to official business, be granted to the Honourable Minister of Foreign Affairs, Honourable Marco Hausiku, until the 30th September 2004.

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

HON MINISTER OF JUSTICE: Honourable Speaker, I give Notice that on Tuesday, 14 September, I shall Move that leave be given to introduce a Bill to make provision for procedures and related matters in criminal proceedings.

I give Notice that on Tuesday, 14 September, I shall Move that leave be given to introduce a Bill to provide for the payment of pension, gratuity and other benefits to former Presidents of the Republic of Namibia and their families; and to provide for matters incidental thereto.

ANNOUNCEMENT

HON SPEAKER: Will the Honourable Member please table the Motions? Are there further Notice of Motions? Before we go into the business of this Chamber as scheduled for this afternoon, let me just bring the following to the attention of the Honourable Members for your kind decision:

08 September 2004

**ANNOUNCEMENT
HON SPEAKER**

If Honourable Members would please pay attention to the two-page circular that they have just received. In that we are informing the Honourable Members of this House that you are left with only four days within which new pieces of legislation will be introduced for this session.

The last day of submission of the new pieces is the 15th of September.

Having said that, the other important critical decision that you have made on the Floor is your decision that the House will rise on the 15th of October, that leaves us with about five weeks. Having said that, look at the number of Bills that are on this paper. What I wanted to bring to the attention of the Prime Minister, Deputy Prime Minister and to the Chief Government Whip is to request that maybe the Cabinet Legislative Committee would prioritise these Bills, so that we can deal with those that are time bound, that have definite deadlines. The ones that are being submitted as procedure should be postponed. The Bills to be tabled are with us, but the Honourable Ministers have not even given notice as to on which day they wish to motivate the Bills.

After that explanation the question is: Is this achievable within the remaining days and the workload can be determined by the Honourable Members themselves. Maybe without responding to this now, I would urge the Members to look at it, particularly the Cabinet Colleagues, to see what is achievable, what is urgent that cannot wait and bring some of the urgent Bills to the fore so that we can continue with the others in January. This request falls squarely on the Government Chief Whip because the two Members of the Cabinet are not here, and to everybody else, the Vice-President of the Party and who is at the same time the presidential candidate of this Republic. Are there any reactions to this or can we proceed? Thank you very much for your cooperation.

HON MINISTER OF TRADE AND INDUSTRY: Comrade Speaker, I only want to seek clarification in respect of this list of Bills. They are numbered. What is the meaning of these numbers?

08 September 2004

**ANNOUNCEMENT
HON SPEAKER**

HON SPEAKER: There are twenty Bills on these two pages. What you see on the left hand side column, those are the numbers on the Bills, Bill 1, 23, 5 and so forth.

HON MINISTER OF JUSTICE: Comrade Speaker, since you mentioned the Cabinet Committee on Legislation, which I chair, I take note of what you have said and I will be able to consult my Cabinet Colleagues and come back to your office to indicate which Bills are urgent and which ones may stand over to the next session.

HON SPEAKER: Thank you. I would like to announce to the Honourable Members to please take note that tomorrow, 9th September 2004, the Namibian Schools Debating Association will be holding the official opening ceremony of the National Debating Championship here in the Chamber of your Parliament, the National Assembly. I will be giving them what normally in conferences is called a keynote address and since these are youngsters who are very concerned with the development of their country, we want to introduce them in the Chamber. I will not preside from here, I will be there because it is just a kind of a conferencing and we are inviting the Honourable Members of Parliament who will have time to be in the Chamber. Some of the questions may be more portfolio specific and I will not be in a position to answer them, other than giving them generalised information. Those of you who may have time, please do come and join us at that time. These are youngsters, bright-eyed, looking for information. The time is from 08:00 to 10:00.

The Secretary will now read the First Order of the day.

**COMMITTEE STAGE:
STOCK THEFT AMENDMENT BILL:**

08 September 2004

**STOCK THEFT AMENDMENT BILL
COMMITTEE STAGE**

SECRETARY: Committee State – *Stock Theft Amendment Bill*.

HON SPEAKER: Does the Honourable Minister of Home Affairs, Move that the Assembly now goes into the Whole House Committee? It is Moved that I leave the Chair, any objection? Who seconds the Motion? I shall now call on the Honourable Chairperson of the Whole House Committee, Honourable Konjore, to take the Chair.

ASSEMBLY IN COMMITTEE:

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

Clause 1 put and agreed to.

Clauses to 4 put.

HON SCHIMMING-CHASE: Honourable Deputy Speaker, as I said during the Second Reading, we would very much like to give full support to this Amendment Bill. However, in Clause 2(14)(a)(i) and (ii) I would like to move that the sentence for stealing a goat not be twenty years on a first offence and 30 years on a second. It is draconian for as long as you can steal millions in a parastatal and not go to jail. I Move that the sentence be reduced. Thank you.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussions on Clause 2? Does the Honourable Member have a written Amendment to this Clause?

08 September 2004

**STOCK THEFT AMENDMENT BILL
COMMITTEE STAGE**

HON SCHIMMING-CHASE: On a first offence for one goat, five years. On a first offence for which is higher, ten years. I do not have a written Amendment, I am out of order but I shall vote against.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussions on Clauses 2, 3 and 4? Would the Honourable Minister like to say anything on the comments made by the Honourable Member although there is no formal Amendment made in writing.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: There is no formal Amendment. I will only make comments if there is a formal Amendment.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any objection to Clauses 2, 3 and 4?

HON SCHIMMING-CHASE: I request that in terms of Rule 69 our objection to Clause 2 be recorded in the Minutes of the Proceedings.

Clauses 2, 3 and 4 agreed to.

Clause 5 and the Title put and agreed to.

ASSEMBLY RESUMED:

Bill reported without Amendment.

08 September 2004

**STOCK THEFT AMENDMENT BILL
THIRD READING**

**THIRD READING:
STOCK THEFT AMENDMENT BILL**

HON SPEAKER: Does the Honourable Minister of Home Affairs Move that this Bill be now read for a Third Time? Any objections? Who seconds this Motion? So agreed. Are there any further discussions in the Third Reading? No further discussions. I give the Floor to the Minister for him to make his concluding remarks.

HON MINISTER OF HOME AFFAIRS: Comrade Speaker, Honourable Members, I thank you all for supporting the Amendments. Thank you very much.

HON SPEAKER: I now Put the Question that this Bill be now read a Third Time. Any objections? Agreed to. The Secretary will now read the Bill for a Third Time.

STOCK THEFT AMENDMENT BILL.

HON SPEAKER: Before we go on to the Second Order of the day, as a matter of courtesy of this Chamber and my omission, I would like to welcome Honourable Jooste who is the newest Member of this Chamber. Welcome aboard. The Secretary will now read the Second Order of the day.

08 September 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON KATALI**

**RESUMPTION OF SECOND READING: MEAT
CORPORATION OF NAMIBIA AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned yesterday, the Question before the Assembly was a Motion by the Honourable Minister of Agriculture, Water and Rural Development, Honourable Helmut Angula. The Debate was adjourned by the Honourable Deputy Minister of Lands, Resettlement and Rehabilitation and now yield the Floor to the Honourable Deputy Minister Katali.

HON DEPUTY MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION: Thank you, Comrade Speaker and welcome back. I rise to support the Amendment tabled by the Honourable Minister of Agriculture, Water and Rural Development. This Amendment is a very important Amendment, simply because it tries to rectify that some members of the Board have been denied involvement in the decision-making in the institution in which they are operating. One would really like to know who were these members who were denied this right all that long and what could have been the motive behind having a Board where some members did not have voting rights.

A general improvement is needed in this institution called Meatco. Some may probably not warrant Amendments tabled in this House, but there are definitely some improvements necessary in this Institution.

I once went to visit this institution's headquarters in Windhoek and starting from the reception, going through the corridors and also looking into the offices facing the corridors, the faces I have seen there are just similar faces. They are the sisters of my friend, Honourable Paul Smit. You know what they look like and one asks, "*where are my sisters and brothers?*" Is it really that my sisters are not able to record the meat prices? This reminds you of the old days when all the clerks and Secretaries were only from one colour and one would really like to know

08 September 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON KATALI**

what is the recruitment policy of this institution and where does this institution lie with this policy of affirmative action and the integration of the Namibian society in this new era?

The other improvement which I think is needed in this institution is the price of livestock. When you make enquiries, you are being told that the price for Meatco is the same throughout the country, but I tend to differ with that for the following reasons: In the Oshivelo district there are Commercial farmers who are very close to the abattoir in Oshakati, but they market their livestock in Okahandja. Why are they not taking their livestock to Oshakati which is very close? The reason is that one did actually attempt to go there and that was also the last day he went there, simply because they realised that even though it is very close, the proceeds that he is getting from the sale of his livestock are very little. That person is now travelling almost 400 kilometres from his farm to Okahandja. Even taking into consideration the transport cost, he is making good proceeds from the sale of livestock in Okahandja. The question is, why is this the case? If the prices were the same, there would have been no reason for someone to travel that long distance in order to come to the market.

One is told that the meat from the communal areas, especially the other side of the red line, is of low quality and therefore the price is low, but when you come to the marketplace to buy, there is no difference and there is no indication that this is meat coming from the communal area, which is of low quality, and this is meat of good quality from the commercial area. The price should then reflect that reality if there was such a thing. But now the prices are the same and there is no indication where the meat comes from. Therefore, one can conclude that something needs to be done with regard to this issue of the meat in communal and commercial areas.

Honourable Speaker, if this Institution is behaving in this way, why does it not pay tax? Why is it exempted from paying tax while there are other Institutions that are not yielding profits like this one and rendering a service to the Namibian citizens but paying tax? What contribution is this institution making?

08 September 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON NGHIDINWA**

I would really like to appeal to the Honourable Minister of Agriculture to immediately discuss this issue of tax with the Minister of Finance, so that if they treat the Namibian people in this way, they at least pay tax.
(Intervention)

HON MINISTER WITHOUT PORTFOLIO: May I ask the Honourable Minister a question? Honourable Katali, are you aware of the fact that when you look after your cattle, they will look after you? The fact that in some areas the cattle are not even vaccinated, they are not given any lick, even salt and then other people are spending a lot of money on the cattle, vaccinating them on time, giving them all the lick which is so expensive, do you think the meat will be the same?

HON DEPUTY MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION: I have to respond to the Secretary General of the SWAPO Party. The meat could be different or could be similar, but if that is the case, why are the prices still the same? That is the one-million dollar question.

Honourable Speaker, I support the Amendment and I rest my case.

HON SPEAKER: I thank the Honourable Deputy Minister for his contribution. I now call on Honourable Deputy Minister Nghidinwa to take the Floor.

HON DEPUTY MINISTER OF LABOUR: Honourable Speaker, Honourable Members, I rise to support the Amendment Bill. First of all, I would like to thank the Honourable Minister of Agriculture, Water and Rural Development for tabling the long overdue Amendment Bill on the

08 September 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON NGHIDINWA**

Meat Corporation of Namibia.

Meatco of Namibia was established to uplift the standards of the farmers, especially communal farmers across the red line. What happened is that Meatco discriminated against the most disadvantaged, being our communal farmers, with unfair prices because most of the disadvantaged group are excluded from decision-making.

All of us know that the Communal farmers are dependent on their animals as their main source of income. What I have observed all these years, especially in the Kavango Region, is that during the time of schools reopening you will find that a lot of animals are bought by Meatco at low prices from Communal farmers. For example, you will find that an ox is bought at between N\$6 to N\$8 per kilogram, giving you a price of N\$800 to N\$1,000. If you however bring the same ox to this side of the red line, it will cost plus minus N\$4,000. Why such a big difference? This kind of discrimination makes most of our rural people remain poor and this attitude, together with the fact that the UNITA bandits stole most of the animals along the river, makes the situation unacceptable in some of the Northern regions.

Meatco should therefore know that subsistence farmers also need to pay their workers. They are dependent on their animals to pay their children's school fees, hospital fees and their other daily needs. Meatco should change its attitude and adhere to the Namibian laws and contribute to the economic empowerment of all our people.

Equal treatment of all workers employed by Meatco should also be respected and they should benefit from the said Company.

Lastly, I would like to join others who wish to see some improvements made in the Company to create more jobs for the Namibian people, not only for self-enrichment of the management cadre...(Intervention)

HON VENAANI: May I ask the Honourable Deputy Minister a

08 September 2004

MEAT CORPORATION OF NAMIBIA BILL
HON ESAU

question? Honourable Deputy Minister, listening very attentively to your remarks about meat prices throughout the whole country, are you aware of the fact that the quality of meat in commercial areas, for example a farmer farming in Outjo and a farmer farming in the Khomas Hochland, that the quality of meat would vary between prime agricultural land and another area? Are you aware that there is a difference even in meat prices in commercial areas?

HON DEPUTY MINISTER OF LABOUR: I am not aware of that. Lastly, I would like to join others who would like to see some improvements made in the company to create more jobs for the Namibian people, not only for self-enrichment of the management cadre, but Namibians should also create projects from Meatco. We should not only buy meat but should also be motivated to create more sub-companies for skins, horns and hooves. We can make many different goods from them.

With these few words, I support the Amendment Bill on Meatco and I thank you.

HON SPEAKER: I would like to thank the Honourable Deputy Minister for her contribution. Any further discussions? Honourable Esau.

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Thank you, Comrade Speaker. I would also like to join the previous speakers in welcoming you back to the House.

Comrade Speaker, Honourable Members, first of all I would like to register my support for the principal Act, that is the Meat Corporation Act of 2001. I also want to congratulate the Minister of Agriculture who introduced this Amendment to the principal Act with the aim of bringing greater participation of the workers in the Meat Corporation of Namibia.

08 September 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON ESAU**

HOUSE ADJOURNS AT 15:40

HOUSE RESUMES AT 16:00 PURSUANT TO ADJOURNMENT

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Comrade Speaker, since I was busy with my introductory remarks, I want to once more register my support to the Meat Corporation of Namibia Amendment Act.

Comrade Speaker, I support the Amendment to Section 5 of the Act because this is a longstanding demand by the employees. Workers have been demanding for participation in the Board of the Corporation and this is a right move by the Minister of Agriculture and his team to realise this wish by the workers for them to serve on the Board.

What I want to find out from the Ministry of Agriculture as well as the Meat Corporation is whether any skills development programmes will be embarked upon to empower the workers with skills, in terms of how they should act on the Board, etcetera, because sometimes you are told that any decision taken by the Board is collective and if anything happens, you will also bear the consequences of that decision. Therefore, I want to find out whether there is any skills development by the Corporation.

I support Honourable Katali on the question of employment equity, that we should bring in more people from the formerly disadvantaged groups, such as the disabled, women groups, the youth, the workers.

I also want to find out what social development programmes Meatco has in terms of giving back to the communities where they are getting the animals for slaughtering. What are they ploughing back into the communities, especially the rural communities? It is vital that we give back something when we are getting from the people.

Comrade Speaker, I support the Amendment and I rest my case. Thank you.

08 September 2004

**MEAT CORPORATION OF NAMIBIA BILL
HON SMIT**

HON SPEAKER: I thank the Honourable Deputy Minister for his contribution. Any further discussions? There being no further discussions on this matter, I call on the Honourable Minister or Deputy Minister to reply. Honourable Smit.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: Honourable Speaker, I would like to adjourn the Debate for the Minister's reply next week, Tuesday.

HON SPEAKER: Are there any objections? So agreed. The Debate on this matter stands adjourned until next week, Tuesday. The Secretary will now read the Third Order of the day.

**RESUMPTION OF SECOND READING:
LOCAL AUTHORITIES AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned on Tuesday, 31st August 2004, the Question before the Assembly was a Motion by the Honourable Deputy Minister of Regional and Local Government and Housing. Honourable Tsudao Gurirab.

HON T GURIRAB: Thank you, Honourable Speaker. I suppose it is an omen of things to come that after the November elections I may come back to this Honourable House as a Deputy Minister.

Let me, before I make my brief comments on this Bill, also congratulate the new Deputy Minister of this portfolio for having joined us yesterday. It was his predecessor who tabled this Bill a week ago yesterday.

08 September 2004

LOCAL AUTHORITIES AMENDMENT BILL
HON T GURIRAB

Honourable Speaker, the Amendment will ensure that the long-felt need for municipal policing is introduced, thus complementing the work of the regular police in combating the rising tide of crime.

Honourable Speaker, I am mindful that other two pieces of Amendment Bills, that is the one on Stock Theft which was concluded today and the other on Motor Vehicle Theft, are currently subjects of debate in this Honourable House. Combined all these three Amendment Bills should assist to enhance the security for our people.

Having said that, the Government should perhaps consider an overall reform of the penal code to deal in a frontal manner with the ugly face of crime instead of piecemeal Amendments to the Stock Theft and the Motor Vehicle Theft Amendment Bills. In other words, we need to deal with crime and crime prevention and combating crime in a holistic manner.

Honourable Speaker, the Amendment Bill is thus one which we welcome, but it is also common course that the City of Windhoek, for example, has been more than ready for the past three years to introduce a Police service in Windhoek. In fact, residents are already being levied and cars and other equipment have been purchased for this purpose and so if one looks at the Amendments tabled which are so marginal and inconsequential, we are left to wonder at the amount dilly-dallying for three years before these Amendments were brought to this Honourable House. Essentially, Honourable Speaker, the Amendments introduced align provisions of the Police Act of 1990 with those of the Local Authorities Act.

Before concluding my brief remarks, Honourable Speaker, let me question why it was not possible during this Amendment to make the necessary Amendments in the principal Act in order to allow all local authorities and not only Schedule 1 Municipalities to set up Police service units should they feel the need and subject of course to the ability to pay for such services?

Honourable Speaker, we support this Amendment Bill.

08 September 2004

LOCAL AUTHORITIES AMENDMENT BILL
HON VENAANI

HON SPEAKER: I thank Honourable Tsudao Gurirab for his contribution. Honourable Venaani.

HON VENAANI: Thank you very much, Honourable Speaker. As we are discussing a very important Amendment brought by the Ministry, one wants to use this opportunity from our side as the Official Opposition to congratulate and welcome the new Deputy Minister of that portfolio.

Honourable Members, I rise to debate and support the Amendment of the Local Authorities Act 23 of 1992. The safety of thousands of our citizens have been compromised on many occasions. The prevalent crime situation in our city has become unbearable. A few weeks ago we have noticed with caution that two families lost their mothers through gangsters, bandits who killed two women in Windhoek and Swakopmund respectively over a handbag. The value of life is nowadays equated by criminals to the handbag of a woman that might not even have a single cent in it.

Burglaries and continuous rape of women in our city cannot be understated. Nearly every Windhoekers have barbed themselves in little jails which they call homes, electrified themselves behind their walls for safety. Of course, crime is caused by various social factors, one which is unemployment. However, whatever the factors, we must always guarantee the safety of our citizens.

Therefore, the City Police come at a time that the call is hard on our safety as inhabitants of our City. Nearly every day we see in our Post Street Mall Cell phones grabbed, handbags grabbed and these criminals go unpunished. We have seen an alarming rate of armed robberies in our city and also in the northern areas of our country.

Honourable Members, whilst supporting this very important Bill before this august House, allow me also to air my great concern about the consequent events and the fiasco of the needed City Police. The events of the City Police and the debate about the way forward in establishing the

08 September 2004

LOCAL AUTHORITIES AMENDMENT BILL
HON VENAANI

Police Force were very unpleasant. It reminded one of the old song that used to be sung, “*Que Sera*”, “*what will be will be, the future is not for us to see.*” It was disappointing to note that the City Council since June 2003 has charged ratepayers up to date an amount of N\$38 million for services of a City Police that were rendered to the ratepayers. Now this Bill seeks to legalise the establishment of the police service in the City. (Intervention)

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:

On a Point of Order. Could the Honourable Member maybe translate the word *Que Sera Que Sera*?

HON VENAANI: I will have to buy the Honourable Member a hifi to listen to some of this music. Then he would have a better understanding.

It is an old song and I am surprised that you do not know it.

Honourable Speaker, I was making a statement, saying that ratepayers were charged N\$38 million for services that were never rendered to them. What would happen to the upfront service that the taxpayers paid for and did not receive and my argument is, that was daylight robbery from the City Council.

The head of the police service in the city was appointed and the Amendment is only being tabled now in the House and one would want to know what legal mandate the City Council had for the appointment, which was effected in April 2004.

Honourable Speaker, the challenges that face our security apparatus and especially our Police Force in particular, in my opinion are not scientific challenges, but moral challenges. The undisciplined approach of many of our policemen and women needs to be addressed very critically. One urges the City Police to accelerate the proficiency and competency level.

08 September 2004

LOCAL AUTHORITIES AMENDMENT BILL
HON NAMISES

One wishes that we will have trained and well-equipped men and women on our streets to guarantee our safety.

With these few remarks, I support the proposed Amendment and I thank you.

HON SPEAKER: I thank the Honourable Member Mr Venaani. Honourable Namises.

HON NAMISES: Most of what I wanted to say was already mentioned. I was also worried about the head of the City Police, but I want to go further to the procedures that would be followed to appoint the City Police. As the levies had already been deducted from some of us, what came out clear was that the appointments may be in favour of the Comrade's appointment.

Honourable Speaker, I am one of those children who have been living under the Bauka police and I hope that the City Police would not become the Bauka police, where parents would have sleepless nights and families would be hiding from the police. I hope the purpose is not to bring back the old Bauka police, because they were saying they want the old police to be appointed as Municipal police. I hope the Deputy Minister and his team would not recall the Bauka situation.

The training is of vital importance. One wants to walk in the City and smile at a Police officer and even crack a joke with a Police officer whilst he is also stretching out his hand to help you. I therefore think the training should be an overall component. (Intervention)

HON YA FRANCE: May I ask the Honourable Member a question? Honourable Member, you are saying that the City Police should not be

08 September 2004

LOCAL AUTHORITIES AMENDMENT BILL
HON NAMISES

turned into the Bauka. I remember before you were born I was arrested by the Municipal Police here. Since the *botsotsos* are being protected by us, living in our houses and protected by us, if the City Police came to wake you up, would that be acceptable?

HON NAMISES: I think the police should wake up, not like the Bauka police did in the past. They must do it differently. I was just saying that the training component should be such that it keeps the morale of the police high, but also the services rendered to the people very high and therefore, combat crime.

I want to use an example of the South African Metropolitan Police, how they have been working in curbing motor vehicle theft. That was actually one good example, that a network was developed by the Metropolitan Police and the communities. There was a programme that my dear brother, Honourable Ekandjo, was planning for the Liaison Committees in the communities and I think it was a total flop. He tried to build a relationship between the police and the communities but it did not work, because the initial initiator was sacked and the idea could not develop. I hope the network would be very strong between the community... (Intervention)

HON MINISTER WITHOUT PORTFOLIO: May I ask a question? Since quite a few of us here knew the Bauka police, can you testify to the fact that they were doing the things that they were doing because the law allowed them to do so and above all, that the Bauka police were only arresting blacks and not whites, so the blacks had no right whatsoever to be protected? Now these are the police of the people.

HON NAMISES: I wonder whether there was a law for the Bauka police, they were given orders and that is why I am saying they should not

08 September 2004

LOCAL AUTHORITIES AMENDMENT BILL
HON EKANDJO

do likewise, they must follow the laws that we are giving them as of today. They should not even be of the Special Field Force type, we do not want Police officers like those.

My other concern is that this is a Municipal service and I am hoping that the gender issue should be considered in the recruitment and appointment. Women are good peacemakers and peacekeepers and women would be better servants for this matter of crime and violence and abuse of children and property of people in the vicinity of Windhoek. Please consider them.

Lastly, whilst I am supporting the Bill, I hope with a sigh of relief that the wrongs that have initially started with the creation of the City Police would be corrected by this humble office once the Bill is to be implemented and we would really see a better example amongst the new City Police that would be followed by the existing police officers and the Special Field Force. Thank you very much, Mr Speaker.

HON SPEAKER: I thank Honourable Namises for her contribution. Any further discussions? Honourable Minister Jerry Ekandjo.

HON MINISTER OF HOME AFFAIRS: Thank you, Comrade Speaker. First of all, I would like to wholeheartedly welcome you back and we are very pleased to see you again.

After listening to much propaganda in the media, which I am not going to comment on, saying it is the Ministry of Home Affairs and the Government which are interfering, not knowing why it took such a long time. It is because it is a Municipal function and the Local Authorities Act does not make provision for the functions of a Municipal police service.

This is my baby which started some years back, knowing that the time when we were in the Old Location we had Municipal police, the Bauka

police, up to the early seventies and then they were no more there. Up to 1973, before we went to the Island, there were still Municipal police, but when we came back in the eighties there were no Municipal police in Katutura. After travelling to many capitals I realised that there is also a need for us to have a Municipal police service, because the Municipalities make by-laws but they do not have the teeth to implement them. That is why the Ministry felt that there is a need. For instance, the Municipality has by-laws that you may not urinate there or you must not litter, you must not make noise. These are by-laws of the Municipality and sometimes it happens that when a neighbour is making a noise, the national police are phoned to intervene. In the meantime somebody else also phones the police to report a rape or a murder. Now the police have to decide whether they should attend to the murder or to the noise.

That is why if one looks at the Police Amendment Act (Act 3 of 1999), Section 43(c) reads as follows: *“Municipal Police Service.”* This is an Amendment we made in this House and some Members who were not here in 1999 do not know what is happening. It reads: *“Any Local Authority Council of a category contemplated in Subsection (2) may, subject to this Act, establish a Municipal police service. The Minister may make regulations regarding the establishment of municipal police service, including which category of Local Authority Councils may establish such a service and the powers and functions of such a service and of the members thereof. The Minister shall prescribe which provisions of this Act shall apply to a Municipal police service established in terms of subsection (1) and may, for the purpose of such application, make such modification to any such provisions as the Minister may consider necessary. The Inspector General shall determine the minimum standard of training that the members of a Municipal police service shall undergo. Legal proceedings in respect of any alleged act performed under or in terms of this Act or any other law or an alleged failure to do anything which should have been done in terms of this Act or any other law by a member of a Municipal police service shall be instituted against the Local Authority Council. The establishment of a Municipal police service shall not derogate from the function of the Force or the power, duties or functions of a member in terms of this Act or any other law.”*

08 September 2004

LOCAL AUTHORITIES AMENDMENT BILL
HON EKANDJO

Comrade Speaker, after this the Local Authorities Act has to be amended and that is what has taken such a long time. But all along there were talks that the Government is interfering. How can we be against it if it is our baby? That is why we never commented. We were approached by the media for comment and we said no, because these are just innocent people who do not know and we knew the time would come.

We are also going to amend the Police Regulations after the Local Authorities Act has been passed by both Houses of Parliament and signed by His Excellency the President.

I only rose to put a stop to this propaganda which says that the Government is interfering. The Government is not interfering because we want the Municipal police so that the national police can concentrate on real issues and the Municipality can concentrate on by-laws. It sometimes happened that when somebody did not pay for a house and had to vacate a house or somebody failed to pay for electricity that they made use of the Police to assist the Messenger of the Court. Instead of the police concentrating on combating crime, they have to assist this person.

The Government is in full support, the SWAPO government is one. They must not cry, be it the national government, it is under SWAPO, the Local Authorities are under SWAPO, especially the major ones, Windhoek, Swakopmund, Walvis Bay and Tsumeb are also under SWAPO. So, how can the Government interfere? It is especially the opposition who said the Government is interfering. SWAPO is one, do not divide SWAPO.

When the President said in Geneva that "*SWAPO is one*", the opposition were saying, "*this is the leader for the Herero-speaking, this is for the Ovambo-speaking, this one for the Tswana.*" SWAPO just said, "*SWAPO is one*" and we remain united as before. Thank you very much, Comrade Speaker.

HON SPEAKER: I thank the Honourable Minister for his contribution. Honourable Deputy Speaker.

08 September 2004

**LOCAL AUTHORITIES AMENDMENT BILL
HON REV KONJORE / HON KAAPANDA**

HON REV KONJORE: Thank you, Comrade Speaker. I am rising, first of all, to register my wholehearted support for the Amendment Bill and would also just briefly like to join others making the request that this Police service for Municipalities be extended also to the smaller Municipalities and Local Authorities. If one takes the crime rate even in our smallest villages, then, resources permitting, there is a need that such a service also be put in place at the smallest Villages. Therefore, I just wanted to support that appeal that if resources allow, this service is also extended not only to the bigger Municipalities like Windhoek, Walvis Bay or Swakopmund, but also to smaller Municipalities and even to Villages, of course fitting the size of any given Local Authority. I support the Amendment Bill. I thank you, Honourable Speaker.

HON SPEAKER: I thank the Honourable Deputy Speaker for his support of this Bill. Are there any further discussions? I, therefore, would call on the Honourable Minister of Regional and Local Government and Housing to reply. Honourable Minister Kaapanda.

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING: Thank you very much, Honourable Speaker. I would like to thank all the Honourable Members who contributed to the debate on this Bill. I must say that all the speakers unanimously supported the Bill with minor comments, but not really attacking the Bill as such. The most important is that they have supported the Bill and most of the comments are based on the fundamental reasons as to why the City Police was initiated, namely to combat crime and to make our City Windhoek safer.

This Amendment does not only apply to Windhoek alone but also applies to Swakopmund and Walvis Bay. The reason why we are targeting the category Municipality 1 is because of the financial implications involved. The city residents of these Municipalities have to foot the bill of the City Police.

08 September 2004

LOCAL AUTHORITIES AMENDMENT BILL
HON KAAPANDA

Also *Honourable Gurirab and Honourable Venaani* supported the Bill and their comments were just to highlight the background as to why the City Police was created and I do not want to go into detail on that. The concern on the increase of the crime rate in our cities is quite obvious and everybody recognises the fact that crime is increasing. Therefore, the introduction of the City Police is quite essential and necessary in order to reduce crime. The other obvious reason is that the City Police will complement the efforts of our regular police in combating crime in our cities.

Honourable Namises also supported the Bill, but she was concerned about training and of course, she gave the example that she does not want the City Police becoming another Bauka police. I am not familiar with the Bauka police, but I can guarantee the Honourable Member that the City Police will be a specialised police unit who will undergo a special training programme so that they will fit into policing a modern City like Windhoek. Therefore, there should be no concern about whether our new City Police will be effective and behave honourably.

Honourable Jerry Ekandjo, thank you for explaining what has taken place which led to establishment of the City Police. There has been a lot of criticism by the media, everybody being criticised, the Ministry of Regional and Local Government and Housing being criticised for delaying the establishment of the City Police.

The establishment of the City Policy involved many players, the Municipality of Windhoek itself, the Ministry of Home Affairs which is the custodian of the Police Force in the country, then the Ministry of Regional and Local Government and Housing had our part to play with regard to the Amendment of the Local Authorities Act. That was our part to play. At the same time the Ministry of Home Affairs had to play its part as the Minister has explained and then the roll played by the Inspector General. All these stakeholders had to play their part at different levels and also at different times, hence the delay.

The question is whether maybe it was appropriate or correct to raise the money before the establishment of the Force. I do not know what should

08 September 2004

LOCAL AUTHORITIES AMENDMENT BILL
HON KAAPANDA

come first, whether to set up the Force without money and then try to raise the money later or first preparing yourself logistically and then come up with the Force. But what is important now is that the Amendment is before Parliament and we have set the ball rolling and we set everything in place. So let us support the Amendment in order that the City Police can be established as soon as possible.

I hope the Honourable Members will support the Bill so that the City Police can be established. I thank you, Honourable Speaker.

HON SPEAKER: I thank the Honourable Minister Kaapanda for his reply and I now put the Question, that this Bill be now read a Second Time. Are there any objections? So agreed. I call on the Secretary to read the Bill a Second Time.

LOCAL AUTHORITIES AMENDMENT BILL

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

RESUMPTION OF SECOND READING:
MOTOR VEHICLE THEFT AMENDMENT BILL:

HON SPEAKER: When this Debate was adjourned on Thursday, 19th August 2004, the Question before the Assembly was a Motion by the Honourable Minister of Home Affairs, Honourable Jerry Ekandjo. The Debate was adjourned by Honourable De Waal. Honourable Venaani.

08 September 2004**MOTOR VEHICLE THEFT AMENDMENT BILL**
HON VENAANI / HON DR TJIRIANGE

HON VENAANI: Honourable Speaker, we wholeheartedly support the Bill in its quest to increase the punishment for the theft of motor vehicles and we only have one query on Clause 27.

“If a Court is satisfied that substantial and compelling circumstances exist which justify the imposition of a lesser sentence, then the sentence prescribed in paragraphs (c), (d) or (e) of Subsection (1), it shall enter those circumstances on the record of the proceedings and may thereupon impose such lesser sentence.”

It seems that what we want to achieve are stiffer sentences for these criminals, but if we give the power to the Courts to have leeway on the weight of the sentence, are we not defeating those efforts? Perhaps the Minister must just clarify this. We however wholeheartedly support the Bill. I thank you.

HON SPEAKER: I would like to thank Honourable Venaani for his contribution. Honourable Dr Tjiriange.

HON MINISTER WITHOUT PORTFOLIO: I definitely support the Bill, but I have only one question. Maybe I did not read properly, but in some countries, including Zambia where some of us lived in exile, the motor vehicle owners are required to have a document with them in the car all the time and in Zambia it was called a Blue Book, together with your licence. The licence is yours, but the Blue Book is the licence of the car. Therefore, if you do not have it, you are in trouble like if you do not have your driving licence and it works. I do not know whether this is provided for somewhere or not and I remember Comrade Pohamba at one point in time also asked here in Parliament why we do not introduce that if we want the curb car theft, that everybody has this document in the car which clearly indicates that this car belongs to this person, this is the engine number, etcetera, and it is kept in the car. (Intervention)

08 September 2004**MOTOR VEHICLE THEFT AMENDMENT BILL**
HON DR TJIRIANGE

HON VENAANI: On a Point of Information. I did not want to disturb the Honourable Minister in making his remarks, but I just want to inform the Minister that the modern-day thieves are not the yesterday's thieves. These people are not stealing engines of cars. If they steal your Toyota pickup or your Land Cruiser, they will not take the parts with serial numbers, they will take the bakkie compartment and put it on another car that does not have a bakkie. They would take your Canopy and put it on another car. Even if you have the blue book, you will find that the 1977 Land Cruiser would be spotless and new like yours. The person would have a Blue Book with the serial number of the chassis of 1977, the engine number is 1977, but the car is spotless, it is a new model. You would attempt to solve the problem in one regard, but the thieves have advanced to the level where they modify cars in such a way that a 1977 Toyota Cressida would look like a Toyota Cressida of 2004, but the person will still maintain that the engine number of that car is the one of 1977. Perhaps the Minister can shed light how one can curb that.

HON MINISTER WITHOUT PORTFOLIO: Well, that is true, I do not dispute that, but nevertheless, this document can also play a part. For example, if a thief steals a car from Gobabis and this work is to be done in Aminuis, he may be unlucky to be ambushed before he has done what you have said. Therefore, it is not far-fetched to say that it will be relevant in terms of combating crime. I think it is good, irrespective of what you are saying, to have this document. (Intervention)

HON GENDE: May I put a question? Does the Honourable Member suggest that by carrying those books we will either stop or reduce car theft? Does the Honourable Member want to give the impression that car theft in Zambia is less than in Namibia? Is that what the Honourable Member is suggesting?

08 September 2004**MOTOR VEHICLE THEFT AMENDMENT BILL**
HON GASEB

HON MINISTER WITHOUT PORTFOLIO: We have travelling documents, identification documents and they do not prevent crime but we are still carrying them to be identified at one point or the other. There is thus no harm in having these identification cards. I am not saying it will reduce crime, because even the laws we are making do not reduce the crime but we are making them. It is always good to find whatever you can to deter the thieves. No matter how little it is, it must be done.

HON SPEAKER: I thank Honourable Minister Tjiriange. Honourable Member Gaseb.

HON GASEB: Honourable Speaker, Honourable Members, we are all aware of the fact that Namibia has become a bridge for stolen vehicles that are driven across our borders to be sold in our neighbouring countries. It seems clear that the punishment meted out by the existing laws is not heavy enough to stop criminals from taking the chance of being caught in possession of a stolen vehicle. For this reason we must welcome the proposed Amendments by Honourable Minister Jerry Ekandjo to beef up the existing law regarding stolen vehicles in an attempt to make such criminals think twice before they participate in the activity of stealing vehicles.

These Amendments should make it easier for the local police to trace stolen vehicles and identify them. It should also make it easier for the police to prosecute people who break into vehicles, whether to steal from them or to steal the vehicle itself.

Honourable Speaker, I fully support Honourable Ekandjo's conclusion that motor vehicle theft can only be reduced if the proposed minimum sentences are imposed by our Courts. People must be made to realise that motor vehicle theft is a serious crime that does great damage to a private individual as well as to the economy of our country.

08 September 2004**MOTOR VEHICLE THEFT AMENDMENT BILL**
HON IILONGA

With this, Honourable Speaker, I thank you.

HON SPEAKER: I thank Honourable Member Mr Gaseb for his contribution. I now call on Honourable Member Iilonga.

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:
Thank you, Comrade Speaker. I rise to make my contribution to the Motor Vehicle theft Amendment Bill. The Bill really came at the right time due to the fact that motor vehicle theft is becoming a daily threat in Namibia.

I however have a concern on the issue of the documents which show the car belongs to whom. I have a problem that it must be in the car, because if it is in the car and this criminal managed to steal this car and you have not yet reported it, he would pass through the roadblock with his driver's licence and those documents.

Sometimes we have guns in our possession, but you cannot enter some areas with those guns and you leave it in the car. Then the *botsotsos* steal it and they go and use it. Therefore, whenever we do this we must have some mechanism how to trace the car. If they have some suspicion about the car, let us hold that car.

I am also happy to see the minimum sentence. The last comment is on spare parts dealers. These people do what Honourable Venaani mentioned earlier. They buy a car and they do not sell it, they strip that car and then they start selling the driving shaft separately, the block separately and if they see the block has a serial number, they only use the inner parts. How are we going to work out a strategy to penetrate this spare parts business, because that is where the problem lies. That is why it is very difficult to trace cars. They strip it and then sell the parts. (Intervention)

08 September 2004**MOTOR VEHICLE THEFT AMENDMENT BILL**
HON EKANDJO

HON VENAANI: May I ask my Colleague a question? Are you aware that in China where they fabricate these fishing boats, a boat of 2,000 tons can get stolen? Are you aware of that?

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:
Comrade Speaker, I do not know why the Honourable Member even goes to China, one can just go to Lüderitz. A boat was captured by our Fishery officials, parked at Lüderitz harbour and then they went. There is nothing which is impossible. We can only try to minimize the thefts. With that contribution I support the Bill and I thank you.

HON SPEAKER: I thank the Honourable Deputy Minister for his contribution and I invite further discussions. I shall call on the Honourable Minister of Home Affairs to reply.

HON MINISTER OF HOME AFFAIRS: Thank you, Comrade Speaker, Honourable Members. I would like to thank all the Honourable Members who spoke in support of the Bill.

Honourable Venaani mention Clause 7(2). I think we should give the Presiding officer leeway to apply his or her mind so that the trial should be fair, because it may happen that somebody might ask to drive your car, not knowing that you have stolen the car and it is just to make it easier for the Magistrate.

Comrade Tjiriange, the ID you have mentioned is a good idea and we will look at that. We welcome any idea that would prevent the theft of cars. Thank you for your advice, we are going to look into it in the future.

Comrade John Gaseb – we used to call him “German” in the sixties at Augustineum, he was our best soccer player. (Interjection). This

08 September 2004**MOTOR VEHICLE THEFT AMENDMENT BILL**
HON EKANDJO

Augustineum here is an artificial one, I mention the other one in Okahandja which is the real one. Thank you for your support.

Comrade Ilonga, thank you very much for your support. This is just the beginning and we are still going further, especially when it comes to the spare parts because apparently when some of the groups steal a car, they dismantle the whole engine and then they go to the scrap yard, buy some iron and then load it on the pickup and get a paper from the scrap yard dealers, so that when they come at a roadblock, they say, “*no, I have a scrap yard*”, but the engine parts are underneath the scrap.

There are some areas in Namibia which I am not going to mention where you see the Ford and the Chev and the Dodge, all those cars of the sixties, which you do not see in the rest of Namibia. Why do you only find these old Chevs in this part of the country? The body is held together with a wire, but the engine is brand-new. How does it happen? I am not going to mention which part of the country because I understand Satan, the devil, did not want to mention the name Kalunga, he said “*hm-hm*”. Now let me say “*hm-hm region*”. There you find these old cars and I wondered whether it means the people in this part of the country have for the past twenty years not bought new cars. It is a region in the western part of Namibia.

Comrade Spaker, when I went to Gobabis I saw that the cars impounded by the police have a gearbox belonging to this car, the body belongs to another car. Once we have such a card, you can assemble a new car from spare parts, but if you do not have valid documentation, you would never get clearance and that car will never be roadworthy. I believe that with the cooperation of all the members and the community we will put an end to this car theft which is rampant in the SADC Region.

What we have done at some roadblocks is to put robots. If you go to Oshivelo, you would find a roadblock and also at Mururani Gate. When you come to that checkpoint the robot is red and then you stop. There is a control point where the police look at the car, the registration and they check on the computer. They have on the computer all the particulars of the car, the registration number, the colour, the owner, reported stolen or

08 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON AMWEELO

not and only then will they give you the green light. While you stand there they are looking at all the particulars and then you go through.

Thank you very much for supporting the Bill.

HON SPEAKER: I thank the Honourable Minister of Home Affairs for his reply and I now Put the Question, that the Bill be now read a Second Time. Any objections? Agreed to. I call on the Secretary to read the Bill a Second Time.

MOTOR VEHICLE THEFT AMENDMENT BILL

**RESUMPTION OF SECOND READING:
RESEARCH, SCIENCE AND TECHNOLOGY BILL**

HON SPEAKER: When this Debate was adjourned on Thursday, 2nd September 2004, the Question before the Assembly was a Motion by the Honourable Minister of Higher Education, Training and Employment Creation, Honourable Nahas Angula. The House adjourned in terms of Rule 17, lack of quorum. I now invite further discussions. Honourable Minister Amweelo.

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION: Thank you very much, Comrade Speaker. First and foremost, I would like to personally thank the Honourable Minister of Higher Education, Training and Employment Creation, Honourable Nahas Angula, the Deputy Minister and the entire staff who have tirelessly worked and introduced this document.

Namibia is a developing country and like any other country on this planet needs technical and specialist competencies so as close a capacity deficit

08 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON AMWEELO

or get experience as we continue to rely heavily on expatriates for the execution of these services.

Vision 2030, as has been introduced by government, is a light in the tunnel that all of us cannot ignore, as this indicates the position and the distance at which we are operating and advancing. This is also a challenge that we urgently need to face if we are to realise this well-documented Vision 2030.

Honourable Members, Namibia is faced with a mammoth task for delivering services to nationals and those who visit our country by providing administrative rules and regulations concomitant with our endorsed social national responsibilities in the areas of goods and services, specialisation such as geology, engineering, civil engineering, mechanical engineering, electrical engineering, quantity surveying, architecture, marine biology, meteorology, economics, higher qualified competent administrators, so as to complement the general operations of our country. Negotiation skills and expertise is also needed in the operations and administration of the government's major projects, as huge amounts of money are spent on external consultants who eventually take over the functions that were supposed to have been administered by the internal employees or Namibian nationals.

Thus, there should be total investment in human capital development and scientific research so as to explore the hidden national resources and new inventions, equipment, conducive facilities where such research, educational programmes and inventions will be conducted. Training policy of the Public Service of Namibia will need some critical review one the question of addressing capacity building and on the so-called scarce occupational designations.

A knowledge-based society is the one that has consented systematic support and an increase in the National Budget for training. In the quest for boosting the national research base, advances in science and technology innovations, thus the empowerment of our prospective employees and the younger nationals from schools, college and universities can never be over-emphasized.

08 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON KATJITA

In conclusion, Comrade Speaker and Members of this House, as many of you will agree with me, based on your institutional experience on the Public Services, especially the deficit on specialist training and administration, as I earlier mentioned, the support of the this introduced Bill by the Honourable Minister Nahas Angula should be considered as a welcoming and positive gesture. This will not only show us the way forward to Vision 2030, but this will eventually narrow the technological and economic skills, knowledge gaps that continue to hamper the most needed national development changes necessary for our increased wealth. Thank you very much, Comrade Speaker.

HON SPEAKER: I thank Honourable Member Moses Amweelo for his contribution. I now call on Honourable Member Katjita, followed by Honourable Dr Amathila.

HON KATJITA: Thank you very much, Honourable Speaker. I rise to support this important Research, Science and Technology Bill tabled by the Honourable Minister of Higher Education, Training and Employment Creation. Before I contribute to the Bill, allow me to congratulate the Minister and the entire Ministry for the success of the National Youth Service. I believe that this was a result of expensive studies and research on activities to be carried out with great interest by the youth and to result in such a big success in making our youth countrywide self-reliant after completing and graduating from these programmes, especially in self-employment, job creation and the whole issue of HIV/AIDS awareness and prevention.

Having said that, Honourable Speaker, Honourable Members, let me come to the Bill on the table. I would like to say that a nation or a country which lacks research capacity is like a baby dwelling among plenty food but cannot feed itself, waiting for someone to come and feed it.

The former Deputy Minister of Foreign Affairs, Dr Mbuende, used to say

08 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON KATJITA

that we are walking barefoot on gold, because we cannot invent the resources, plentiful of them that are in the Namibian soil. You have all the natural resources, but someone else must come, a foreigner for that matter, to discover the use of it and sometimes they take all the benefits along and even the recognition for the work done.

I recall that there was an insect discovered in the Brandberg in recent years and this research was also conducted by a foreigner.

Right now in Namibia, the research done by especially students is becoming very boring, because the students doing Masters degree and PhD at our tertiary institutions here in Namibia lack financial assistance.

They tend to conduct their research only here in Windhoek and only on topics which can be researched in Windhoek. If the national interest is maybe based in Tsumkwe, you cannot research that topic in Tsumkwe on residents residing in Windhoek and that is why I feel that that the Commission to be established by this Bill should accommodate students to research issues of national concern during their studies and not merely conduct research for the purpose of obtaining degrees, but their findings and recommendations are of no use beyond the thesis.

In other countries we read about very relevant findings that may change the living standards of a nation that were done by students at Universities and if the Namibian students could also be assisted by the Fund to be established to do research outside Windhoek, and that the Commission compiles topics of relevance to the Namibian nation, then the students will be given a chance to choose from these topics in accordance with their interests, so that the findings of the students can be accommodated and can be implemented on issues of national interest.

Honourable Speaker, I would like to see that after the implementation of this Bill that our Masters and PhD students would start conducting research with relevance to the livelihood of the Namibian people and not just conducting very simple research just for them to get their degrees and nothing else.

08 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON NANDI-NDAITWA

Another issue is the powers of the Commission. The Bill states that the Commission will ensure continuation of research, but what is happening in Namibia now is that you did research on the writing capabilities of Grade 1 children and in another year another student is just doing the same in order to get a degree, but there is no continuity. For instance, because of the lack of finance, students are conducting very small studies that cannot be generalised and if they could be given the information that the research was done already in Namibia on a very small sample, they could then expand on it, so that it allows the information to be generalised and the recommendations then be implemented on national level.

I hope that the Commission will really accommodate students, especially in our tertiary institutions, so that their research can make a meaningful contribution to the livelihood of the Namibian people.

With these few remarks, I rest my case and I support the Bill.

HON SPEAKER: I thank Honourable Katjita for her contribution to this Bill. Honourable Ndaitwah.

HON MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:
Comrade Speaker, I Move that the Debate be adjourned until tomorrow.

HON SPEAKER: Any objection? So agreed. The Debate on this item stands adjourned until tomorrow afternoon, 14:30. And on that high note I declare this meeting as adjourned in terms of Rule 90 of our Standing Rules and Orders, automatic adjournment, until tomorrow afternoon at 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2004.09.09 AT 14:30

ASSEMBLY CHAMBER
09 SEPTEMBER 2004
WINDHOEK

The Assembly met pursuant to the adjournment.

HON SPEAKER: Honourable Members, it is after 15:00 and I have been informed that there is no quorum. We waited for thirty minutes from 14:30 until now. Thus the Sergeant-at-Arms is instructed to lock the doors and we will ring the bell for two minutes. Thereafter we will, according to our Rules of Procedure, adjourn as a result of lack of quorum. I ask the Secretary to record those who are present.

The Assembly adjourned at 15:18 in terms of Rule 17 with the following Members present:

Honourable B. Ulenga, Honourable T. Gurirab, Honourable N Schimming-Chase, Honourable L Chata, Honourable R Namises, Honourable J Gaseb, Honourable B Rattay, Honourable M Venaani, K Kaura, Honourable R Ui/0/00, Honourable M Jwangamang, Honourable D Boois, Honourable L Katjita, Honourable G Ndjoze, Honourable K Mbuende, Honourable P Ya France, Honourable W Konjore, Honourable B Amathila, Honourable I Ngatjizeko, Honourable J Kaapanda, Honourable H Hamutenya, Honourable H Pohamba, Honourable N Mbumba, Honourable P Ilonga, Honourable L Jooste, Honourable N Angula, Honourable E Kaiyamo, Honourable B Esau, Honourable L Lucas, Honourable Dr. L Amathila, Honourable J Ekandjo, Honourable M Amweelo, Honourable T Ya Toivo, Honourable P Malima, Honourable C Bohitile, Honourable R Nghidinwa, Honourable G Shihepo, Honourable L Katali, Honourable R Kamwi, Honourable P Smit, Honourable A Muharukua.

HOUSE ADJOURNS AT 15:18 UNTIL 2004.09.14 AT 14:30

**ASSEMBLY CHAMBER
14 SEPTEMBER 2004
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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

**NATIONAL REPORT ON DEVELOPMENT OF
EDUCATION IN NAMIBIA**

HON DEPUTY MINISTER OF BASIC EDUCATION, SPORT AND CULTURE: Comrade Speaker, I lay upon the Table for purposes of providing information, the National Report on the Development of Education in Namibia by the Ministry of Basic Education, Sport and Culture.

HON SPEAKER: Will the Honourable Deputy Minister please table the Report? Honourable Bohitile.

TABLING: REPORTS OF AUDITOR-GENERAL

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

- (a) New Era Publications Corporation for the Financial Year ended 31

14 September 2004

**NOTICE OF QUESTIONS
HON DE WAAL**

March 2001;

- (b) Municipality of Otavi for the Financial Year ended 20 June 2002;
- (c) Ministry of Lands, Resettlement and Rehabilitation for the Financial Year ended 31 March 2001; and
- (d) Town Council of Ondangwa for the Financial Year ended 30 June 2002.

HON SPEAKER: Will the Honourable Deputy Minister of Finance please table the Reports? Any Notice of Questions? Honourable De Waal.

NOTICE OF QUESTIONS

HON DE WAAL: Thank you, Honourable Speaker. I give Notice that on Thursday, 23rd September 2004, I shall ask the Honourable Minister of Regional and Local Government and Housing the following:

- 1. Is the Minister aware that the Ramatex Factory has to date not completed the Industrial Effluent Treatment Plant which they undertook to do in a contract signed in July 2001?
- 2. Is the Minister further aware that the Industrial Waste Water of the Ramatex Factory is currently kept in ponds belonging to the Municipality of Windhoek and that these ponds are so full that they have on numerous occasions overflowed, thereby spilling hazardous waste into the underground water of Windhoek?
- 3. Is the Minister further aware that the Ramatex Factory, in order to cope with the overflowing ponds, is currently using a system of

14 September 2004

**NOTICE OF QUESTIONS
HON DE WAAL**

4. sprinklers to discard of its waste water by simply pumping the untreated water onto the 117 hectare premises that they lease from the municipality, thereby making 100 percent sure that the underground water of Windhoek will be contaminated?
5. Is the Minister further aware that tests done by the municipality on test boreholes in the area of the Ramatex Factory indicate that contamination of the underground water has already taken place?
6. Is the Minister further aware that City officials who, according to the Service Agreement signed by the Ramatex Factory and the Municipality of Windhoek in July 2001, is supposed to have free access to the Ramatex premises had been denied access since July 2003 because Ramatex erected a fence across a pipeline servitude, thereby preventing City officials from monitoring the City boreholes?
7. Is the Minister further aware that contrary to the Service Agreement signed in 2001, which states that the Municipality of Windhoek will be responsible for the removal of solid waste from the Ramatex premises, the Ramatex Factory is currently using a private contractor to remove its hazardous waste which are stockpiled as sludge on the Ramatex premises, leaving the municipality with no control over where this hazardous waste is dumped.
8. In the light of the above, will the Minister explain to this House why the Ramatex Factory is allowed year in and year out to pollute our underground water, to act contrary to signed agreements and in general to act as if they are a government above the Namibian Government?
9. Will the Minister also explain to this House what his Ministry intends doing to stop this intolerable situation?

14 September 2004

**NOTICE OF QUESTIONS
HON MOONGO**

HON SPEAKER: Will the Honourable Member De Waal please table the questions? Honourable Moongo.

HON MOONGO: I give Notice that on Thursday, 23rd September 2004, I shall ask the Minister of Defence:

1. What is the rationale behind the testing of all Namibian Defence Force members returning from Liberia for HIV/AIDS?
2. What is the motive behind the fact that their three months' salaries of US\$1 890 were not paid in full?

HON MOONGO: I give Notice that on Thursday, 23rd September 2004 I shall ask the Honourable Minister of Regional and Local Government and Housing the following:

1. Is the Minister aware that thousands of street vendors demonstrated against the unfair order of the Municipality of Oshakati to vacate the premises along the road and the Open Market of Oshakati?
2. Can the Minister agree or deny that there are no ablution facilities, water, shade or cooking facilities at the new place where the small businesses were formed to go and that this can become a health hazard?
3. Would it not be wise to first create a facility with all the amenities, such as water, ablution blocks, small shops as well as an open market, which would serve as an incentive for small businesses to settle there instead of moving them to incomplete premises?

HON SPEAKER: Will the Honourable Member please table the

14 September 2004

**NOTICE OF QUESTIONS
HON T GURIRAB**

Questions? Honourable Tsudao Gurirab.

HON T GURIRAB: I give Notice that on Wednesday, 22nd September, I shall ask the Minister of Fisheries and Marine Resources the following:

Given Section 3(3) of the Foreign Investment Act (Act 27 of 1990):

1. How many and which foreign companies have been requested at any stage by the Ministry of Fisheries and Marine Resources to grant shares in their companies as a condition of being granted fishing rights in Namibia?

HON T GURIRAB: I give Notice that on Wednesday, 22nd September, I shall ask the Minister of Trade and Industry the following:

Given Government's SME drive and its promotion of BEE, whether or when he is going to enforce Section 3(4) of the Foreign Investment (Act 27 of 1999) or, in the alternative, is this Section of the Act redundant?

HON T GURIRAB: I give Notice that on 22nd September 2004, I shall ask the Minister of Regional and Local Government and Housing the following:

1. Whether the Ministry has any plan, immediate or long term, to address the seeming collapse of Local Authorities, as recently experienced in, for example, Usakos, Karibib, Katima Mulilo and Okakarara?
2. Whether a situation as was the case in Okakarara recently, where a town has no water supply for more than a week is acceptable to the Ministry and Government?

14 September 2004

**NOTICE OF QUESTIONS
HON ULENGA**

3. Why the Minister has not intervened in terms of specific powers vested in him, as set out in Section 54.A of the Local Authorities Act, as amended, (Act 24 of 2000)?
4. Why the Minister has not provided any assistance, financial or otherwise, as enjoined under Section 3 of the Trust Fund for Regional Development and Equity Provisions Act (Act 22 of 2000) in order to assist distressed local authorities?
5. What criteria do the Ministry employ to assist some municipalities, for example Katima Mulilo and Okakarara, if belatedly, and leave Usakos and Karibib to float or sink?

HON SPEAKER: Will the Honourable Member please table the Questions? Honourable Ulenga.

HON ULENGA: Honourable Speaker, I give Notice that on Thursday, 23rd September 2004, I shall ask the Minister of Regional and Local Government and Housing, Honourable Joël Kaapanda, the following question:

What was the purpose and intention for recognising a second Mafwe Traditional Authority at Mayuni in the Caprivi Region, while a Mafwe Traditional Authority already exists at Chinchimane in the same area?

HON ULENGA: I give Notice that on Thursday, 23rd September 2004, I shall ask the Minister of Regional and Local Government and Housing:

1. Why is the Omatala Market in Oshakati being moved despite the new location not having been properly prepared?

14 September 2004

**NOTICE OF MOTIONS
HON POHAMBA**

2. What does the Oshakati Municipality/Town Council intend doing with the location of the old market?
 3. Has the old Omatala Market site been sold and if so, who has it been sold to?
-

HON ULENGA: I further give Notice that on Thursday, 23rd September 2003, I shall the Minister of Foreign Affairs, Honourable Marco Hausiku, the following questions:

1. Now that the German Government has accepted responsibility for atrocities committed on Namibian soil by Imperial Germany against the Herero, Mbanderu and Nama people of Namibia, what official action does the Government intend taking with regard to the issue of compensation for admitted atrocities by the German Government?
 2. When does the Government plan to act in the above regard?
-

HON SPEAKER: Will the Honourable Member please table the Questions? That concludes the list I had for Questions. Any Notice of Motions? Honourable Minister of Lands, Resettlement and Rehabilitation.

NOTICE OF MOTIONS

HON MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION: Comrade Speaker, I give Notice that tomorrow, 15th September, I shall Move –

14 September 2004

**NOTICE OF MOTIONS
HON !NARUSEB / HON T GURIRAB**

That leave be given to introduce a Bill to establish a National Disability Council; to provide for the functions, powers and composition of the Council; and to provide for matters incidental thereto. I so Move.

HON SPEAKER: Will the Honourable Minister please table the Motion?

HON DEPUTY MINISTER OF JUSTICE: Comrade Speaker, I give Notice that tomorrow, Wednesday, the 15th of September 2004, I shall Move –

That leave be given to introduce a Bill to introduce matters to combat organised crime, money laundering and criminal gang activities; to prohibit certain activities relating to racketeering activities; to provide for prohibition of money laundering and for an obligation to report certain information; to criminalize certain activities associated with gangs; to provide for the recovery of the proceeds of unlawful activities; to provide for the forfeiture of assets that have been used to commit an offence or assets that are the proceeds of unlawful activities; to provide for the establishment of a Criminal Asset Recovery Fund and a Criminal Assets Recovery Committee; to prohibit the smuggling of migrants and trafficking in persons; to amend the International Cooperation in Criminal Matters Act, 2000 (Act 2 of 2000); and to provide for incidental matters. I so Move.

HON SPEAKER: Will the Honourable Deputy Minister please table the Motion? Honourable Tsudao Gurirab.

HON T GURIRAB: Honourable Speaker, I give Notice that on Tuesday, 21st September, I shall Move –

14 September 2004

**NOTICE OF MOTIONS
HON SMIT**

That in the light of the scandalous treatment of about 400 Bangladeshi workers brought into this country to work at Ramatex:

That this Assembly –

Discusses:

1. The manner in which work permits were granted to this group of workers; and whether all the laws of employing foreigners were complied with in this instance.
2. Whether all municipal regulations were complied with in housing these workers in the squalid quarters where they were housed; and

Recommend on how recurrence of similar instances can be avoided in future. I so Move.

HON SPEAKER: Will the Honourable Member please table the Motion? Honourable Deputy Minister Smit.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: I give Notice that tomorrow on the 15th September 2004, I shall Move—

That leave be given to introduce a Bill to provide for the management, development, protection, conservation and use of water resources; to establish the Water Advisory Council, the Water Regulatory Board and the Water Tribunal and to provide for incidental matters.

HON SPEAKER: Will the Honourable Deputy Minister please table the Motion?

14 September 2004

NOTICE OF MOTIONS
HON AMWEELO / HON NYAMU

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION: Comrade Speaker, I give Notice that tomorrow, 15th September 2004, I shall Move –

That leave be given to introduce a Bill to amend the Roads Authority Act, 1999, so as to further regulate the term of office of directors of the board of the Roads Authority and the power of the Minister to remove a director from office; and to provide for matters incidental thereto.

HON SPEAKER: Please table the Motion, Honourable Minister. Any further Notice of Motions? Honourable Minister Nyamu.

HON MINISTER OF TRADE AND INDUSTRY: Comrade Speaker, I give Notice that tomorrow, 15th of September 2004, I shall Move –

That leave be given to introduce a Bill to provide for the incorporation, management and liquidation of Companies; and to provide for incidental matters. I so Move.

HON SPEAKER: Will the Honourable Minister please table the Motion? Any further Notice of Motions? Before we go into the business of the Chamber as scheduled for this afternoon, I have the following reminder:

The Order Paper says it all, that is the load we have and in the light of that, we also have tomorrow, the final day on which any new piece of legislation will be introduced in this Chamber and we will stick very firmly to that deadline. Thirdly, I am still expecting a list of priorities from the Chairperson of the Cabinet Committee on Legislation, so that we know what we could attend to within the time given and what could stand over. The session anyway continues into next year, so there is nothing

14 September 2004

**COMMITTEE STAGE – LOCAL
AUTHORITIES AMENDMENT BILL**

that is going to lapse. We should not overload ourselves unnecessarily to upset the days that we have set on which the House will rise and on which the Honourable Members will go out and campaign to be re-elected.

Being partly Commonwealth, I hope I will given the privilege of the Commonwealth Speakers and accorded those amenities that go with that portfolio. I shall not announce them here because some people may not know them and they may start to block them. The Secretary will now read the First Order of the day.

**COMMITTEE STAGE: LOCAL AUTHORITIES AMENDMENT
BILL**

HON SPEAKER: Does the Honourable Minister of Regional and Local Government and Housing Move that the Assembly now goes into the Whole House Committee?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT
AND HOUSING:** I so Move.

HON SPEAKER: It is moved that I leave the Chair. Any objections? Who seconds the Motion? So agreed. I shall now call on the Honourable Deputy Speaker and at the same time the Chairperson of the Whole House Committee, Honourable Willem Konjore, to take the Chair.

ASSEMBLY IN COMMITTEE:

14 September 2004

**LOCAL AUTHORITIES AMENDMENT BILL
HON KAAPANDA**

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

Clauses and Title put and agreed to.

ASSEMBLY RESUMED:

Bill reported without Amendment.

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

THIRD READING: LOCAL AUTHORITIES AMENDMENT BILL

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

HON SPEAKER: Any objection? So agreed. Any further discussions? May I call on the Honourable Minister if he wishes to give some concluding remarks?

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING: Honourable Speaker, I would like to thank all the Honourable Members who contributed and supported this Bill and would

14 September 2004

**COMMITTEE STAGE: MOTOR
VEHICLE THEFT AMENDMENT BILL**

like them for the smooth passage of the Bill. I thank you.

HON SPEAKER: I thank the Minister for his concluding remarks and I now Put the Question, that this Bill be now read a Third Time. Any objection? Agreed to. I call on the Secretary to read the Bill a Third Time.

**THIRD READING:
LOCAL AUTHORITIES AMENDMENT BILL.**

**COMMITTEE STAGE:
MOTOR VEHICLE THEFT AMENDMENT BILL**

HON SPEAKER: Does the Honourable Minister of Home Affairs and Immigration Move that the Assembly now goes into the Whole House Committee?

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

HON SPEAKER: It is therefore Moved that I leave the Chair. Any objections? Who seconds this Motion? So agreed. I shall now call on the Honourable Deputy Speaker and at the same time the Chairperson of the Whole House Committee, Honourable Willem Konjore, to take the Chair.

14 September 2004

**MOTOR VEHICLE THEFT BILL
HON EKANDJO**

ASSEMBLY IN COMMITTEE:

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to order. The Committee has to consider the Motor Vehicle Theft Amendment Bill.

Clauses and Title put and agreed to.

ASSEMBLY RESUMED:

Bill reported without Amendment.

HON SPEAKER: Does the Honourable Minister of Home Affairs and Immigration Move that the Bill be now read a Third Time?

**THIRD READING:
MOTOR VEHICLE THEFT AMENDMENT BILL**

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

HON SPEAKER: Any objection? Who seconds this Motion? So agreed. Any further discussions? Does the Honourable Minister wish to say anything by way of concluding?

14 September 2004 **RESEARCH, SCIENCE, TECHNOLOGY BILL**
HON NANDI-NDAITWAH

HON MINISTER OF HOME AFFAIRS: Comrade Speaker, I thank all the 78 Members of this august House for supporting the Bill. Thank you very much.

HON SPEAKER: I thank the Honourable Minister for his remarks and I now Put the Question, that this Bill be now read a Third Time. No objection? Agreed to. I call on the Secretary to read the Bill a Third Time.

**THIRD READING: MOTOR VEHICLE
THEFT AMENDMENT BILL**

**RESUMPTION OF SECOND READING: RESEARCH,
SCIENCE AND TECHNOLOGY BILL**

HON SPEAKER: When this Debate was adjourned on Wednesday, 8th of September, the Question before the Assembly was a Motion by the Honourable Minister of Higher Education and Employment Creation, Honourable Angula. This Debate was adjourned by the Honourable Minister of Women Affairs and Child Welfare, Honourable Ndaitwah. I now give the Floor to Honourable Minister Ndaitwah.

HON MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE: Thank you, Comrade Speaker. First, let me thank the Minister of Higher Education for introducing this Bill which I think is one of the important Bills we have to pass in this House.

14 September 2004

**RESEARCH, SCIENCE, TECHNOLOGY BILL
HON NANDI-NDAITWAH**

Comrade Speaker, the Bill under discussion is a document with potential far-reaching consequences, both positive and negative, depending on how it is going to be implemented. In my understanding it can and should become a tool of social intervention, an instrument that will give impetus for the development of science and technology in Namibia and that is why we must approach it with utmost care and sensitivity. We must take all the time necessary in order to make it meet our specific Namibian needs. Without our own efforts to generate, promote and apply knowledge, there is no real development, because we shall continue lagging behind and depending on the results of others.

We have to ensure that at the end of the day we have a law that will make us understand where we are, and what we want to achieve, a law that puts the area of science and technology development among national priorities.

Comrade Speaker, I went through the Bill and I found that to a certain extent it may address some of our needs. However, Comrade Speaker, I was trying to look at the definitions. I know that it is becoming a practice that in every Bill we try to define each and every word that we consider the key word in a particular law. In this case, Comrade Speaker, I see we have tried to define the words "*science and technology*" and that is where I am not sure whether it is possible to define the two words, "*science and technology*" without leaving out some of the elements. I would, therefore, like us to consider whether it is necessary to define it or maybe we can leave it to the common law to see how we can be guided when we talk about science and technology.

For example, in the Bill we are talking about material and physical universe when it comes to science, but the ideas about physics and science law have changed and continues to change. There are no more substantial particles as the building block of matter, solid matter is dissolved and there are mostly empty spaces which are probabilities. That is why I am not sure if by trying to define science, we will be able to meet the objective of this Bill.

The same can be said about technology. In the Bill we are limiting technology to industry and commerce because it is technological means

14 September 2004 **RESEARCH, SCIENCE, TECHNOLOGY BILL**
HON NANDI-NDAITWAH

people use to improve their surroundings and by talking about industry and commerce, we might be limiting ourselves. We should therefore really try not to capture everything because it is always difficult when you want to embrace, especially when you are talking about knowledge.

Having said that, Comrade Speaker, I would like to say that Namibians are not particularly interested in knowledge, research and science. I am not sure why, maybe it is because of the past educational system or the influence of religion or it is the long years of isolation of our country. I however have to say that the time has come for us to sensitise our people on the importance of research.

Since independence we have allocated considerable funds to education. What does this mean? It means there is no reason why our educational system cannot create a foundation for the development of science and technology. The Bill must form a link between the educational system and development of science and technology and that is one element that I am finding in the Bill and I would like this to be understood so that in implementation we pay serious attention to this.

We are a small nation and the pool from which to draw scientific talent is not so big. It also means that the quality cannot be extracted from quantity. From a relatively small number of learners we must extract those with talents, scientific general knowledge and potential and encourage them to develop for the common good. We need to offer them grants, benefits, moral and material help, recognition, acknowledgement, anything they need to realise their potential. The Bill has to make sure that that is captured.

Another question I have: How come that there is very little in terms of indigenous technology in Namibia? For example, our potters haven't discovered the pottery wheels yet, something discovered elsewhere in the world a thousand years ago. Our pottery is still being handmade exclusively by women, unscientifically burnt in the fireplace. Or how about irrigation? Despite living in an arid area, they have not developed an indigenous irrigation system. Our traditional food manufacturing and preservation has not advanced. How come that our people have to

14 September 2004 **RESEARCH, SCIENCE, TECHNOLOGY BILL**
HON NANDI-NDAITWAH

experiment with materials and forces at hand in order to discover what many other people over the world have discovered a long time ago? And yet we all know that Namibians are very clever, but despite our fantastic intelligence and brilliance, there must be something that is holding us back, something that is preventing us from using our talents to develop knowledge.

Do we in our traditional ways and customs make allowances for individual creativity and innovation? Do we encourage people to send out those that are creative and different? Sometimes I think that the pressure of collective and communality is too heavy. People conform and do not dare to be different. One is trying to be normal, for example, according to the norms of a given culture. Yet there is no progress without a free spirit, there is no progress without questioning stale and static ways.

Throughout human history people had to sacrifice a lot, even their lives, for progress. Some burnt on stakes for new ideas in science. Let us not burn on stakes those who want to be different. We can encourage them instead. That is how we can stand a chance to develop science.

In areas where we do have indigenous knowledge we must preserve and protect it. Perhaps we do not even know what we have or do not appreciate it sufficiently. Our botanical knowledge, for example, is being used by foreign pharmaceutical companies to make profits. Medicinal plants, such as devil's claw and snake trees, have been known among our ethnic groups for centuries, but today somebody else has a licence and rights on those plants. Why? Perhaps because Namibia does not have its own scientists in the field of botany and biology or marine biology, medicine, physics, mining and other fields.

This morning I was listening on the radio to the Minister from Norway and he was telling us – and we know that Namibia is a fish-producing country – that there are some particles of fish skin used in the manufacture of cellular phones we are using, that every Namibian wants to own. Therefore, you can see the resources we have.

Many of our young people want to study Business Administration and

14 September 2004 **RESEARCH, SCIENCE, TECHNOLOGY BILL**
HON NANDI-NDAITWAH

Management, neglecting Science that can truly help us to become masters of our own resources and our destiny.

I, therefore, agreed with Honourable Katjita when she called for building in incentives into this Bill for those individuals who want to study and do research in the field of science. We also need to understand the motivation factor in young people when they are choosing their future careers. Unfortunately they are not motivated by the love of knowledge. As a nation we also have to respect the knowledge holders. Our driving force is money. Young people want to get a diploma or a degree that will enable them to get well-paid employment and perhaps an opportunity for doing something on the side and unless we rearrange our value system in such a way that people are respected for what they are and not for what they have, we cannot hope to make a serious breakthrough in the development of science and technology.

Comrade Speaker, the only area in which I will be prepared to tolerate theft – I do not tolerate theft whatsoever – is in the area of science and technology. In the area of science and technology I can tolerate stealing. We not only need to use all our regular and available channels to acquire knowledge, we must also steal it if need be.

Honourable Members, look at some Asian nations, particularly Far East nations, that have achieved miracles. Some of their scientists have gone to the West and have stolen the most sophisticated knowledge in order to bring it home and develop their car industries, their space research or even their military capabilities. But to reach that stage, Honourable Members... (Intervention)

HON DEPUTY MINISTER OF BASIC EDUCATION, SPORT AND CULTURE: I agree with everything the Honourable Member is saying, but would she consider using a suitable synonym for the word “*steal*?” I am sure that there are many. It does not sound good if we say that the Minister of Woman and Child Affairs is encouraging theft.

HON MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:

I would like to encourage very sophisticated... (Intervention)

HON MINISTER OF TRADE AND INDUSTRY: May I ask the Colleague a small question? According to your statement on the acquisition of science, technology and information, you proposed that we use all possible means to acquire that, including copying it. Do you know that all developed nations have stolen one or the other from each other? Do you know that this is prevalent and perhaps it is only Africa which is not doing it and that if we start from scratch, we may never catch up?

HON MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:

Yes, and that is I am really encouraging Namibians that we must get into that sophisticated way of bringing technology back home and we can only do that if we create a solid foundation in all fundamental science fields. Once we get to that, we will be able to bring that technology, as done by other countries in the world. That is why Africa is lagging behind, because we are not doing what others are doing. I think maybe we are doing it in other fields, but the most important field to do that, is this one of science and technology.

Comrade Speaker, I was saying that subsidisation of science and technology needs to be strongly stressed in the Bill. Our aim is not only to encourage and cultivate a high level of science research, but also to make knowledge and technology attractive to young people from an early age.

That is why the Bill should invest different forms of science and technology popularisation through the education system and involvement of the community and business. For example, we may organise research camps, we may organise technological clubs and many, many other things and perhaps some tax refunds or other incentives could be offered to institutions and businesses which are involved in such activities.

14 September 2004 **RESEARCH, SCIENCE, TECHNOLOGY BILL**
HON NANDI-NDAITWAH

Comrade Speaker, the proposed National Commission on Research, Science and Technology is welcomed in the sense that it would hopefully bring together the most enlightened minds of this country, so that they can jointly create a vision of science and technology development in Namibia. When we say “*national*”, it must be national in recognising where we are before and where we are going to be.

It is also of vital importance to have women fairly represented in the National Commission, not because of women’s concerns only, but because the Institution takes on the character of the elements that compose them and what we are the most managed by this era of globalisation is dehumanising institutions. Meaning the Institutions should really be human and they can only be human when both men and women are participating. If women play a major role in policy formulation and execution, the Institutions are likely to become more environmental friendly and people sensitive. The National Commission should have a good start in that sense.

Comrade Speaker, in the Bill we are talking about borrowing and I think this one has to be made very clear, because it is not clear whether the Commission can borrow even from international institutions, such as the World Bank and the IMF, and these are some of the things that have to be made clear, otherwise it might bring a shift of our principles when it comes to borrowing.

I have two questions to the Minister concerning intellectual property rights. Firstly, would it not be better to have a whole new Bill on intellectual property rights? And secondly, the way this Bill talks about discoveries made by the employees of the Commission, discourages them from research. If their discoveries are vested in the Commission, it means they are taking away from their creators as individuals. In that case, such individuals have two options: To leave the Commission in order to protect the authorship of their discoveries or to give up research and discovery altogether in order to become bureaucrats. Of course, in both cases it is the Commission and the nation that suffers through the lowering of the scientific standards of the employees of the Commission.

14 September 2004 **RESEARCH, SCIENCE, TECHNOLOGY BILL**
HON KAMWI

To sum up, my main concern here is how to give this Bill such characteristics from the start which will truly encourage and promote broadly-based science interests, on the one hand, and on the other, favour high science or the attainment of the highest ethics possible in development and science and technology in the Namibian environment.

Finally, I want to underline my happiness that once this Bill becomes a law, we as a nation will be able to control research information which is currently going out of the country unnoticed when foreign individuals do research here. I thank you and support the Bill.

HON SPEAKER: I thank the Honourable Minister Ndaitwah. Honourable Kamwi.

HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES: Honourable Speaker, Honourable Members, I rise to support the Research, Science and Technology Bill. First of all, I would like to congratulate the Honourable Minister for introducing this most precious piece of legislation for the betterment of Namibia now and in the future. This Bill could not have been tabled at a better time; in fact it is overdue.

The Bill on Research, Science and Technology is a step in the right direction for the Ministry. This is so important because so far there is no coordination of all support for research in this country. In general, research in this country is done in isolation and is seen as an area for the intellectuals and a few sectors. There is a need to embark and encourage participatory in action-oriented research, science and technology.

The Ministry of Health and Social Services is combating multiple simultaneous epidemics, such HIV/AIDS, tuberculosis and malaria which are placing great strain on our health system and on our society. We need to know whether or not the programmes being put in place for HIV/AIDS prevention, care and treatment are working and if not, why not. We need

research and evaluation studies, housed in the Ministry, to improve on what we are doing when it comes to health services in order to ensure the health of our population and, indeed, the future of our nation.

The establishment of the Research Council for Namibia is required to set national guidelines and Namibia's specific priorities for research activities which, in my view, will ensure that all research activities meet the international standards for research. Namibia will however only have its research needs met if we ourselves define those needs and work amongst ourselves and/or with our development partners to build the capacity of Namibians to carry out research on their own. There are several such models of research collaboration within the SADC countries and we should learn from those experiences.

The Ministry of Health already has a Research Committee. It will be important that the terms of reference for this committee be coordinated with those of the new Research Council so that we get the job done in a timely and coordinated manner.

Honourable Speaker, Sir, I observed on Page 8 of the Bill, Section 6, under the heading, "*Constitution of Commission*" that the Health and Social Services sector is not specifically mentioned as being represented on the Commission. Let me remind ourselves that a disease like HIV/AIDS is the number one challenge to the development of our nation and as such it will be critical to bring the health sector into this process, while facilitating the process for the health sector to move ahead with an active research agenda of its own research.

The envisaged Commission, together with the Research Council, with input from those most familiar with the research needs in their respective fields, should set the national agenda on research in consultation with the education and research institutions plus individual sectors. The research agenda should strive to meet and address issues as set out in Vision 2030, NDP2 and the Medium Term Plan III on HIV/AIDS documents if we wish to see these becoming a reality.

14 September 2004 **RESEARCH, SCIENCE, TECHNOLOGY BILL**
HON KAMWI

Honourable Speaker, Sir, the functions of the Commission should ensure that the research priorities of Namibia are being met, that research is being conducted in a high quality and ethical manner and that the safety of the research subjects is preserved. It should not serve as a draconian body to prevent research from taking place. Rather it should facilitate and promote the research process. The codes of ethical research should, however, be observed as stated in the Helsinki Code of 1964 and rewritten by the World Health Organisation in 1975.

The establishment of Namibian Ethical Review Boards for their respective fields of research and capacity building of committee members to review and comment on the quality of research, design and methods will be an important contribution under the new Commission and Research Council.

Funding for research projects should be handled carefully as this is the main hindrance to the carrying out of research activities in general. Research is also a time-consuming process. We need fulltime Namibian researchers who are supported to conduct research just as they are supported to teach or provide services. As the Research Council acquires funds for research, resources should be allocated based on the merits of the proposals. Collaborative research, science and technology should be encouraged both at national and SADC levels. This process will enhance capacity-building at country and regional levels, and at regional in reference to SADC.

With the developmental stages in which we find the country and ourselves, research, science and technology should be encouraged and should be evidence-based so that it can inform development projects. The evidence from research should be applicable to day-to-day life of our people or at least facilitate the application of such knowledge. Creativeness and application should be the goal of any science and technology research. However, scientists are encouraged to come up with new discoveries and theories applicable to daily life. Basic and pure research, science and technology should be promoted at both level levels and professional levels.

14 September 2004 **RESEARCH, SCIENCE, TECHNOLOGY BILL**
HON NGHIDINWA

With these remarks, I support the Bill on Research, Science and Technology. I thank you.

HON SPEAKER: I thank the Honourable Deputy Minister for his contribution. Honourable Deputy Minister Nghidinwa.

HON DEPUTY MINISTER OF LABOUR: Comrade Speaker, Members of Parliament, I rise to contribute and support the Bill on Research, Science and Technology as introduced by the Honourable Minister, Comrade Nahas Angula.

Comrade Speaker, Honourable Members, the first part of the Bill deals with the objectives of the Act, which I fully support. The provisions of the Bill in Part 1 stipulates the needed and most crucial aspects for the foundations for both scientific and economic research needed to bring about economic development, as outlined in the National Development Plan 1 and 2, respectively. The Bill is also in line with Vision 2030.

Part 2 of the Bill provides the establishment of the National Commission on Research, Science and Technology, which is very important in ensuring that research findings are to be used for the benefit of our own people and the country and to minimise overlapping in the fields of research, science and technology, the overlapping which led to misuse of some of the funds supposed to be used in some development programmes to the Namibia people.

Comrade Speaker, Members of Parliament, the functions of the Commission, as outlined in Part 2 of the Bill, will further enhance the country's economy by bringing about further research on the use of our natural resources. Namibia as a country is blessed with natural resources that need to be fully exploited to the benefit of individuals, community groups and the country in general. Research and technology will enable our citizens to fully utilise our natural resources.

14 September 2004 **RESEARCH, SCIENCE, TECHNOLOGY BILL**
HON NGHIDINWA

The Bill, if passed, will enable our people to be more innovative and produce all kinds of goods we are currently importing from Europe and other countries.

Comrade Speaker, Honourable Members, research and technology have enabled countries to overcome their economic problems. In Namibia, research outcomes were never followed up and put into practice to the advancement of the country. Research done by foreigners in pre-Independence Namibia was always was always paper syndrome research. We called them back again for the same reason. It never reached disadvantaged Namibians. Therefore, when the Bill is passed, I would like to see Namibians benefiting from this very important instrument in a coordinated manner.

Research on our natural resources will enable our people to produce various goods. For example, we can use our own natural herbs to produce medicine. Now are people are selling devil's claw to Europeans to be processed into human and animal medicines without any value addition.

Comrade Speaker, Honourable Members, there are many advantages from our own products. For example, mahangu can produce many things. We can have mahangu trees to produce building materials, fertiliser for planting mushrooms.

The second example, Comrade Speaker, we can for example take the Marula tree which we have in two parts of the country, the north-west and the north-eastern part of the country. Some people and some books say that from the Marula tree we can produce paper and from the fruit we can make soft porridge, jam, cooking oil, body and hair oils. We can also produce a wide range of food for animals and for human consumption. With research and technology Namibia will be able to produce its own products for local use and for export purposes.

The above examples provided can only be produced if we support the Bill to promote research and technology in our country. Research and technology will also reduce the high unemployment rate among the youth and add value to the socio-economic development of the country, SADC

14 September 2004 **RESEARCH, SCIENCE, TECHNOLOGY BILL**
HON DR MBUENDE

and the continent.

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

HON SPEAKER: I thank the Honourable Deputy Minister for her contribution. I now recognise Honourable Mbuende.

HON DR MBUENDE: Thank you very much, Honourable Speaker. First of all I would like to congratulate the Minister of Higher Education for tabling the Bill before the House, but in particular for the efforts of his Ministry in promoting science and technology consciousness in our society. We cannot but embrace science and technology for solving our multiple problems.

Namibia is a country that needs scientific approach in many of the fields. If you compare our economy, and you start with mining, in a number of countries we have open pit mining that does not require that high level of science and technology and capital, but if we look at the copper in Namibia, you have to go underground. If you look at the fishing industry in our neighbouring countries in West Africa, they take a small canoe, go to the sea, come back with a full canoe of fish, but not in Namibia where we do deep-sea trawling. Again you have to have a scientific approach to be capital intensive.

If you look at agriculture, elsewhere you throw the seeds in the air, you come back twelve or three months later, whether you are talking about Congo or Zambia, it has grown. In Namibia it must be nurtured because of the nature.

Talk about tourism, we have a delicate environment that has to be managed well. Therefore, it is important that we have to have well-informed decisions about the management of our natural resources because of their fragile nature. We have a country that has a fragile nature

14 September 2004

RESEARCH, SCIENCE, TECHNOLOGY BILL
HON DR MBUENDE

and, indeed, also whose economic sector is quite difficult to operate and needs a knowledge-based approach.

The importance of science and technology in the development of society cannot be over-emphasised. If you look at the history of industrialisation or the industrial revolution, it was in fact the deliberate application of science and technology that made Germany surpass Britain during the Industrial revolution. While Britain's industrialisation was based on trial and error, the German Industrial experience was based on a deliberate and conscious application of science and technology to industry and hence, the development that we witnessed.

The application of science and technology is important especially to increase productivity and it can contribute to economic development, it can also contribute to the efficient management be it in the public sector as well as in Industry. Science and technology can enhance the quality of life, creating comforts – the use of air-conditioners and other human inventions. It can also enhance democracy through spreading of information, participating in debates, but also help, for example, the physically challenged to have a measure of comfort in their lives.

However, we as developing countries need to spend a lot of money in the development of science and technology, but if you look at the budget, developing countries spend no more than 10% of their budget on science, technology and research, whereas industrialised countries that are already developed in terms of science and technology, actually spend more than 50% of the budget on research and development. Therefore, I would like to welcome the establishment of the National Research, Science and Technology Fund and I hope that this Fund will really be funded and not under-funded, because a lot of resources are needed for that.

It cannot be more emphasised that we cannot reinvent the wheel and, therefore, a deliberate effort should be made to facilitate the transfer of technology. It has become even easier now to facilitate transfer of technology than it was during the days of the Cold War when people had to resort to industrial espionage and the likes. Technology is treated freely on the open market and we as a country should be deliberate in facilitating

transfer of technology through, among others, joint ventures between our companies, be it in the private sector, public sector and international companies.

Today it is easy to get the state of the art technology in any field, whether we are talking about telecommunication, through joint ventures. You do not even have to reinvent the wheel, you can get the state of the art technology and all we need to do is to encourage that process to facilitate the transfer of technology.

However, we should be aware that technology is culturally based and you can only get the technology through transfer of technology that has been developed in these other countries. This point became very striking to me in my previous incarnation when I was Deputy Minister of Agriculture and when I realised that if we look at the food technology, all the foods that are consumed in the industrialised countries, there is developed technology in terms of refining them. When you however come to the food that is consumed here, you find the technologies wanting. Colleagues made reference to mahangu and you would be surprised that the most advanced machine to process mahangu today is in Namibia and it is because of our interest in that particular field. In fact, we adopted it from Botswana who in turn adopted it from India and still we are far from having that perfect machinery because the losses are so much in the process of processing mahangu and the quality of the product is still not the best that you can get. But this is only to show that when you come to it, there is advantaged technology because countries that generate technology and knowledge have interest in those particular fields, such as rice and so forth.

But when you come to our staple food and where the industrialised countries have no interest in that staple food, you find that the technology is wanting in that field.

Therefore, we cannot only rely on transfer of technology, we have to develop technology to provide local solutions to local problems.

In the area of water, for example, the countries from which we import and

14 September 2004

**RESEARCH, SCIENCE, TECHNOLOGY BILL
HON DR MBUENDE**

technology do not have a problem with scarcity of water, their problem is maybe too much water. It rains every day and if it does not rain in the UK for two weeks, they talk about drought whereas in our case we have scarcity of water and the question of management of scarce water resources is an issue that we have to look at. Other countries have succeeded to a certain extent, Israel has succeeded in developing water saving methods of irrigation, Saudi Arabia has also succeeded, Egypt has made very interesting developments even away from the Nile now by applying different kinds of technology.

Therefore, Namibia as a country that relies heavily on underground sources have to invest in that technology because we do not find it anywhere. There are not so many people who would have vested interest in developing underground water sources, managing those sources and even monitoring them, because up to now it is all just guesswork and we have to do that because nobody else has that as a problem.

We have a number of medicinal plants that could be developed. The University of Namibia has done some interesting research in collaboration with the Namibian Breweries on how to produce mushrooms and there are a lot of mushrooms that are used for medicinal purposes, especially in China and the collaboration between our research institution and the Chinese could go a long way to us also producing these mushrooms under our conditions to generate income and reduce poverty and so forth.

There is also the issue of poisonous plants that kill cattle and again, we cannot expect anybody to develop the technology to eliminate the poisonous plant or even to develop a vaccine for cattle not to die because of that poisonous plant. These are all the challenges for Namibian scientists and maybe we will have a Namibian Einstein who will make a discovery or innovation by developing local technology for local problems.

Science and research is very costly and inasmuch as we are going to make a contribution, given the level the development of our economy and given the many challenges, we cannot have enough money for the promotion of science and technology as we wish. Therefore, the question of

14 September 2004

**RESEARCH, SCIENCE, TECHNOLOGY BILL
HON DR MBUENDE**

collaboration between the private and the public sector becomes critical. In fact, in the US industry has now moved and they are working with Universities to develop various products which have many applications, because we have also had instances where some of our researchers have done very good research at the University in terms of discovery, but then because of the lack of linkage to industry, this particular discovery is not commercialised and therefore, it does not pay even to do some of these discoveries because if it is not linked to industry and commercialised, then it is only good for the sake of knowledge.

The question of commercialising the various products of recent and developing interest on the side of the industry to manufacture and multiply some of these products coming from our research institution is absolutely crucial.

With these few remarks I would like to once again congratulate the Minister of Higher Education for the efforts and I would like to encourage a cooperation between Higher Education and Basic Education in terms of developing a consciousness about science. Science was seen as something far removed from us, but in actual fact it is not, it is something that deals with our day-to-day problems and if we look at it that there are local problems that need local solutions, then I think that will also encourage our youngsters. There is aversion that people believe – and of course, the system propagated that the black mind is also good for certain things and not for others and therefore, they did not show an interest in science. But at the same time they have solved quite a number of problems without realising that in fact, solving some of these problems is in fact a scientific experiment in itself. Therefore, the efforts of sensitising the community at large about the need for science and encouraging learners at a very early stage to take interest in science is very important.

What is happening now is that after the learners drop out at Grade 10 they go to technical schools and go and do carpentry, some of them become electricians, but all of a sudden, they thought they ran away from mathematics and when you become a carpenter you have to start doing measurements and mathematics is catching up with you. You thought you are going to become a builder because you did not go through the

14 September 2004 **RESEARCH, SCIENCE, TECHNOLOGY BILL**
HON LUCAS

theoretical education and when you become a builder, again mathematics catch up with you. Then also you are forming bricks, what is the quality of those bricks, their strength and that is what science is all about.

Therefore, without saying more on this, I would like to once again congratulate the Minister and I support the Bill.

HON SPEAKER: I thank Honourable Dr Mbuende for his contribution. I now call on Honourable Deputy Minister of Foreign Affairs, Information and Broadcasting, Honourable Lucas.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you, Comrade Speaker. I rise to support this very important and excellent Bill. First and foremost, I wish to thank the Honourable Minister of Higher Education, Training and Employment Creation, Comrade Nahas Angula, for tabling this long overdue Research, Science and Technology Bill.

Comrade Speaker, national capabilities in science and technologies have become an area of great priority for all countries worldwide. Societies that value knowledge creation and fusion have increasingly become prosperous and we have seen their economies grow along with the increased level of productivity.

This Bill will, therefore, contribute enormously to the practical realisation of the goals and objectives of the Vision 2030 and NDP 2 as it enhances our national institutional framework to develop scientific and technological capacity that can fulfil the needs of the Namibian economy and society.

That this Bill establishes the National Research, Science and Technology Commission to spearhead our scientific research efforts is commendable indeed. We would want to see Namibia becoming a knowledge driven achiever of sustained growth and prosperity and for this to happen, we

14 September 2004

RESEARCH, SCIENCE, TECHNOLOGY BILL
HON LUCAS

need to strengthen our competencies to mobilise intellectual power and open up opportunities to assist our people to build a strong and productive economy and a prosperous nation.

Comrade Speaker, as a country we will only be successful in achieving our goal of ensuring an adequate supply of scientific and technological skills when we inculcate in our society a positive attitude towards science.

It is, therefore, critically important that we find ways to continue to popularise science and engineering careers among the youth and to encourage our students to enter the field of science and technology as first choice careers. If we can achieve this, Comrade Speaker, we would have made a major impact on improving the performance of our national institutions of higher learning to produce young scientists and aspiring researchers who will contribute to the development of science in Namibia and breed a new generation of much-needed scientific expertise.

As much as there is a need to ensure that a large number of young people to perform better in scientific and technological research, there is an equally important requirement to address the growing trends of science professionals leaving the academic qualification field soon after qualifying. We need to create interventions that would ensure that young people who have a passion for scientific research are well supported. They have to be given opportunity that would lead to their growth and development as individuals and as scientists and researchers.

It is equally important for our research institutions, both in the public and private sectors, to improve their responsiveness to changes in research priorities. At the same time, Comrade Speaker, our tertiary institutions should make determined efforts aimed at adapting their curriculum to changing skills demands and developing partnership with industry to meet this demand.

Comrade Speaker, the establishment of a National Research, Science and Technology Fund, as outlined in the Bill, is a step in the right direction. Such a Fund is critically needed to provide the much needed financial support to our research institutions. Moreover, great strides in science and

14 September 2004 **RESEARCH, SCIENCE, TECHNOLOGY BILL**
HON DR A IYAMBO

technology will allow the economy to sustain its expansion in all sectors.

In the global context in which we operate, no country, developed or developing, is able to meet the demands of expanding its scientific and technological base alone and Namibia is no exception. Our success in expanding our scientific and technological base will, therefore, also depend on our ability to attract technology to Namibia and the support we can get from our allies through bilateral cooperation agreements in the area of science and technology. It will equally depend on our ability to connect our institutions and the research centres more effectively with most advanced global research institutions and expertise.

The Ministry of Foreign Affairs has an important to play in this respect and I am pleased to note that the Bill recognises this role. The big question, however, is: How can we keep our best scientists in the country and in Africa as a whole, if our top researchers and experts continue to receive low salaries for this work? We should value and treat our experts as we do with foreign experts, lest we risk losing our highly skilled professionals to the industrialised world. The challenge is to motivate our scientists by redirecting them towards new missions of national competitiveness and quality of life. There must be attractive incentives, fostering of industries, adequate financing for research and development if the problem of brain-drain is to be successfully alleviated in our country and on the continent.

Comrade Speaker, with these few remarks, I support the Bill.

HON SPEAKER: I thank the Honourable Deputy Minister Lucas. Honourable Dr Abraham Iyambo.

HON MINISTER OF FISHERIES AND MARINE RESOURCES: Thank you very much, Honourable Speaker. I was not here last week and if I happen to repeat some of the points raised by the Honourable

14 September 2004 **RESEARCH, SCIENCE, TECHNOLOGY BILL**
HON DR A IYAMBO

Colleagues, I ask for forgiveness.

I support the Bill on Research, Science and Technology. I would like to start with Section 2, the objects of this Bill. It is indicated there that it is *“to coordinate, to develop research and to promote common ground for research.”*

Honourable Speaker, I would like to say that in terms of research, science and technology in the country, despite the fact that Namibia is a very small country, we are too fragmented. First, if you want to conduct any research in this country, it is so difficult to find a laboratory that will meet your basic requirements. Therefore, I want to find out whether it is possible, considering our limited resources, to have a multi-purpose laboratory. I am saying that because you find too many laboratories for different territories, some of them maybe just to conduct tests on water, but using very expensive equipment which could be shared to conduct some complicated tests. If you want to test for some toxins of some pollutants, you have to go to so many laboratories and some of them will say that they test specific foods, they will not be able to test for those oxidants. But if we had a multi-purpose laboratory, then we could pool the resources that we have.

You find so many laboratories concentrating on micro-biology, some of them just for the sake of it, not really of much value, but using very complicated and expensive equipment that could be used if it was a joint laboratory. The same with different chemicals, particularly in the heavy metals or bio-chemical issues. You find so many laboratories using the same instruments but not coordinating. If you want to get fuller results, you may have to go to more than five laboratories just to test one thing and that can be so expensive.

Therefore, I wanted to find out whether it is possible in the long run for institutions of higher learning as well as economic ministries in particular, to look at having a joint laboratory, a multi-purpose laboratory that we as a country can use.

14 September 2004

RESEARCH, SCIENCE, TECHNOLOGY BILL
HON DR A IYAMBO

I would now like to come to specific areas in the Bill, starting with Section 6(1)(e) which deals with the constitution of the Commission. One person with experience relevant to the functions of the Commission will be nominated by the institutions of higher learning or Higher Education in Namibia. These institutions would possibly constitute of the University, the Polytechnic and other institutions and they have to nominate one person. In a lot of them have no harmony and how would we get these Institutions together unless they have a certain body where they meet and agree? Then we know that it is going to be fair.

Section 6(h) is about a representative of students in a scientific area. Again that one is too open for interpretation and how the Minister will be able to get representatives, because they may not be so well organised, everyone will claim that I am coming from a scientific area. Science is so wide and unless it is from a certain body that is established for students, where all those who are doing sciences will be able to say they are recognised under that body, it is too general.

Then I would like to come to 6(1)(iii) under the commissioners that reads: *“The commissioners must elect from their number a chairperson and vice-chairperson of the Commission at their first meeting.”* My concern is that the chairperson of the Commission has to be appointed by the commissioners. It has been difficult, particularly with the state-owned enterprises, when the chairpersons and deputies were appointed by the boards. Would it not be possible for the chairperson and vice-chairperson of the Commission to be appointed by the Minister?

Then I would like to come to Section 8 about the term of office of the commissioners. It is said: *“Except for a commissioner referred to in Section 1(b) or (c), a commissioner holds office for a term of four years and is eligible for reappointment at the expiry of that term.”* My question is, why this exception of (c), that is for the President of the Chamber of Commerce and Industry? It seems that person will not be eligible for reappointment and his office will also not expire after four years if it is with exception of (c). I might be misreading it, but the way it reads is that (c) is indefinite.

14 September 2004

RESEARCH, SCIENCE, TECHNOLOGY BILL
HON DR A IYAMBO

My last point is under Section 12(6), about the executive committee, which reads: *“The chairperson or, if absent, the vice-chairperson of the executive committee presides at all meetings of the committee.”* My question is, if the chairperson and the vice-chairperson are absent, who presides over this meeting? Will the meeting be cancelled or will it still continue?

Then under Section 14(2)(a), the Chief Executive Officer, it says the Chief Executive Officer is appointed for a term of five years. Under Section 8 the Commissioners are appointed for four years and one would presume that the Executive Officer is to serve these Commissioners, but why is it that the Commissioners serve for four years and the Chief Executive Officer is to serve for five years? Would it not be possible for them to have the same tenure of office?

Under remuneration and allowances in Section 16(2)(a) it is stated that remuneration and allowances are payable to Commissioners. The commissioners will probably be treated the same as a board, in which case the issue of remuneration and allowance in some cases has not been too clear, whether we are referring to a sitting allowance or whether they should receive this also when they have not met.

Section 18(3) reads: *“The Commission must submit a national programme to the Minister for comment and then the Minister will submit, together with his or her comments, to Cabinet for approval.”* My question is: Why should the commissioners submit comments to the Minister and when the Minister goes to Cabinet, you have the comments of the Commissioners and also your comments as the Minister. Why do the Commissioners not submit to the Minister, the Minister incorporates his comments in the final document and only submit one document with all comments incorporated.

Honourable Speaker, I do believe that we have the mental capability and possibly one day we can convert part of our desert to be green and produce some food. I still believe it can be done although on a small scale, where part of our desert can be converted into a desert that is green and produce some food.

With respect to the remuneration of the scientists, of course I happen to be a politician, a scientist myself and I have deep sympathy with a lot of the scientists in terms of their remuneration, particularly engineers.
(Intervention)

HON ULENGA: On a Point of Order, Honourable Speaker. I am sorry to interrupt, but does the House have a quorum?

HON SPEAKER: We have less than a quorum at present. We will ring the bells for two minutes. Within those two minutes we will determine whether indeed we have a quorum or not. We have a quorum, please proceed, Honourable Minister.

HON MINISTER OF FISHERIES AND MARINE RESOURCES: In conclusion, Honourable Speaker, I would like to commend the Honourable Minister of Higher Education, Training and Employment Creation for a job well done in the promotion of science and technology. It is not the first time that I see the Minister promoting science and technology. I recall very well way back when he told me to study sciences. Although I was afraid of mathematics, he told me to study science and I thank him for that. But I was saying that the scientists are really badly treated. With my experience in the Ministry of Fisheries, the government trained so many scientists, particularly in Iceland, Norway and the UK and more than ten of them, lecturing and doing research, will tell you that because of the lack of laboratories in the country and the low salaries, the majority of them have left. We do not so have so much money as a country, but in the long run this should be looked at in order that we retain our scientists in the public and private sector. This should be looked at, not for the next two or three years, but possibly in the next five years, the issue of proper remuneration in terms of qualifications.

14 September 2004 **RESEARCH, SCIENCE, TECHNOLOGY BILL**
RT HON T-B GURIRAB

With these words, I commend my teacher, Honourable Nahas Angula. Thank you very much.

HON SPEAKER: I would like to thank the Honourable Minister for his contribution. Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you very much, Honourable Speaker. How reassuring to have you back in the Chair. Last Friday I presided over the inaugural ceremony of what would become an annual Science, Technology and Engineering Awards here in Windhoek and on that occasion I said a number of things, which I am not going to repeat here because, as you reminded us, Honourable Speaker, we have a lot of work to do and brevity is often a virtue. I will therefore be very brief.

We had a discussion similar to this one at one of the conferences where African leaders were exchanging views on matters of science and technology, mathematics, engineering, etcetera and one of the Presidents, listening to all his colleagues and others making contributions, wondered aloud while he stepped out for a moment whether perhaps anybody had thought of C and A principle in discussing science and technology. His colleagues started scratching their heads, wondering what this C and A principle was that seemed so important in the discussion, so he continued to elaborate on it, that basically he meant what somebody said at the beginning, copy and apply.

I belong to a generation that was told that we did not have intellectual capacity to understand science and that mathematics was not good for our health. I am glad that right here we have scientists, medical doctors, engineers, apart from politicians, in the House and I am very proud about how far we have come. We must make science a way of life for all the reasons that Dr Mbuende mentioned so eloquently and other reasons mentioned, the very considerations that prompted the Honourable Minister to have brought this Bill to make our children love mathematics and to make them think, dream and walk science and technology.

14 September 2004

RESEARCH, SCIENCE, TECHNOLOGY BILL
RT HON T-B GURIRAB

We are talking about industrialisation, we are talking about beneficiation, we are talking about manufacturing and all those things require in-depth knowledge of science and technology and mathematics and engineering. What Dr Mbuende was trying to illustrate is that the nature of our economy and the resources that we have require that we should have long started thinking this way and that it should not begin and end in this House, but it should be spread across the country, particularly that our youth and children should breathe this philosophy of science, technology and engineering.

Early last week I was abroad, attending an OAU Summit and once again at that summit the African Union member states reiterated that science and technology are tools for job creation in the fight against poverty. If we get hold of those, unemployment and poverty eradication would have gone a long way in addressing both the Millennium Development Goals and Targets and particularly our own Vision 2030.

Minister, I compliment you for this. Your Ministry used to be known not too long ago as the Ministry of Higher Education, Science and Technology, but for more near and present challenges we decided to call it Higher Education, Training and Employment Creation.

I do not care too much about definitions, I do not care too much about the precise language that should go into the Bill, but what you have done, Honourable Minister, is exactly where we should be as legislators, that as we make political speeches and whenever we have an opportunity to campaign for elections, that when we talk about elections we should talk about two things, AIDS at all times and secondly, science and technology. I congratulate you.

HON SPEAKER: I thank the Right Honourable Prime Minister for his contribution. I call on Honourable Ben Ulenga.

14 September 2004

MARINE RESOURCES POLICY
HON DR A IYAMBO

HON ULENGA: Thank you, Honourable Speaker. I would like to adjourn the debate on this very important Bill until tomorrow.

HON SPEAKER: Any objections? Therefore the debate on this item stands adjourned until tomorrow afternoon. The Secretary will read the Fourth Order of the day.

CONSIDERATION: MARINE RESOURCES POLICY

HON SPEAKER: Does the Honourable Minister of Fisheries and Marine Resources Move that this Policy document now be considered?

HON MINISTER OF FISHERIES AND MARINE RESOURCES: I so Move, Honourable Speaker.

Honourable Speaker, Honourable Members of this august House, I am honoured to present to this House for consideration a Policy Document on Namibia's Marine Resources.

Many Honourable Members who are present here today will recall that way back in 1991, Honourable Helmut Angula asked this House to consider a Fisheries Policy Framework to guide the post-independence development of our marine fishing and processing sector. That policy was to clear up the mess that was there prior to independence of Namibia.

That document introduced by Honourable Helmut Angula was entitled, "*Towards Responsible Development of the Fisheries Sector.*" That policy framework was so eloquently elaborated on by the Honourable Minister, stressing the strategic and noble objectives.

14 September 2004

**MARINE RESOURCES POLICY
HON DR A IYAMBO**

A primary objective was to rebuild Namibia's plundered fish stocks which have been over-fished so severely by foreign distant fishing fleets prior to the Independence of Namibia.

Secondly, the document provided for the establishment of an effective fisheries monitoring control and surveillance system so as to properly protect our precious marine resources for the first time and thirdly, that document set out a framework for the establishment of a viable national fishing and processing industry with maximum jobs for the previously excluded Namibians.

May I remind Honourable Colleagues that the 1991 Comprehensive Policy Framework gave rise to the Sea Fisheries Act (Act 29 of 1992). This Act set out the elements of our management system, including the granting of fishing rights, the setting of total allowable catches, based on scientific research and the allocation of quotas to right holders.

It is fair to say, Honourable Speaker, that the 1991 Fisheries Policy Paper has helped to create a thriving business environment that has resulted in the establishment of a healthy and vibrant fishing and fish processing industry that pays a fair price for the privilege of utilising Namibia's marine resources.

Our marine resources sector has grown in leaps and bounds. I expect, therefore, that many Colleagues are saying, if the Policy Framework has been so successful, then why revise it? That is a good question and one that I would now like to answer.

It is a fact of life that fisheries is not static but a dynamic Industry. Many things have changed on the local, regional and international front since we gained independence way back in 1990 and took control of our marine resources sector. In 2000 the Marine Resources Act (Act 27 of 2000) repealed the 1992 Sea Fisheries Act. The enactment of the Marine Resources Act was a necessary and natural evolutionary step in our approach towards our marine resources sector and in fact, underlines Namibia's increasing role as a developing coastal state.

14 September 2004

MARINE RESOURCES POLICY
HON DR A IYAMBO

In addition, Honourable Speaker, Honourable Members, the Government of the Republic of Namibia has signed up to a number of International Fisheries Conventions, Agreements and arrangements since the 1991 Marine Fisheries Policy Paper was conceived. Some of the major ones include the 1995 UN Sea Stocks Agreement and the 1993 FAO Compliance Agreement. In addition, Honourable Speaker, Namibia has become a member of a number of international fisheries bodies, including the International Commission for the Conservation of Atlantic Tunas as well as the Commission for the Conservation of Antarctic Marine Living Resources as well as the South-East Atlantic Fisheries Organisation.

On the regional scale, I should also mention that Namibia's membership to the Southern African Development Community and the fact that we have ratified the SADC Protocol on Fisheries is very important. These developments brought with them new obligations to Namibia. Consequently, the Marine Resources Act made adequate provision for these obligations and also incorporated international best practice for fisheries management and the key elements of international fisheries management instruments which Namibia is a party to.

The Marine Resources Act also makes provision for the management and conservation of non-fish marine resources, such as seals, guano and seaweed.

Honourable Speaker, we now arrive at the rationale for the revised document that is before us. Just as the 1992 legislation governing the marine fisheries needed to be updated in light of changing circumstances, so it was also necessary to revise the Policy Framework for the sector so as to ensure harmonisation with the new legislation.

Allow me to briefly describe the structure and content of the updated policy document for marine resources sector.

Part 1 of the document provides an overview of the main marine fish and shellfish stocks in Namibian waters, the type of fishing and fish processing industries that depend upon them and a summary of the socio-

14 September 2004

**MARINE RESOURCES POLICY
HON DR A IYAMBO**

economic value of fish production in Namibia.

Part 2 details the fisheries management measures that we have developed in order to protect our marine resources, including fish, shellfish, seals, seaweed, guano as well as the marine environment itself.

Part 3 highlights the development of the marine resources sector to date and our perceived future role for foreign involvement, state participation and elements that comprise the current management system.

Part 4 details our current legal system as enshrined in the Marine Resources Act and associated regulations and the measures we have built to ensure adequate monitoring, control and surveillance.

Honourable Speaker, in Part 5 we have clearly spelled out the guiding principles or main objectives and strategies for the marine resources sector. Our guiding principles incorporate the promotion and regulation and responsible and sustainable development and management of all harvesting activities that target marine resources. Our main objective, therefore, is to utilise the country's fishing resources on a sustainable basis and to develop responsible industry based on them in a way that ensures lasting contribution to our country's economy and overall development objectives as detailed in Vision 2030 and National Development Plans.

The document specifies how these overall objectives shall be attained through four main strategies:

Strategy 1: Maintaining an appropriate legislative, institutional and administrative framework.

Strategy 2: Conservation and responsible management of marine resources.

Strategy 3: Support for domestic catching, processing and marketing.

Strategy 4: Enhance participation by Namibians in all aspects of the

14 September 2004

**MARINE RESOURCES POLICY
HON DR A IYAMBO**

marine resources sector.

Each of these four key strategies are fully elaborated upon in Part 6.

Honourable Speaker, allow me to reflect on the term “*Namibianization*” which is used several times in this document. I am on record, Honourable Speaker, in regard to the interpretation of this term. For me Namibianization means a greater involvement, greater participation and benefits for Namibians from all walks of life and strata of our society to benefit from the marine resources. I believe that that can only come through share ownership in fishing companies, employment at all levels, managerial control of fishing companies, involvement in processing and marketing as well as at all activities of the company. Namibianization therefore should not be seen as window-dressing, but tangible empowerment.

I firmly believe that the benefits derived from the marine resource sector should also touch the whole country in a tangible way. Namibianization, therefore, simply put is a means to peace, economic reconciliation, equity as a locomotive and increasing employment for Namibians, especially the previous excluded.

I would like to conclude by emphasising that this document retains all of the key policy ingredients or key elements of the 1991 Marine Fisheries Policy Paper and addresses new fundamental concepts and considerations. As the stewards of our precious marine resources we must as a country always ensure that the level of fishing is commensurate with the size of the stock. We should avoid creating a biological desert at sea. We should stick by our principles to conserve our scarce natural resources for the benefit of future generations. By necessity this means that the right to exploit our marine resources must be restricted to a level that the resources themselves can sustain to the benefit of all Namibians through levies and other forms of taxation. If properly managed, our marine resources will continue to yield benefits in perpetuity.

On that note, Honourable Speaker, I commend this document to this House for consideration and subsequent adoption and I thank you,

14 September 2004

**MARINE RESOURCES POLICY
HON ULENGA**

Honourable Speaker.

HON SPEAKER: I thank Honourable Minister Dr Abraham Iyambo for his motivation of the Policy Instrument. Are there any further discussions? Honourable Ulenka.

HON ULENGA: Honourable Speaker, I would like to Move that the Debate be adjourned until Thursday.

HON SPEAKER: Any objections? So agreed. The Debate on this Motion stands adjourned until Thursday afternoon at 14:30. The Secretary will read the Fifth Order of the Day.

**RESUMPTION OF SECOND READING:
MEAT CORPORATION OF NAMIBIA AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned on Wednesday, 8th of September 2004, the Question before the Assembly was a Motion by the Honourable Deputy Minister of Agriculture, Water and Rural Development. I now yield the Floor to Honourable Angula.

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: I Move that this item be adjourned until Thursday, the 16th of September for the reply.

14 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON YA FRANCE

HON SPEAKER: Any objection? The Debate on this item stands over to Thursday afternoon at 14:30. I ask the Secretary to read the Sixth Order of the day.

**CONSIDERATION: REPORT ON VISITS TO
RESETTLEMENT AND OSTRICH FARMS**

HON SPEAKER: Does the Honourable Member Ya France Move that this Report now be considered?

HON YA FRANCE: Comrade Speaker, allow me, on behalf of the Standing Committee on Economics, Natural Resources and Public Administration to express our profound thanks for having permitted us to undertake a mission to the resettlement and ostrich farms for the purpose of familiarising ourselves with the development or progress or otherwise on the said industries. Further allow me to express our appreciation for the patience you have shown as regards the tabling of this report.

I would like to stress right from the onset that the acquisition of farms by the Government and the resettlement of the hitherto disadvantaged Namibians is a noble task indeed, but poses a huge challenge to us as leaders. It is a formidable challenge, Honourable Speaker, because it is not only vacant land we are starting with, but it is also a process that does not find a concerted and united support from all Namibians, politicians and non-politicians alike.

It is further a challenge because the exercise is being undertaken at a time when the government finds itself under extreme pressure from a huge army of landless Namibians, on one hand, and on the other, the divergent

14 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON YA FRANCE

views, opinions and motives of players in the process of land distribution and resettlement.

Comrade Speaker, the Committee has, among others, visited the resettlement of San people at Skoonheid and was impressed by the Ministry's efforts to erect structures as houses for them. The condition and manner under which these houses were built, however fell short of the basic standard requirements, according to our observations, such as ablution and other facilities.

It is the opinion of the Committee that while cognisant of the need for the preservation of the communal nature of the San community during implementation of this process of resettlement, we strongly believe that the desired objectives of integration and unity of the Namibian people and the necessity to learn modern patterns of production from one another might be compromised by resettling the San as a group on its own and the way they have been living for generations. We believe that the communities cannot develop in isolation, but development would be faster if people are integrated, thus learning from the experience of others.

The other and probably the biggest challenge of all is the resettlement of new farmers who own absolutely nothing, regardless whether they are experienced former farm workers or new entrants to farming. Such practice, Comrade Speaker, of resettling people who have absolutely nothing, some not even a donkey cart, is just as good as not resettling them at all.

To make things worse, most of the resettled emerging farmers did not get title deeds to the land they acquired to serve as collateral for financial institutions. The result of being resettled with nothing, these emerging new farmers end up subletting their farms to others who in return turn them into labourers on their own farms.

The Committee strongly recommends that basic means of production and training be provided and to possibly be a precondition for resettlement.

We further recommend that access to credit and finance be provided by

14 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON YA FRANCE

speeding up their leasehold status on their farms.

Comrade Speaker, while the Committee fully commends the government for identifying certain categories of Namibians as priorities in resettlement, that is former farm workers, the San, ex-fighters, destitute and landless Namibians, the reality on the ground however proves that those who had the basic means prior to resettlement are performing better as compared to their counterparts who had nothing and those who have little. However, notwithstanding government priorities, the Committee recommends that a mixed approach method, to include retired people and others who cannot afford commercial farms offered by AgriBank should be considered for resettlement. People like me who cannot afford a farm should be considered.

Comrade Speaker, the biggest problem we have come across concerns ostrich farming in the Hardap and Karas Regions. While nobody denies that ostrich farming is the most suitable farming method in the South, due to the aridness of the area, the method proves to be such a sensitive and capital intensive one. The rearing of chicks is so expensive as they are so vulnerable to any kind of disease, any kind of movement, rain, thunder and worst of all, the fodder is so expensive. We also came to learn about the alleged unfair competition between the emerging and the well-established ostrich farmers.

It is the opinion of the Committee that unless we reduce our total dependence on fodder imported from South Africa, by encouraging ventures in local fodder production, the success of ostrich farming by formerly disadvantaged Namibians would be a very, very difficult, if at all possible venture. In fact, it later came to our knowledge that even on those ostrich farms which we thought were doing well most of the birds have died as a result of the problem with fodder and other diseases.

Finally, is the cooperative experiment in citrus farming at a farm in the Mariental district. In spite of the fact that this farm was a highly developed citrus and vegetable producing farm whose produce found its way up to Windhoek and elsewhere, the farm was in ruins at the time of our visit. The reason for the failure, according to the cooperative

14 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON PRETORIUS

members, was uncooperativeness of the supposedly cooperative members. Our own investigation showed that the cooperative project was, first and foremost, not voluntary, but seems to be mechanically imposed, with no formal training or introduction at the initial stage.

The Ministry has deployed some Cuban advisers to the project, but these Cubans are standing idle and hopeless as a result of the disagreement and conflict between the members. The Committee would like to strongly recommend that while the cooperative approach is probably successful elsewhere in the world, our approach seems not to have been preceded by training and voluntarily joining of the project. This is what we should do if we are to expect good results of cooperatives.

Lastly, the Committee commends the Queen Sophia Project in the Otjozondjupa Region and regards it as a success story from which resettlement could be emulated. The project has really empowered the members and we believe that if guidelines and support would be continued to be given to the project, it has all the potential to produce and succeed.

I, therefore, urge this august House to critically study and debate our report and recommendations with the object of adopting it for further legal instruments to be developed thereon. I thank you very much, Comrade Speaker. I rest my case.

HON SPEAKER: I thank Honourable Ya France for the report that he has just delivered to the Chamber. Are there any further discussions or reactions to the Honourable Member's report? Honourable Pretorius.

HON PRETORIUS: Mr Speaker, I have read the report with much interest and I found it informative and interesting, but as a legislator and as a Member of the National Assembly I have one little problem with procedure. This is not exactly what I am looking for. There is an old

14 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON PRETORIUS

saying that *a politician is a balanced layman, not an expert*. The experts you will find under officials, maybe also among the politicians as the Right Honourable Prime Minister indicated this afternoon. But according to Article 41 of our Constitution there is ministerial accountability. “*All Ministers shall be accountable individually for the administration of their own ministries and collectively for the administration of the work of the Cabinet, both to President and to Parliament.*” It is not our standing committees which are accountable for the work done by the Ministries, it is the Ministry itself.

Therefore it was very interesting to me to read in the introduction that, “*although the familiarisation visit was not undertaken as a result of a request by the august House, it was an official engagement of the Committee and hence this Report.*”

It is worth very much to me and I think also to the House, but I would in future like to see that a committee in the first place tries to convince the responsible Minister to submit annual reports, ministerial or technical reports to this august House, for the House and the Committee to scrutinise with something official in their hands and from experts. That is my request, otherwise I support many of the recommendations, but I am afraid the Minister will now have to react on it because it is his task and his responsibility to execute and not ours. Thank you.

HON SPEAKER: I thank Honourable Mr Pretorius who is raising a very important working relationship question and a procedural question and I thought that the Committees have an unfettered mandate to meet with the Ministers and have discussions with them and it is with ministerial consent. It is actually a relationship to improve the final product and where possible Ministers can appear before the Committees. It is only with that kind of relationship and interaction that the product will be owned up to by both the Minister and the Chamber. I thought this is indeed the practice that we have already established and are pursuing, but in terms of the technicality or the manner in which the Report is written and conveyed, will reflect that it is a point well taken, it is the

14 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON N ANGULA

basis of our cooperation between the Parliamentary Committees and the Ministers, all the way from the Minister to the technical staff who are the institutional brainpower of the ministries. I think that should be attended to in case it was overlooked. Honourable Minister Nahas Angula.

HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: Thank you, Honourable Speaker. I would like to thank and commend the Committee on Economics, Natural Resources and Public Administration for this very important Report. I do recognise the fact that the Committee did not have much time or resources and perhaps appropriate expertise to conduct these visits and to review the success or otherwise of the Resettlement Scheme.

The Resettlement Scheme, as we know, is one of the government's programmes for empowerment, to empower the dispossessed, the landless and the poor to have access to land. Land, as we know, is a resource for production and if empowerment is going to take place, land must be used productively.

This Report is an eye-opener, it has mixed results but it has one strong message, namely that the settlers who have basic means are performing better. I think that is the central theme of the Report. If you resettle people and give them some means to start production, they are likely to do better. I think that is the message of this Report.

That suggests to me that the Committee was supposed to go further and recommend in a different form what are the basic resources needed for people to do better as resettled new farmers. I think that is where the Committee was supposed to lead to so that as Parliament we have a basis of saying that these resources which are needed to start off the resettled farmers should be made available. In that regard, therefore, I dare to make a wild suggestion here in support of the people resettled on the farms, in order to prevent that these farms become ghettos. That is why there is a conflict between resettled farmers and the established commercial farmers. Somehow we must prevent this from happening.

14 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON N ANGULA

Even myself as a person would have mixed feelings if I were going to buy a farm, whether to buy a farm which is surrounded by farms belonging to resettled people, especially if they do not have resources for fencing, maintaining of farm infrastructure, buying stock, maintaining such stock, marketing that stock, etcetera. If you are a neighbour and one of your cows are missing, you would always expect that it was expropriated by the resettled farmers because they do not have resources. This we must deal with because it has the potential of depressing and destroying agricultural productivity if we are not careful.

Therefore, I would like to suggest that perhaps there is a need to establish a body which will be responsible for servicing the farm settlers and I want to suggest that this body should not be a governmental body, but it should work for Government. It should be a body perhaps run on private business principles, but since this body is financed by the Government and perhaps other donors, the body will work under a performance agreement with those who are providing the funds. This body needs to be flexible because the problems are not the same. We are told about the cooperatives where there is a kind of Tower of Babel situation, we are told of the San settlers who have their own problems, we are told of settlers who were dumped there without any means of production, we are told of farmers who have some basic means of production and they are starting to produce, but sometimes they have a problem of marketing. Therefore, it should be a flexible body which could service all these settlers in their diversity of needs so that these settlers would be truly empowered to turn this resource called land into wealth. They cannot do so unless there is proper training, proper farming inputs, proper marketing strategies and marketing means, animal health, etcetera.

I know I am a Public Servant, and public servants are not the most efficient people and I will not suggest that a government ministry should perform this kind of function. I know it will not perform, that much I know. Therefore, if this function should be outsourced to a private organisation with appropriate resources. There are people out there, especially those who are talking about how to alleviate poverty, how to reduce poverty levels, how to empower the poorest of the poor and this is now the programme for empowerment. If we could only create a proper

14 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON MOONGO / HON VENAANI

window how to source these resources, I think this body should be able to assist the settlers on the commercial farms so that they move towards the level of performing better like the ones with some means.

Honourable Speaker, this is my proposal, it is a wild one, I am not tabling anything, but I am just making this proposal to the Committee if they want to consider it. Thank you.

HON SPEAKER: I thank the Honourable Minister for his contribution. Any further discussions? Honourable Moongo.

HON MOONGO: Honourable Speaker, I will be brief. First of all, I would like to thank the Chairman and the Committee for a job well-done and I would also like to point out that the system is always complicated. I thought the aim of resettlement was to assist the disadvantaged people and a form of black empowerment, but now you have to sell your cattle before you are resettled. If you sell your fifty cattle, you will not have enough to replace them. There are a lot of complaints about the system and some people are complaining the filling in of forms by the Councillors is only done in part of the country and in the other part you have to check in the newspapers. The system itself is therefore complicated and I think the Committee should recommend easier procedures. With this I support the Report.

HON VENAANI: Thank you very much, Honourable Speaker. I am a member of the Committee, however at the time that members of the Committee visited the farms I was not a Member of this august House. Therefore, I just want to, first and foremost, support and congratulate the members of the Committee, but I just want to air my views on two important issues regarding resettlement.

14 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON VENAANI

We resettle families on land and I want to support the Members who are saying that to resettle people without giving them the means to produce is doing a disservice to our beef industry and to our economy. Currently we are not able to fill the EU beef quota because we do not have animals to slaughter. If you consider that all major resettlement farms now have less cattle on them than there were with the previous owners, it would defeat the purpose of the agriculture industry.

Secondly, with regard to the ostrich farmers, which I think was also part of the investigation, I remember during the middle nineties we had a lot of ostriches in this country and new emerging communal farmers who were trying to get involved in this business sector. Whereas Namibia was supposed to export finished products to the European markets, China and America that were buying from Namibia, we were selling live birds and later on the people closed down the markets because they were breeding these birds themselves. That is when the South African and Namibian markets went down.

The Committee raised the issue of fodder, but I do not think that Namibia has the capacity to make ostrich fodder in this country, because you need a lot of water to do that. Perhaps we could investigate the possibility because I do not want us only to recommend things that might not be possible. Let us recommend things that are in reach. Perhaps it is important for the Committee to give direction for the Ministry of Agriculture to investigate the scientific possibility of producing fodder for ostriches.

With these few remarks, I support the Report. Thank you very much.

HON SPEAKER: I thank Honourable Venaani for his contribution.
Honourable Namises.

14 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON NAMISES

HON NAMISES: Thank you, Honourable Speaker. I was a member of this Committee before the recommendation stage, but as Honourable Nahas Angula was saying that there should be some recommendations, I thought not only recommendations but that it calls for immediate action.

The Chairperson was speaking about the success of the Queen Sophia Project, but one can read in the Report what is said about the situation of the people on the ground. I feel it should not only be recommendations coming from this House, but also from the people themselves. For instance, the Vergenoeg settlers said that they have made several suggestions to the Minister and the Permanent Secretary and I hope that recommendations will be responded to and acted on with urgency, because people already said this is what they think would solve the problems they are experiencing.

It is also important that the Ministry of Lands, Resettlement and Rehabilitation should really go back and look at the different work methods, because it is not only what is currently happening, it is also how the initial process has been introduced, with the result that people are now suffering.

There is of course the effect of the powerful oppressing the weaker people and especially the women on resettlement farms are suffering under those very powerful people, who have money and are well-connected with the different ministries and for whom the gates are opened very easily. As a result the poor are affected by that and that should also be looked into.

Finally, the ministry should go back and render the support that it has talked about for so long, not only putting officials there, but to really act on the problems we have experienced there. It is really something that can be taken up and solved without money in some cases. The number of resettled people are too dense, they should be spaced so that they can live in a proper place and start to produce. I thank you.

14 September 2004

HON SPEAKER: I want to express my appreciation to the Members today. Today Members were using the established traditional parliamentary method by not reading, but looking at their notes. The young parliamentarians here are very good at it and congratulations. Because of that more people have participated, because only the mover reads and the others are commenting on that. If we do not stick to that, we will not qualify for the regional Parliaments, nor even the Pan-African Parliament, nor the UN Parliament eventually when it is established. On that high note of congratulations to the Members, this House now stands adjourned in terms of Rule 90, automatic adjournment, until tomorrow afternoon at 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2004.09.15 AT 14:30

**ASSEMBLY CHAMBER
15 SEPTEMBER 2004
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT

HON SPEAKER: Given that we have exactly thirty days from today until the House rises on the 15th of October, today is the last day on which Bills can be tabled and I have been in contact with the Honourable Minister of Justice who has been very cooperative in helping us to develop a list of priorities. He, in his capacity of Chairman of the Legislative Committee of the Cabinet has done the prioritisation, which means the Bill that I am going to read to you now take priority over every other Bill and over every other item between now and the time that the House rises. These are the Bills that I have received from the Honourable Minister of Justice. The understanding we seek here is that the House is in full agreement with that and will work in accordance with this time-table.

Labour Bill; National Heritage Bill; Agricultural Bank of Namibia Amendment Bill; Meat Corporation of Namibia Amendment Bill; Research, Science and Technology Bill; Water Resources Management Bill; Criminal Procedure Bill; Companies Bill; National Disability Council Bill; Public Holidays Amendment Bill; Prevention of Organised Crime Bill; Former President's Pension and Other Benefits Bill; State-Owned Enterprises Bill.

That gives us 13 Bills in totality that we will have to finish before the 15th of October. These Bills take priority. What is on the Order Paper will be dealt with, because it is already on the Order Paper as pieces of legislation. You will have to make a decision now as the House as to the two items, that is the Ratification of Cartagena Protocol and the Ratification of the Convention between the Republic of Botswana and

15 September 2004

**ANNOUNCEMENT
HON SPEAKER**

Namibia. Those are motions the House would have to make a decision when we still have time to get to them. But they will be off the Order Paper as of now. Therefore, we have a common understanding of this situation as explained. I take it that that indeed is the case. Honourable Minister of Justice, I take it that all these Bills that you have given us have been tabled, they are not out there.

HON MINISTER OF JUSTICE: Comrade Speaker, except the very last one because it is still receiving some attention at some other appropriate forums. But otherwise, all the others are already in the Honourable Speaker's Office.

HON SPEAKER: I received a letter and the subject is the National Disability Council Bill. We will have members who are physically challenged in the Chamber and of course, I have been appealing and the Honourable Minister of Finance is not here, the Honourable Deputy Minister is here, she can carry the message, this Chamber is very unfriendly to our citizens who happen to be in that unfortunate situation. Some of us may follow suit and be in that situation and as former Members of Parliament you will not even come and spend time to listen to what the other Members are saying. I am talking about the unfriendly design of this rectangular Chamber. I am saying this as a last appeal that the enlargement must kindly be considered in the Additional Appropriation Bill and the coming regular Bill in January. We have no lift to get to the gallery, there are staircases. This is just a compassionate appeal to the House please to pay attention when that budget line comes in. It is not a luxury. We would like to welcome those members if they are already here. You are most welcome. You must know that this is still a Chamber and the Members here are consciously working to understand the issues.

15 September 2004

**TABLING OF REPORTS
HON DE WAAL / HON YA FRANCE**

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

**TABLING: REPORT ON SADC COMMUNITY
ORGANISATION FOR PUBLIC ACCOUNTS COMMITTEES**

HON DE WAAL: Honourable I lay upon the Table, the Report on the Southern African Development Community Organisation for Public Accounts Committees (SADCOPAC) Annual General Meeting and Conference which was held in Bakamoya, Tanzania from the 26th to the 27th June 2004.

HON SPEAKER: Will the Honourable Member please table the Report? Honourable Ya France.

**TABLING: REPORT ON AFFIRMATIVE
ACTION LOAN SCHEME**

HON YA FRANCE: Comrade Speaker, I lay upon the Table the Report on the Affirmative Action Loan Scheme which you have temporarily referred back to the Standing Committee on Economics, Natural Resources and Public Administration for discussion and adoption of the recommendations thereof. I so Move, Comrade Speaker.

15 September 2004

**NOTICE OF QUESTIONS
HON PRETORIUS**

HON SPEAKER: Will the Honourable Member Ya France please table the Report? Are there any further Reports of Standing or Select Committees? Other Reports and Papers? Notice of Questions?

NOTICE OF QUESTIONS

HON PRETORIUS: Mr Speaker, I give Notice that on Thursday, 23rd September 2004, I shall ask the Honourable Minister of Justice:

Whether, just as in the case of corporal punishment, it is not possible also to get a legal opinion about what kind of mental torture, cruel, inhuman or degrading treatment or punishment is not allowed according to the Constitution?

HON PRETORIUS: I give Notice that on Thursday, 23rd September 2004, I shall ask the Honourable Minister of Labour:

Whether, as a matter of urgency and in national interest, the report and recommendations of the Cabinet Committee on the eviction of farm workers cannot be made public before the adjournment of this August House on the 15th October 2004?

HON PRETORIUS: I give Notice that on Thursday, 23rd September 2004, I shall ask the Right Honourable Prime Minister:

Whether, as a matter of urgency, the Cabinet cannot give effect to the request of Bishop Zephania Kameeta of the Evangelic Lutheran Church of Namibia to arrange a national conference about crime in Namibia and on ways to combat it?

15 September 2004

**NOTICE OF QUESTIONS
HON MOONGO**

HON SPEAKER: Will the Honourable Member please table the Questions? Honourable Moongo.

HON MOONGO: Mr Speaker, I give Notice that on Thursday, 23rd September 2004, I shall ask the Minister of Health and Social Services the following:

1. What is the Ministry doing about the machines which are used for the payout of pensions, which are out of order?
2. Why is the Oshakati Hospital not used as a pension distribution point?
3. In the light of recent increases in pensions by countries in the region, when will the Ministry consider an increase to at least N\$500 for pensioners in Namibia?

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

NOTICE OF MOTIONS

HON ULENGA: Honourable Speaker, I give Notice that on Tuesday, 21st of September, I will Move –

That this Assembly –

- (1) Duly conscious of its representative nature through us, its members, as contained in Article 45 of the Constitution of Namibia, which states namely that: *“the members of the National Assembly shall be representative of all the people of Namibia;”*

15 September 2004

**NOTICE OF MOTIONS
HON ULENGA**

- (2) Duly cognisant of the oath or affirmation we have all taken and to which we all subscribe as members, as required by Article 55 of the Constitution, which states that every member shall take and subscribe to such oath or affirmation in terms set out in Schedule 3 to the Constitution;
- (3) Duly aware of the contents and meaning of Article 17(1) and (2), dealing with political activities of the citizens of the country, Article 18, dealing with administrative justice; Article 20(1) dealing with the education of the citizens; Article 21(1)(a), (b), (d) and (e) dealing with fundamental freedoms; Article 95(e) and (k) dealing with the promotion of the welfare of the people;
- (4) Further duly aware of the provisions of the Namibian Broadcasting Act (Act 9 of 1991), especially articles 3 and 4 of the said Act, dealing with the objectives, powers, duties and functions of the NBC;
- (5) Having duly observed the performance, activities and practices of the NBC, both radio and television over a considerable period of time;
- (6) Now, therefore, debate and express itself on the nature, performance, activities and practices of the NBC, both radio and television;
- (7) Resolve to correct the imbalances and bias in the reporting and other activities of the NBC;
- (8) Resolve to convey the appropriate imperative to the NBC, both Radio and Television, to provide fair and adequate coverage to all political parties during the forthcoming three sets of elections in November;
- (9) Take all necessary actions to ensure that the said performance, activities and practices of the NBC are in line with the Namibian

15 September 2004

**NOTICE OF MOTIONS
HON SCHIMMING-CHASE**

Constitution.

HON SPEAKER: Will the Honourable Member Mr Ulenga please table the Motion? The Honourable Minister of Information and Broadcasting is not in the Chamber, but I was going to say that for this type of Motion that discusses a National Broadcaster, would it not be necessary to have the images that are judged to be imbalanced on a tape, so that there will be a visual aid? Otherwise we all have opinions, but if we can look at that, I think it may bring all of us to the same level of understanding. I am only raising the question, the mover did not say that. Honourable Schimming-Chase.

HON SCHIMMING-CHASE: Honourable Speaker, this being the deadline day, I give Notice that on Thursday, 23rd September 2004, I shall Move –

That leave be given to introduce a Private Member's Bill in terms of Article 60(2) and Article 144 of the Namibian Constitution to amend the Electoral Act, 1992 (Act 24 of 1992); to provide for the incorporation of the AU Principles governing democratic elections; and for matters incidental thereto. I so Move.

HON SPEAKER: Will the Honourable Member please table the Motion? Any further Notice of Motions? Any Ministerial Statements? I will now ask the Secretary to read the First Order of the day. Before I do that, I want to let the Members know that in terms of the powers vested in this Chair, I move item 7 to follow immediately after the Committee Stage.

15 September 2004

RECONSIDERATION: LABOUR BILL
HON MUNGUNDA / HON DE WAAL

RECONSIDERATION: LABOUR BILL

SECRETARY: Reconsideration – *Labour Bill*.

HON SPEAKER: Does the Honourable Minister Move that the Assembly now goes into the Whole House Committee?

HON MINISTER OF LABOUR: I so Move, Comrade Speaker.

HON DE WAAL: Honourable Speaker, we have a bit of a problem, because we have just received these Amendments five minutes ago and when this Bill was discussed in the House, the then Minister of Labour did not want to accept any Amendment. Therefore, we want to propose to the Deputy Minister through the Speaker, if we cannot postpone this item until Tuesday, just to give Members on this side of the House the opportunity to go through these Amendments because we have not seen them.

HON MINISTER OF LABOUR: On the request of Honourable De Waal, I Move that we postpone this item until Tuesday.

HON SPEAKER: Any objection? No objection. So agreed. Therefore, the debate on this item stands over until Tuesday, next week. The Seventh Notice of Motion is one by the Honourable Minister of

15 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON POHAMBAMBA**

Lands, Resettlement and Rehabilitation, Honourable Hifikepunye Pohamba. Does the Honourable Minister Move that the Bill be now introduced?

**INTRODUCTION AND FIRST READING:
NATIONAL DISABILITY COUNCIL BILL:**

HON MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION: I Move, Comrade Speaker.

HON SPEAKER: Who seconds the Motion? Any objections? So agreed. Will the Honourable Minister please table the Bill? I ask the Secretary to read the Bill a First Time.

SECRETARY: *National Disability Council Bill.*

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

**SECOND READING:
NATIONAL DISABILITY COUNCIL BILL**

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

15 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON POHAMBA**

HON SPEAKER: Who seconds the Motion? Any objection? Agreed to. I now ask the Honourable Minister to take the Floor and Move the Motion.

HON MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION: Comrade Speaker, Honourable Members of the House, it is with great honour that I rise to introduce the National Disability Council Bill for consideration by this august House.

This Bill, Comrade Speaker, has been long awaited by every disadvantaged and once dehumanised part of our society, namely our people with disabilities. The suggested Disability Council is provided for in the National Disability Policy which this august House adopted in July 1997.

Comrade Speaker, Honourable Members, our quest to equalise opportunities for Namibians with disability is not unique to Namibia, but we are answering to a call made throughout Africa and the rest of the world. Let me briefly share with the Honourable Members the international actions and instruments that have called on nations and states in order to guarantee the rights of the people with disability and to mainstream their needs into the National Development Plans.

The instruments or actions that have inspired us are, for example just to name a few:

1. United Nations World Programme of Action concerning Disabled Persons, adopted in 1982;
2. United Nations Decade of Disabled Persons of 1983 to 1992;
3. United Nations Standard Rules on the Equalisation of the Opportunities for People with Disability, adopted in 1993;

15 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON POHAMBA**

4. ILO Vocational Rehabilitation and Employment Convention No. 159 of 1983;
5. The Copenhagen Declaration on Social Development of 1995;
6. The African Decade of Disabled Persons, 2000 to 2009, adopted by the AU Heads of States and Government in Durban, South Africa in 2002.

Comrade Speaker, although the Government of the Republic of Namibia has already responded to the abovementioned calls for action by adopting the National Policy on Disability and recognising the needs of people with disability in our policies related to education, training and employment, recent statistics revealed to us that there is disparity between policy intentions and policy implementation.

Comrade Speaker, Honourable Members, I would like to share with you the state of the current living conditions of our citizens with disability in comparison with the other citizens. I wish to draw your attention to the disparity in education, training, employment and access to health services. The National Population and Housing Census of 1991 stated that there were 43,000 Namibians with disability compared to 1.4 people in the country. This represented 4 percent of the population. Ten years later, according to the 2001 Housing and Population Census, the number of people with disability has more than doubled to 85,567, which is 4.7% of the country's population.

A living conditions study among people with disability, commissioned by my Ministry and conducted by UNAM in 2002, reveals that 39% of the children with disability aged 5 years or more had not attended primary school, as compared to 16.2% of other children of the same age. Only 8% of the working age 15 to 65 people with disability were employed compared to 21% of the same age for non-disabled people. These disparities that were found cut across all services. The situation needs to be addressed through a well-structured implementation and monitoring process.

15 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON POHAMBA**

The unsatisfactory situation that I have just shared with you here, Honourable Members, can only be addressed through a legal framework that will facilitate policy implementation.

Comrade Speaker, Honourable Members, allow me to present to you a summary of what the proposed Bill intends to address. The Bill proposes the establishment of the National Disability Council and the functions of the Council will be to monitor the implementation of the National Policy on Disability; to identify the provisions of any law which in their opinion may hinder the implementation of the National Policy on Disability. The Council will make recommendations to the government with regard to law reforms that will be necessary to address the hindrance of that.

The Council must consult with persons with disability, their organisation and organisation rendering services to people with disability in order to obtain necessary information on policy implementation.

The Disability Council will have certain powers to enable it to function effectively. The powers of the Council will be as follows: To make representation on behalf of any person with disability to any organ of the State; procure or provide legal assistance to people with disability on matters relating to individual rights or the integration of persons with disability in society. When any government ministry fails to submit an annual report to the Council in terms of Section 17 of the Draft Bill, the Council will have the power to demand the submission of such a report to it within a specified period.

Comrade Speaker, the Disability Council Bill proposes that the Council be constituted by thirteen members. The members should, therefore, represent the following interests in our society: Seven members will be nominated by the Disabled People Organisations, one member will represent the employers in the private sector, one member will represent the trade unions, one member will be someone who has special knowledge or interest in disability or any issue relating to disability; three members will be staff members as defined in Section 1 of the Public Service Act 13 of 1995.

15 September 2004

NATIONAL DISABILITY COUNCIL BILL
HON POHAMBA

The majority of the Council members must be people with disability. The tenure of office for the Council will be for a period of three years. Members will be eligible for reappointment at the end of the three year period.

Comrade Speaker, Honourable Members, the Council will remunerate Council members who are not in the fulltime employ of the State in respect of services that the members will render to the Council. Such allowance or remuneration will be paid with the approval of the Minister of Lands, Resettlement and Rehabilitation and the Minister of Finance.

The Bill provides for the establishment of the Council secretariat to be headed by a director and four staff members. The appointment of the director and staff members of the Council must be done with the approval of the Minister.

In order for the Government to determine whether the Council is performing its functions effectively, it must submit reports on its operational activities and audited financial reports every Financial Year.

The establishment of the Council will not only strengthen Namibia's commitment to address the socio-economic situation of formerly disadvantaged people, but it will also promote our commitment to policy implementation, namely through the Council's membership which will be composed of people from different backgrounds of our society.

Comrade Speaker, Honourable Members, let me further inform the Honourable House that the drafting of the National Disability Council Bill is not a product of the Ministry alone, it is a national document that took care of the views, opinions and concerns of a significant number of stakeholders. As I have earlier mentioned, Comrade Speaker, this Bill has long been awaited by people with disability in our country, that is for the past six years.

Comrade Speaker, Honourable Members, the Disability Council Bill makes provision for the Minister of Lands, Resettlement and

15 September 2004

NATIONAL DISABILITY COUNCIL BILL
HON VENAANI

Rehabilitation to make regulations to facilitate the appointment of members of the Council and other matters related to the functions of the Council. In short, the tabling of the Bill in this august House constitutes a substantial progress in our effort to address the issue of policy implementation. My intention is in the end to come up with the necessary regulations on any matter which, in terms of this Bill, will need to be prescribed.

Comrade Speaker, this Bill, as earlier mentioned, is very, very important and it is my humble request that this Honourable House considers it in a favourable manner.

In conclusion, Comrade Speaker, I would like to agree with you on the remarks that you have made earlier on, speaking about the creation of the facilities, particularly that would enable our disabled citizens to have access to this Honourable House. I totally support the point that you have just raised. In actual fact, I would like to see not just for them to come and listen, I would like to see either one or two or even ten of these citizens sitting in this House as Members.

Comrade Speaker, on that point I wish to say thank you very much and I have no doubt that the Honourable Members will pass this Bill without any delay. I thank you very much.

HON SPEAKER: I thank the Honourable Minister for a very moving motivation of this particular piece of legislation this afternoon. Are there any further discussions? Honourable Venaani.

HON VENAANI: Thank you very much, Honourable Speaker. I would want to, right away, pledge our full support to this very important piece of legislation in the interest of many of our disabled Namibians. I want to start off by saying that we have seen examples of great leaders in the

15 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON VENAANI**

world that were disabled - Franklin Roosevelt and many others. So, there is nothing that can prohibit a person with disability from becoming whatever he wants in life and I think that is the importance of this Motion, for us to create this Disability Council to enhance a process that would monitor institutions to have fair play for the disabled Namibians.

I think the problem with disability is the attitude of society and especially the old taboo of traditional society. I remember in the olden days that in the Herero custom in the 18th century, a child who was born with disability would have been killed the very same night that he was born, because society was not ready to accept such a child. It is true and even if you were left-handed. I am coming from a generation of a great-grandfather who had the leg of an ostrich and he was called “*Kambo*”, meaning ostrich and his real name was *Ngapeshe* which meant that the sun must rise the next morning for him to die. He was saved by a Traditional Leader of that area during that time, because it was something so unusual for a person to have the leg of an ostrich, yet he was the best hunter in the field during those days and the best warrior who participated in the 1904 war.

Society must therefore accept and understand that people with disability are just human beings like all of us. Some of us might not be physically disabled, but then the attitudes that we give to life are also disabled in one way or another. (Interjections).

This is a very important piece of legislation and we should really address it with the necessary respect it deserves and I do not want Honourable Members to make unnecessary remarks and jokes about a very important issue.

The other question that I also have is about the attitude of our schools and especially in the olden days when we were at school. A principal would not allow a child to enter a classroom just because he had a disability of an arm or leg and those children could not go to school and there was nothing wrong with them and they were left out. Perhaps we should also mobilise

15 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON SCHIMMING-CHASE**

our education centres not to discriminate directly or indirectly and for people with disability to have access to our schools.

In conclusion, maybe three months ago I listened on national television to persons with disability in especially the four O-regions who were claiming not to have the necessary materials, such as wheelchairs and one would want this Council to regulate or perhaps there are health centres which could be mobilised to avail such necessary materials to these people to be able to conduct their lives, because it is really embarrassing for a nation to see a person crawling like a baby.

With these few remarks, Honourable Speaker, I want to thank the Minister of Lands, Resettlement and Rehabilitation for tabling this Motion and you have our full support in this regard. I thank you.

HON SPEAKER: I thank Honourable Venaani for his contribution. Honourable Schimming-Chase.

HON SCHIMMING-CHASE: Thank you, Honourable Speaker, I would like to avail myself of this opportunity to thank the Honourable Minister for tabling this Bill which we might have to call his “*swansong bill*”, we do not know yet.

Honourable Minister, through the Speaker, I would like to assure you that you have our total support. I will for once refrain from saying “*better late than never*”, but to say thank you Minister that it is on the table at all and I think that this is one of the Bills that we might decide to put as priority number one in the priority list and pass it speedily.

Honourable Speaker, although I have not read the Bill, because we have just received it, I would like to make some comments on what the Honourable Minister has said. Let me start off first that we as the

15 September 2004

NATIONAL DISABILITY COUNCIL BILL
HON SCHIMMING-CHASE

lawmakers should not just make the law, but we should lead by example and I would really like to request us here that when we discuss the Additional Appropriation Bill to take a serious look at the Honourable Speaker's campaign to have this place renovated and also for us as Members to pledge not to limit it just to the Additional Appropriation Bill, but to see what we can do through our own ability and also our contacts to try and find money over and above what may be limited as a result of the small national cake.

At this point I think that the Honourable Speaker must really reactivate his tennis competition ... (Intervention)

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: May I ask the Honourable Member a question, through the Chair? The Honourable Member is repeating what the Honourable Speaker has just alluded to in his opening statement. My query is, is it up to this Assembly to draft the Budget of the House or is it incumbent upon the Speaker to go and discuss the Budget of the House with the Minister of Finance?

HON SCHIMMING-CHASE: I am not derogating from the powers of the Executive to put Bills before the House. I have been in this House now almost five years, so the Honourable Speaker's quest to have this Chamber renovated is not going to come for the first time now. I am speaking more to the import of what we can do over and above the Budget, because wherever, whoever and however the Budget is set, the money is not enough to accommodate what is needed to renovate here and I am appealing for a joint action in order to make sure that we lead by example. The Honourable Minister of course has the right to contribute to the discussion in Cabinet. He can amend and make recommendations.

The Additional Appropriation Bill is a Bill, it does not become an Act until we have had our input and have decided to accept it – just to lecture

15 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON SCHIMMING-CHASE**

the lecturer.

If I may continue, Honourable Speaker, because I do believe that this really an important Bill and we should not try and run election campaigns here. (Interjections). I am already vice-president, you are not, so let us not go there.

To come to the gist of what the Honourable Minister has proposed and since I have not read the Bill, I will limit myself at this point to the contribution that the Honourable Minister has made. I welcome the establishment of such a Commission and I welcome the Minister's position that through this Bill we shall address the disparities that have been part of the lives of our disabled members of society for too long. I welcome the functions and powers of this Commission, as the Honourable Minister has put it. I especially welcome the fact that of the thirteen members, the majority will be disabled people themselves, so that they shall be the ones who have the final say in how issues affecting them will be treated. I especially welcome that. (Interjection). We are not discussing Ramatex, that is coming next week.

I think three years with the possibility of re-election is very good because new commissions and committees, even us in Parliament, need about a year to establish ourselves and to settle in, the second year for planning and the third year for implementation and if they do a good job, they will be re-elected.

Honourable Minister, I especially welcome your proposal that members serving on this council who are unemployed will receive some remuneration. It has always been our position that even when we have boards, we should try and extend it that those who do not have work, get work, rather than have people who already are employed serving on ten boards. We therefore certainly welcome that point.

I also welcome the point that the secretariat shall be expected to give not only activity reports but audited reports annually and I express the hope that the audited reports shall not come three years later, as is happening with some others.

15 September 2004

NATIONAL DISABILITY COUNCIL BILL
HON HISHONGWA

I agree that the Bill is a national document and I welcome the fact that there was extensive consultation with all the stakeholders and, therefore, I hope that as a result of that, the Bill that is proposed in this House will have the support of everybody, because we often find that stakeholders complain that even if they were consulted, their contributions have not been reflected in the Bill. Therefore, I express the hope that their input has been reflected in the Bill.

I have slight problem, Honourable Minister, when it comes to the appointment by the Minister, because we see what may happen if the Minister has too much power. I do not want the Minister one day to say he should decide who is disabled. When it comes to the appointment of the members, I hope we can negotiate and find an amicable solution, but I still believe that if the light motif of the Bill is to give power to the disabled to decide on their future, then I think it is a good Bill and in conclusion, Honourable Minister, swansong or not, you have our total and unequivocal support. I thank you.

HON SPEAKER: Honourable Hishongwa.

HON DEPUTY MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: Thank you very much, Honourable Speaker. I rise to add my voice and to support the Bill tabled by the Honourable Minister of Lands, Resettlement and Rehabilitation concerning our people with disability.

Yes, justice delayed is justice denied. We know where we are coming from, we know how we came here, we know how we are enjoying where we are. This country was liberated through many words and in particular the armed liberation struggle and through that process of the armed liberation struggle many brilliant sons and daughters of the Land of the Brave sacrificed their lives, others were disabled, either lost their sight or

15 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON HISHONGWA**

their limbs and I am sure they have been waiting for a long time for us to come up with this Bill to really equalise them with other citizens.

We on this side of the Honourable House are aware that the very people who are sitting here were the same people who were fighting at the front and therefore we know all of them are here as Ministers or maybe the Speaker of the National Assembly or Chairman of the National Council, all of these were fighters. This is very clearly stating that disability is not inability. (Intervention)

HON MOONGO: Is the Minister aware that he was in Sweden for many years. Was there a front in Sweden?

HON DEPUTY MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: Well, in my village we say, if you join a mad man in a fight, onlookers will not know who the mad person is in reality.

It is therefore very clear that disability has nothing to do with inability. It could have been one of the Honourable Members here and, therefore, we have to bring justice to our fellow brothers. Of course, there are others who possibly got disabled through a natural process, born like that and it is maybe because of the conditions which their parents have been subjected to or were beaten up or kicked around by Koevoet. I also consider this group as victims of injustice.

We have to congratulate the Government of Namibia. It is one of the few governments in the world which provides grants to our people with disability. However, these people are sometimes prevented to fully participate as citizens of our country, either that they are sometimes not invited to gatherings or they could not go because they do not have access to our public buildings in this country. This includes places such as banks, post offices, etcetera. It is imperative that all this should be

15 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON HISHONGWA**

introduced in this Bill and somehow enforced, so that these people do not have limitations on where to go whenever they would like to go there.

The Bill proposes that there will be thirteen councillors, of which nine are people with disability. Of course, this is a very brilliant idea. No one knows better than these honourable citizens who are daily involved with these handicaps. It would be good for them to be the ones to come with suggestions and proposals as to how their government could be able to help them.

Immediately after independence we had our churches which had established centres for people with disability, but some of them have gradually been closing down because of lack of finance. I know that because I was working in the Ministry of Lands, Resettlement and Rehabilitation and I know how many centres there were and how many have now closed down. It is mainly because at the moment our churches are also experiencing financial problems. As you are aware, during the liberation struggle the churches used to receive a lot of financial support from the outside world because they knew that inside here many of our people were assisted by the churches. But after independence the international community gradually reduced their financial assistance to the churches and, therefore, the churches ended up having problems to support their people. I am aware that Government assists the church hospitals with nurses and church schools with teachers, but knowing very well that Namibia was brought about mainly by the armed liberation struggle, I would have liked us to consider seriously to finance and manage the centres of our disabled people who in some cases have become disabled because of their love of their country and the people and their efforts to support the liberation struggle.

With these remarks, I congratulate the Minister, the Deputy Minister and the entire staff of the Ministry of Lands, Resettlement and Rehabilitation for bringing this Bill to this Honourable House to be passed, so that we really end what could be seen as somehow an injustice or justice delayed and so that it could now be put into action. I support the Bill.

15 September 2004

**NATIONAL DISABILITY COUNCIL BILL
RT HON T-B GURIRAB / HON MUSHELENGA**

HON SPEAKER: I thank Honourable Hishongwa. Right Honourable Prime Minister. followed by Honourable Kasingo. Let me present the list. We have Honourable Mushelenga, Honourable Amweelo, Honourable Amathila, Honourable Angula, Honourable Tsheehama Tshirumbu, Honourable Ndaitwah. Apparently everybody wants to speak this afternoon. Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you, Honourable Speaker. Maybe after my two minutes intervention there will be no need for the others on the list to speak.

I want to remind the House that we are not here to debate the policy on disability. There is a policy on disability in place. Unless the Honourable Members have forgotten, we have a policy. This Bill seeks to establish a council to carry out, to coordinate the activities of Government, of Parliament, of the society through this council. Let us therefore not resort to making speeches to support what is already in place. There is a policy in place and I took the Floor to say that and secondly, Honourable Speaker, to say that some of the discussions were starting on a wrong footing and I hope that the subsequent speakers would bear in mind that we are establishing a council.

Thanks to your grace and understanding, Honourable Speaker, we have here on the Floor Comrade Gerson Mutendere, the head of the organisation of people living with disabilities and I did not want us to engage in politicking, at least while he is here with us in this House. Thank you very much. I support the Bill.

HON SPEAKER: I thank the Right Honourable Prime Minister for very clear guidance to the House. I hope the House takes note of it and particularly the speakers who are on the list. Honourable Mushelenga, followed by Minister Amweelo.

15 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON MUSHELENGA / HON DR AMATHILA**

HON MUSHELENGA: Thank you, Comrade Speaker. I think after what the Right Honourable Prime Minister has said I will only support the Bill.

HON SPEAKER: Thank you, Honourable Mushelenga. Honourable Dr Amathila.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker. The Prime Minister stopped me from giving the history of disability during the time when we were refugees, however I would like to say here that I do not see the question of training here. In the policy we must bring in training of people with disability, because sign language interpreters are very few. When you see how the Home Affairs Minister of Britain reads Braille when he makes speeches, it is absolutely fantastic. I think a lot of our blind people should be trained in Braille reading.

As was said, disability is not inability and there is nothing wrong with disabled people to be given jobs and the issue should be stressed that disabled people should always be included and when we are advertising jobs they must also be allowed to apply for the jobs and they must not be seen that because they are disabled they cannot do the job.

Then I just want to answer the question on wheelchairs in the rural areas. Particularly in the North it is very sandy, so wheelchairs with those small wheels have problems to move. Those of you who are business people must organise that we get thicker wheels for our wheelchairs because we cannot use these wheelchairs in very sandy areas. That is the reason why it is difficult to give wheelchairs to all the people in the rural area. Thank you very much and I support the Bill.

15 September 2004

NATIONAL DISABILITY COUNCIL BILL
HON NANDI- NDAITWAH

HON SPEAKER: I thank the Honourable Dr Amathila for her contribution. Honourable Ndaitwah.

HON MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:
Thank you, Comrade Speaker. Following the contribution by Comrade Prime Minister I will be very brief as I will not go into the policy which we have already discussed.

Having said that, I would really like to welcome this Bill since experience has taught us that a policy which is not backed by a law does not really mean much and I think this applies to the different policies that we have in the country, including the Gender Policy. We are working on a law and I want the Members of Parliament to support it at that stage when it comes here, because we need a law to enforce that Gender Policy.

The established council is a welcome move. The council has the power to establish different committees and I would like to see that when the council starts functioning, they should pay special attention to the question of children with disability, as underlined in the policy, because the majority of people with disability were born with disability and they should develop a mechanism to ensure that they educate the parents in order to take care of these children who are born with disability and to ensure that those children are assisted at an early stage. If that could be a priority of the council, we will go a long way in addressing the problems faced by people with disability, because as it is happening now where people are not properly supported, you might find a situation where children with disabilities are hidden somewhere and by the time they are found, they cannot really be assisted. Comrade Speaker, I would just like to say that once the council is established they should, with the assistance of the Ministry, make this a priority.

Finally, I agree that disability is not inability. If some of you happen to call the Ministry of Women Affairs and Child Welfare, I am sure that you will agree with me that it is one Ministry with the most efficient switchboard operator. That operator is blind but very efficient. What

15 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON N ANGULA**

matters is commitment and the training the person gets and then that person can do wonders. I support the Bill.

HON SPEAKER: I thank Honourable Ndaitwah for her contribution. I now call on the Honourable Minister of Education, Honourable Nahas Angula.

HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: Thank you, Honourable Speaker. I would like, first of all, to thank the Minister of Lands, Resettlement and Rehabilitation for introducing the Bill. To us in the sector of Education this Bill will go a long way to assist us to respond to the needs of the people with disabilities. We in the sector of Education and Training deal with people with disabilities on a daily basis in the classrooms, in employment and actually everywhere. Therefore, to us the establishment of the council is not theoretical, it is really to see how the council can help us to better serve the needs of people with disabilities.

In my Ministry we have a special committee dealing with people with disabilities. It is called the Committee on Inclusive Education, to try to promote the education of people with disabilities. People with disabilities, especially the hard-of-hearing and the visually impaired can now go to universities and for that to happen, we actually had to develop a special budget line to assist them to buy the necessary equipment, to buy a Braille machine or to acquire Braille textbooks, which are quite expensive. I would, therefore, have liked to see in this Bill to see a special fund dedicated to assisting people with disabilities in every respect.

I know, for example, that we have a group of disabled children in South Africa who are being taken care of by special institutions and we pay exorbitant fees on an annual basis. I do not know whether the Institution of Special Education which is between the city and Katutura can now take care of those kinds of cases, but I can tell you that this is a very expensive

15 September 2004

NATIONAL DISABILITY COUNCIL BILL
HON TSHEEHAMA

exercise and I would have thought that the government could have gone a long way to establish a special fund to assist people with disabilities, especially in terms of medical care and education and training. That could really have given this Bill teeth. As it is now, the council is only there as a policeman to check whether people have made some reports, to check whether there are laws in place. These are important functions, but when it comes to individuals with particular needs, the council was supposed to be the last resort. If a person failed everywhere else, the Council should have been in a position to assist this person because it is intended for that.

My appeal to the Minister is to really consider whether it is not possible to establish some kind of a fund to assist people with disabilities. Thank you.

HON SPEAKER: I thank Honourable Minister Angola for his contribution. The last person to make a contribution on this item is Honourable Tsheehama.

HON DIRECTOR-GENERAL OF NAMIBIA NATIONAL INTELLIGENCE SERVICE: Thank you, Honourable Speaker of this August House. I would also like to join my Colleagues in the good praises they have showered on the Honourable Minister of Lands, Resettlement and Rehabilitation whom I am sure by 2005 we will call "His Excellency." I am not politicking, I have two or three points to mention here.

Firstly, the culture of the Hereros and Ovambos apparently does not differ, the culture of those days. If, in the Ovambo culture, an albino baby is born it is killed and if a disabled person is born it also died and in most cases people are not informed that the baby was like this. So this is how they disappear. I must thank the European civilisation and the introduction of the Roman Laws in our country that we started to see these people, otherwise they were not there.

15 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON MOONGO**

The other issue is to put flesh to the skeleton and I want all Honourable Members to contribute to this one. When finally the National Disability Council is established, it must be given the right to select either one or two representatives to this august House, to the National Assembly. We have a number of disabled people who are not mentally disabled, people who are talented, people with degrees, people well-educated and I see no reason why we cannot look into that situation. If this should not come from the National Disability Council, then maybe from this House. Let us try to make suggestions instead of just talking without giving any proper resolution. They are there, what are we going to say and do for them to be part and parcel of this august House? I thank you and I support the Bill.

HON SPEAKER: I thank Honourable Tsheehama for his contribution. Honourable Moongo.

HON MOONGO: I want to adjourn the Debate until the 21st September in order to polish the Bill.

HON SPEAKER: I want to remind the Members that given the time schedule, the adjournments should be to the next day and not many days because we are going to end up with a backlog of items. Any objections? So agreed. Therefore, the Debate on this item stands adjourned until tomorrow afternoon at 14:30. The Secretary will read the Second Order of the day.

**RESEARCH, SCIENCE AND TECHNOLOGY BILL:
RESUMPTION OF SECOND READING**

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON ULENGA

SECRETARY: Resumption of Debate on Second Reading – *Research, Science and Technology Bill*.

HON SPEAKER: When this Debate was adjourned yesterday, the Question before the Assembly was one by the Honourable Minister of Higher Education, Training and Employment Creation. This Debate was adjourned by Honourable Ben Ulenga and I now give him the Floor.

HON ULENGA: Thank you, Honourable Speaker. I have always been careful not to fall into the habit of congratulating the Minister for a job well done or for a Bill tabled in the House. However, I must say even at this late hour it is a good thing to see that eventually we have a Bill before the House discussing issues of research, science and technology. Better late than never.

When I listened to Members debating yesterday, I felt that perhaps I have been reading the wrong Bill, because in my view I am quite disappointed by the contents of the Bill. I expected a Bill before the House that would really throw wide open the doors of research, science and of technological experimentation, but I see a Bill that is a little lukewarm in its approach. Even though it's talking about promotion of research, science and technology, it does not really get there with a capital P for promotion. It does not popularise, it does not seem to be doing that and I am a little bit disappointed. I had expected a Bill, a real serious attempt from the government's side and from the national side that would attempt to make Namibia the virtual research and scientific and technological paradise in Africa, if not in the whole world at large. I do not quite see that.

I must say I support fully those Members from both sides of the House who talked about the apparent lack of incentives in this Bill. I would have liked to see clear incentives provided for science and scientists to come Namibia and to make this their home. It is good to provide a legal framework for the creation of councils and so forth, but that does not

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON ULENGA

really bring Namibia very far as far as research, science and technological development is concerned.

Honourable Speaker, we live in a world today that moves in terms of leaps and bounds as far as research, science and technological development is concerned. There is no way that we can dream of our resources being sufficient to bring us on par with the world where it is today. When we move, in terms of walking, other countries fly, literally, and even if we get into sacrificing certain other activities and put a lot more money into this particular item, a miracle will have to happen for us to move in such a way that we can come on par with the world. That is why I say I am a little disappointed, I expected much more. Actually, if we want a miracle to happen, this Bill should facilitate that miracle to happen. (Intervention)

HON DIRECTOR GENERAL OF NAMIBIA NATIONAL INTELLIGENCE SERVICE: With due respect to the Honourable Member, I would like to ask a question. Honourable Ulenka, you are criticising. We are here making laws and since you and me and all of us here are making laws, could you come up with your suggestions or Amendments so that we are convinced that what you are saying is really serious?

HON ULENGA: Honourable Speaker, in the first place, I am not criticising, I am contributing in a very positive way towards the strengthening of this Bill. I know that this will not be very helpful to the Honourable Member, he is sort of trapped in the Thomas syndrome. He will never believe that I am serious in whatever I do in this House. If I stand up and I make a contribution, he thinks I am criticising. I know, however, that I will be helpful to others, I know for him it is too late, he will never believe in what I am doing.

Honourable Speaker, I expect, for example, a Bill that would clearly enhance the status of scientists and researchers of whatever ilk they are.

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON ULENGA

Let me tell you, there is a culture in this country and I will demonstrate by example, which tends to downgrade people who are involved in the fields of research and science, in fields which have nothing to do with Parliament, so much so that we are now caught up in a role model kind of vicious circle.

I went to visit a school recently and there was a question put to the children, they were asked, *“what do you want to become when you grow up?”* One child stood up and said, *“I want to study hard so that I can become a Minister.”* Another girl stood up, *“I want to study so hard that I can become President of this country.”* This is a syndrome that indicates that the wrong emphasis are put at the wrong places. Nobody stands up and says, *“I want to become a researcher, a scientist, I want to become an Isaac Newton, I want to become a Bell, a Franklin”*. It is something which is cultural, it is becoming a vicious circle, it is a role model syndrome that we will eventually need to address.

Therefore, the status of scientists need to be enhanced and that you can only enhance if you also create a regime that deals with the awards and rewards for work done in that field and not only set up visible symbols, sometimes statues and so on for politicians, although it is important to do that, but it is important to balance the scale and say also those who are involved in non-political field, like in the field of research, the field of education are equally important, perhaps more important than the politicians.

I want to group myself with those who were concerned about the problem of the brain-drain. It is important that scientists in Africa are kept in Africa. Honourable Speaker, you know that at NASA in the United States of America they have a simple farm boy coming from Otavi and I understand another one from Opuwo. Now you have a situations where born Namibians, people who should not have any problem living in their country and working here or at least coming home once in a while, have been completely taken away and live in other places, not only because the chances for doing what their studies and calling have brought them to be able to do, but they are actually not properly respected in their own country or the opportunities are not given that they can work in their own

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON ULENGA

country.

Therefore, Honourable Speaker, I would say – and this is by way of encouragement and not criticism – I would expect the nation, with the Government marching right ahead in front, to invite the world, the whole international science, research and technological fraternity to come to Namibia and to make this their research capital. As long Namibians are participating in this kind of exercise, as long as the information that comes from research is transparently shared with the Ministry of Higher Education.... (Intervention)

HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION:

I am very sorry to disturb the honourable aspiring president, may I ask Honourable Ulenka question? What you are saying is very important and I really take it as a serious contribution. Last week was the National Science Week and it was advertised in the newspapers and on the radio. Did you visit any of the sites where exhibitions were held? Did you make an effort to visit some of these sites where exhibitions were held?

HON ULENGA: Honourable Speaker, thank you very much, I only have to discourage the Minister from seeing my contribution, besides what you are saying yourself, as not serious. It is not for me to go and visit sites, I have a project in my area in Pioniers Park where I work with kids in their maths and science class and I feel that from my side, now in this very busy schedule that we have this time of the year, that is enough. By the way, despite the advertisements that you are talking about, I have not been invited to what I saw on television. I watched the Right Honourable Prime Minister, I saw some strange faces there, I was not invited. I saw some familiar faces and some other not so familiar faces.

Honourable Speaker, yesterday somebody spoke here about the famous C and A, copy and apply, and I think there is no need for us to put it in any

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON ULENGA

kind of guilty parlance. Have you gone to Egypt and have you stood in front of that gigantic statue that is there, called the Sphinx, and have you looked at some of the books, perhaps some encyclopedea to follow where education started in this world, it started there. The formal classes started on African soil. Today it belongs to the whole world. So, we can rightly say that education, research, knowledge, science and everything that is good for mankind, wherever it comes from, wherever it originates, it rightly belongs to the whole of mankind.

I do not believe in anybody saying that learning of science, knowledge and everything is stealing, definitely not. That is just taking rightly what belongs to mankind as a whole. You know that people came from all over the world, coming to Alexandria before it was called Alexandria and they came there to study and to go back to their parts of the world and they applied and they copied, they did everything. I know I am preaching to the converted.

I just want to say that like the Africans have made a very initial contribution to science, research and technological improvement of the world, therefore right now Africans have the same right to continue to copy and apply whatever has originated in other parts of the world.

Seeing that we will never be able to accomplish this with our own resources, it is also important to encourage the building of links. I see that the Bill is perhaps putting too much emphasis on the work of the Minister, Government and the Council. It is important that linkages are built across physical borders and across other boundaries such as faculties, etcetera. I am talking about, for example, the importance of linking up with the Private Sector.

We know that research, science and technology cannot happen in a vacuum. The hewers of wood and the drawers of water cannot at the same time be doing research in very complicated fields which do not involve their daily experiences. It is therefore important that the research that happens and that is encouraged by Government and is promoted and popularised is happening there in the Private Sector and that the private sector is encouraged to also bring money to what needs to be done. Link

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON ULENGA

up schools, especially universities and the private sector and not just the Government, the Minister and the Council.

I wonder whether Namibia as a country will be able to really reach much unless perhaps we talk in terms of a joint effort in southern Africa for example. I understand that there is a very beautiful installation somewhere on a mountain here and I learnt that the very same installation has again been created in South Africa by perhaps more or less the same people from slightly different locations in the world. But what is the use of having a research institute and installation looking into the stars on Gamsberg in Namibia if the very same instrument is created in South Africa?

Even in the days of the hottest period of the Cold War you will remember the Astronauts linking up in space, countries which were confronting each other on a daily basis, with their fingers on the knobs of their nuclear arsenals have been forced by the necessities of their programmes to cooperate and by the lack of funding for these programmes to cooperate and I am sure the world has become richer and has benefited more from that kind of cooperation. In the southern African context it will be very important if we talk in terms of Universities across borders, working together on research programmes.

I understand that even in America where there is supposed to be so much money, up to twenty, thirty Universities would be working on a joint programme of research. That should be encouraged and I think when the Council is put into place, it would be very good for them to skip the border and get into the other places and do the necessary agreements with the other institutions of learning. Honourable Speaker, I support the Bill.

HON SPEAKER: I thank Honourable Ulenga for his contribution and I have the following Members who have requested to take the Floor: Honourable Mutorwa, Honourable Amathila, Honourable Katali, Honourable Dinyando, Honourable Sioka, Honourable Kasingo.

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON MUTORWA

HON MINISTER OF BASIC EDUCATION AND CULTURE: Thank you very much, Comrade Speaker. Unlike the previous Honourable Member who took the Floor, who was hesitant in congratulating the Minister of Higher Education, I am going to start off my contribution by congratulating the Honourable Minister of Higher Education, Training and Employment Creation, Comrade Nahas Angula, first for the broad consultations that he has conducted, for the meticulous preparation and planning that preceded the finalisation of this important Bill. I would also like to congratulate him for the very effective motivation statement that he delivered in the House to motivate the Bill.

Coming to the principles of the Bill itself, I know that the Honourable Minister will in his response definitely touch on that, but I must say that this is one of those rare Bills that does not give extensive powers, as Honourable Ulenka has alleged, to the Minister. I have done my research and I have read the Bill and one will see, for example in Clause 8 when it comes to the appointment of the members of the Commission, which Commission will consist of fifteen members to be nominated from the mentioned institutions, the Minister responsible will only nominate six members on the basis of consultations. (Intervention)

HON ULENGA: May I ask the Minister a question, please?

HON MINISTER OF BASIC EDUCATION, SPORT AND CULTURE: In view of the long list I think I should be fair, because so many people are going to take the Floor. I refuse the question.

In terms of accountability... (Intervention)

HON ULENGA: On a Point of Order, Honourable Speaker. Would the

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON MUTORWA

Minister now on the Floor not consider the fact that the Minister referred to in the Bill has to always be involved, even when it comes to the appointment of people who are not necessarily in this field, would that not be unnecessary interference in the work of scientists, researchers and non-politicians? Thank you.

HON MINISTER OF BASIC EDUCATION, SPORT AND CULTURE: Comrade Speaker, that was an unauthorised question.

In terms of accountability, when one reads Clause 18(3), it is also very significant that we must give credit that the Commission in this Clause is expected to submit a national programme to the Minister for comments, who will submit it together with his or her comments to Cabinet for approval and after such approval, the Minister must table the programme in the National Assembly as soon as practical. What else can you expect?

Comrade Speaker, I just recently participated in an international conference on education. At the end of that conference, a document was adopted. Priority Actions No 19 and 24 of that document, the UNESCO International Conference on Education, entitled “*Message from the 47th Session of the UNESCO International Conference on Education*” read as follows:

- “1. *Improve the way of innovating and creating. Governments, teachers and trainers and all stakeholders should promote renewed national goals focusing on the relevance of education in the 21st century; reinforcement, evaluation, innovation, diversification and reform of existing educational delivery and of the pertinence to its context, particularly those of poverty and countries coming out of strive should be borne in mind.*”

Then Action No 25:

“*Use the available knowledge and promote research. It is important to remember that, when developing educational policies, knowledge,*

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON MUTORWA

predictions and alternative trends for the future have to be taken into account and conscious choices have to be made.”

Honourable Members of this House, when it comes to the practicality, to practically realise and achieve these quoted ideals and goals, it is an undebateable fact, as far as I am concerned, that innovation, research, knowledge generation and knowledge application based on scientific principles and accurate, credible research findings are paramount, if not indispensable.

The Bill before us is meant to exactly contribute meaningfully to the realisation of those desired objectives through the to-be established National Research Council or more accurately, the National Commission on Research, Science and Technology, which Commission, if one looks at the Bill in front of us, has very comprehensive powers and functions, unlike what the Honourable Ulena has alleged here. In terms of the functions and powers stipulated in the Bill, I have counted twenty-two main functions which the Commission must fulfil in terms of achieving its mandate.

When everything is said and done, the unavoidable truth will always remain that science, technology and research must continue to be at the centre, to provide us, the people, the nations of the world, with the necessary tools and means to develop and market our highly valued and value-added goods and services. By so doing we shall also then be in a position to open new opportunities for employment and investment. It is in the final analysis research, relevant skills, appropriate knowledge and technology, amongst others, that are able to help particularly our young people here in our country, but also elsewhere, to confront with confidence an increasingly complex, volatile, polarised and at times, unfriendly world order characterised by challenges of globalisation, the important role of information, skills and knowledge as factors of production and development, as well as an increasing scale of population movements and marginalisation of some social groups. This Bill that we are debating will definitely contribute and will definitely help us very much as a nation, once it is translated into law and practically implemented, as we march as a nation to fill the provisions of our

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON DR AMATHILA

Constitution, policies and plans and especially Vision 2030. The Vision is there but you need researchers and scientists who must inform us on some of the aspirations and hopes, as to what is practical and at what stage they could be implemented, so that the decisions that are taken are based on sound scientific results based on research.

I support this Bill and I thank you very much.

HON SPEAKER: I thank the Honourable Minister for his contribution and I call on Honourable Minister Amathila.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker. I welcome the introduction of this very important Bill. This Bill will hopefully give impetus to the formulation of a National Research Policy which, in my view, is very welcome and very important.

Execution of research, in the absence of proper and appropriate regulated mechanisms, often lead to duplication of research efforts, countries being taken advantage of by foreign academicians and also lack of resources. Research is not only for the generation of information and knowledge, research should be seen as an integral part of service development, including the provision of evidence to contribute to the ongoing policy-making process in all our sectors so as to ensure continuous improvement in the quality of our services.

My Ministry has already operationalised research since 1992 with the emphasis on human capacity development as a key to empowering the workforce of the Ministry to carry out research. I am pleased to report that last month my Ministry has launched two documents. The first one is the Research Management Policy, which is here, and the second document is Guidelines for Clinical Trials in Human Subjects. That conforms to the National Drug Policy and the Declaration of Helsinki. The main aspects

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON DR AMATHILA

of the Helsinki Declaration is ethical human research. I would like to hand over these two documents to Comrade Nahas Angula for his library.

The launching of these two documents was necessitated by the growing research activities in the health sector, with requests coming from all over the place, particularly during this HIV/AIDS pandemic, from many researchers who wanted to come and research our behaviour, our sexual behaviour and many other things. Therefore, it was very important that we had to launch these guidelines. You cannot go outside those guidelines when doing research here in Namibia.

I am, therefore, very happy that this Bill is attempting to put the necessary regulatory mechanisms in place to ensure that research is done in a planned and orderly manner.

I have a few remarks to make when it comes to the content of the Bill. When we look at Clause 2, Objects of the Act, the objects of the Act put emphasis on research related to social, cultural and economic development, research that leads to the improvement of industrial and commercial outputs, designs and productivity in human resources.

The Bill, unfortunately, omits the mention of research in health and health related science.

We all know that these days you can make a baby in a laboratory. If Comrade Nahas wants somebody who looks exactly like him, he can have himself cloned to get a little Nahas. (Interjection). The age does not matter anymore, you can still clone and come up with a little Nahas who looks exactly like him and behaves like him. Therefore, we have gone far and numerous researchers around the globe are conducting studies on humans to try and find medicines that can cure many of the diseases affecting our society today.

It is, therefore, without saying that research in health and health related science is quite a complex matter that needs to be catered for in any regulatory mechanism we are putting in place. I am, therefore, not quite sure whether the omission of the health sector was accidental or perhaps

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON DR AMATHILA

the comrade did not think about it.

Clause 5(e) is to promote the participation of the Namibians and research institutes in regional and international research, science and technology projects and events and in cooperation with the Minister and Ministers responsible for Foreign Affairs and Finance to enter into agreements on cooperation and maintenance of relationships with similar foreign institutions in the fields of research, science and technology. However, this paragraph again omits to give authority to other Ministries to identify, seek collaboration with relevant institutions, for example universities. For example, if my Ministry would like to carry out clinical trials in human subjects, what role will my Ministry play if the agreement has been between the Ministry of Higher Education, Training and Employment Creation or Finance or Foreign Affairs? I thought that in that case my Ministry will be better placed to enter into an agreement with relevant institutions to carry out such biomedical research. If not the case, I am open to further clarifications. I think we need to be there either as a subcommittee or something so that we can be directly linked with the biomedical research groups.

Under Clause 6, constitution of the Commission: Research is multi-disciplinary. It is therefore important that a multi-disciplinary team is put in place. The composition of the fifteen commissioners does not include the health sector. I have mentioned earlier that research in health is very complex and technical and that is why consideration must be given as to how the Commission will deal with such cases of health interest.

It will be good if all government Ministries are involved since all have some kind of research activities going on in their Ministries or otherwise they could be co-opted when the Commission needs some research which deals with their areas.

Then under Clause 12 it would be good if the Bill could consider giving the Executive Committee also some technical functions, rather than just administration. This will be useful in assisting the Commission on technical issues related to the National Research, Science and Technology Programme.

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON DR AMATHILA

Under Clause 13, Committees of Commission, it might be useful if this Clause can consider the appointment or establishment of subcommittees responsible for research activities in some of the key sectors. We do have certain structures for research management in my Ministry and I would like to see how committees, such as the Biomedical Research Committee in my Ministry, will link up with the Commission and its committees or whether such a committee can serve as a subcommittee.

Then under Clause 21, Monitoring and Research Related Activities: Especially with the clinical trials and research involving vulnerable groups, there is an element of unanimity and confidentiality to be observed. Also with regard to research in health there should be consideration for the ethicality of the research proposal for review. We must always establish whether the research proposed is ethical.

Under Clause 22, information to be given to the Commission. Point (3) is not clear. It is stated that reports will be submitted during the course of the investigation. Maybe it should be stated here that the research institution should submit quarterly progress reports and then come with a draft report at the end of the final report to the Commission, because some of the research projects take years and we do not want to wait until the end of the research to get the final report, because then we have forgotten what the research was all about. Therefore, as they go on it will be good that they give quarterly reports to the Commission, so that we keep on following and monitoring and evaluating them that they do not get out of tune and that will help us to check to ethicality of the research continuously.

Finally, Clause 29 is fine but it should also include unanimity, ethical acceptance and protection of the rights of persons involved. We cannot have a situation of not knowing what the research is all about, their rights must be protected and ethical acceptance must be demanded, so that they ethically accept the research. We have this research which tests the viability of vaccines against HIV/AIDS and these are very serious things because they are done with live viruses and people must accept and know what they are getting themselves into and not just think that maybe if I am vaccinated I am not going to get the disease.

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON KATALI

In conclusion I would like to emphasise the importance of clarifying the institutional framework to be given by this Bill very clearly, so that each and every sector is clear on its role, like the Ministry of Health, Ministry of Mines.

Having said that, Honourable Speaker, I think it is a very important Bill which came at the heel of these two documents I just mentioned and I just want to say to the Namibian youth, when you hear research is such a complicated thing, you can even do research in breast milk, what are the traditional habits of our people, how do they breastfeed, how long do they breastfeed, because right now where we have HIV, we are stuck with the question whether they should breastfeed or not. This is the type of research you can do in our villages to find out what is the attitude and how people are doing this, so that we do our things the Namibian way.

Having said that, thank you very much Comrade Nahas and I wholeheartedly support the Bill.

HON SPEAKER: I thank the Honourable Dr Amathila for her contribution to the discussion. Honourable Katali.

HON DEPUTY MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION: Comrade Speaker, I rise to express my satisfaction and support to the Bill tabled by the Honourable Minister Nahas Angula, a Minister who is full of commitment, full of initiatives, a Minister full of innovative ideas in many areas of humanity.

Comrade Speaker, the importance of research has been emphasised by many Honourable Members who spoke before me today and yesterday. However, I must indicate that research is so important, simply because research confirms the existing practice, whether the existing practice is good or bad. If it is found not to be good, then research is also there to

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON KATALI

improve the practice, so that we improve on what we are currently doing.

Research can also lead to a new practice, new discovery. That means it is through research that we can find new things that were not in existence before. We innovate things through research.

Having said that about the importance, Comrade Speaker, I would now like to address the issue of the constitution of the Commission in Clause 6. I know the Honourable Minister, Comrade Nahas Angula, for a combination of both quality and quantity, but when I look at the composition of the Commission, I think the Honourable Minister went more for quantity than quality. The Minister is also a Minister who likes to include everybody, but unfortunately because of the complexity of the issue, he could not do that and even left out the Ministry of Health and Social Services, as was indicated.

To me, Comrade Speaker, the members of the Commission are unnecessarily too many. One would even wonder whether the remuneration being proposed here will match the contributions of all these members in one given meeting of the Commission. I would, therefore, like to propose to the Honourable Minister to reduce the members at least to seven or nine, then we will deal with the issue of quality. Otherwise, trying to bring in many stakeholders and leave out others will actually not make good sense.

Coming to Clause 10, the matter is even made worse by proposing that for each of the members of the Commission the Honourable Minister may appoint fifteen alternate members. That means we will deal with thirty individuals involved in this Commission and given our small population and also the quality of many people in our population, it means we are going to engage these thirty people just in one commission and you may even find them doing other things. Therefore, you will take somebody else who was also doing something and then it becomes to clumsy.

The other issue which I see is not adequately addressed is the control of our research studies. I have experienced a research study that I

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON DINYANDO

participated in while in the Ministry of Education and that was called the SACMEQ Study – South African Consortium for Monitoring Educational Quality. The result of this study came out and I remember it was in this august House that a Member stood up and was saying the UNESCO study found the English reading competency in Rundu to be this and that. It looks as if this study was done by UNESCO and this is probably because there was no controlling mechanism to protect what we have produced here and then people claim them as their own.

Therefore, Comrade Minister, through Honourable Speaker, I really suggest that we need to control our results, so that we own them and anybody using them does so with our authority.

The last issue, Honourable Speaker, is just a question that I would like to pose to the Honourable Minister for clarification and this has to do with the committees of the Commission *vis-à-vis* the councils that the Commission may establish. What will be the difference between a committee of the Commission and a council of the Commission? If I can get that clarification I would be happy and I support the Bill. Thank you.

HON SPEAKER: I thank Honourable Deputy Minister Katali for his contribution. Honourable Dinyando.

HON DINYANDO: Comrade Speaker, I rise to contribute to the Debate on the Research, Science and Technology Bill. Science, technology and research are important issues worldwide. When one looks at the developed countries and how they are involved in the study of the universe, it is very much important.

In Namibia this Bill under discussion will enable us to achieve our goals in terms of NDP 2 and Vision 2030, whereby Namibia by then will be an industrial country. Namibia has the advantaged of being in a very good position globally. Just recently Namibia was chosen as the position to

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON DINYANDO

monitor the landing of space craft and this could definitely encourage us that we should engage in research, science and technology.

Diseases such as HIV/AIDS, tuberculosis and malaria are common in Namibia and Africa and these research institutions will enable us to study in order to have medicines to address these epidemics.

Namibia has a desert and in other deserts, such as the Sahara, you have oil and other minerals, but what is wrong with our desert, does it not have any wealth of minerals? Through research we will be able to go and identify what we can benefit from that.

Comrade Speaker, when we talk about research, science and technology we definitely need to develop human beings and these are our youth which are in schools and Universities, but the current practice now is that once the learners have passed Grade 12 they have to apply for bursaries to go to either Polytechnic or UNAM, but we do not identify those bright, intelligent young people already in Grade 10 so that we encourage and prepare them, so that once they come in Grade 12 you know exactly that this number of learners will go to university next year in South Africa, in Malaysia, wherever there is this institution which could produce one day the scientists. I think that is an issue which needs to be looked into as it is very important.

Lastly, Comrade Speaker, Page 8 of the Bill deals with the constitution of the Commission. There are many stakeholders involved here but there is a very important part of our stakeholders whom I do not know whether they are covered in Clause 6(1)(k). Those are now the different interest groups. Are the traditional healers part of these interest groups or where do they come in?

If today you go to a pharmacy you would see that herbs are now widely used and those herbs might even come from here without us knowing it. Devil's claw is taken to Germany where medicine is manufactured. By the time that we realise that we have scientists, the products will be depleted and by then we would have run out of stock.

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON SIOKA

I know there are those traditional healers who are cheating, but there are those who are genuine when using these herbs.

Comrade Speaker, with these few words I support the Bill and I thank you.

HON SPEAKER: I thank Honourable Dinyando for his contribution. Honourable Sioka.

HON SIOKA: Thank you, Comrade Speaker. I am also rising to join those who spoken before me to contribute to the Research, Science and Technology Bill which I could see is exactly in line with Vision 2030. Comrade Speaker, I will be very brief to accommodate my Colleagues.

Yesterday I was touched when the Right Honourable Prime Minister mentioned that the Honourable Members of Parliament who are going out to campaign should also address HIV/AIDS and research, science and technology during their campaign. This is a very important issue. Once we are addressing our members we should not only ask for their votes, but instead we should also promote their health. This is a very important point which the Right Honourable Prime Minister mentioned yesterday. When the Bill has been passed into law, we should find that we have already paved the way for it to be implemented smoothly.

I want to request my Colleagues to declare war on the HIV/AIDS pandemic and to promote research, science and technology so that one day Namibia will produce their own scientists, researchers and technologists who will one day discover a cure for AIDS.

Comrade Speaker, yesterday when I went home I saw on CNN and Sky News the Prime Minister of Britain addressing the public on the global warming and he said the solution to this was technology. We need to do the same, Namibia needs to march together with the international world so

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON KASINGO

that we should not remain behind.

Comrade Speaker, since I have promised that I will be brief...
(Intervention)

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: May I ask a question? Comrade Sioka, are you aware that tomorrow, 16th September, is International Ozone Day which is also addressing the point which you are addressing? Are the Members aware of it?

HON SIOKA: Yes, I am aware of it, that is why I am mentioning it here so that I march together with the day. All of us should meet somewhere and celebrate the day.

Comrade Speaker, in conclusion, last time when Honourable Amweelo mentioned e-fuel, e-transport, e-communication we were laughing at him without knowing that we are far behind this technology and I think today we are very much supporting him. With those few words, Comrade Speaker, I support the Bill.

HON SPEAKER: I thank Honourable Sioka for her contribution. I now call on Honourable Kasingo to take the Floor.

HON DEPUTY MINISTER OF HOME AFFAIRS: Thank you very much, Honourable Speaker. I also rise to make a brief contribution on the Bill before us, namely Research, Science and Technology Bill introduced by the Minister of Higher Education, Training and Employment Creation, Honourable Nahas Angula and I am hereby congratulating him.

Honourable Speaker, much has been said on the Bill before us. I just want

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON KASINGO

to re-emphasise the importance of producing more scientists and technologists and to retain them by motivating them. I would like to join others who expressed the sentiment that enough is not being done to give reasonable, noticeable incentives to these people, in particular the scientists and technologists who are manning our public institutions. I just want to give a concrete example which I know of.

Home Affairs is administering the National Forensic Science Institute (NFSI). For the benefit of those who do not know the NFSI, I would just like to briefly state that the NFSI is a highly specialised multi-disciplinary science research facility that applies all the aspects of natural science to solve crime as well as finding scientific solutions to problems. In short, Honourable Speaker, the functions of the National Forensic Science Institute are as follows:

It covers a range of complex scientific skills in the area of human genetics; document examination, analytical chemistry, arson investigation; exclusive analysis, bloodstain pattern analysis, ballistic fraud investigation, economic crime investigation, stock theft, etcetera.

Of recent this Institution has solved a number of cases. Based on what I briefly stated, Honourable Speaker, this institute I can say is the heart and the brain of the whole criminal justice system in the country without which the criminal courts cannot do. But unfortunately the scientists, men and women, who are managing this institution are not getting enough incentives, with the result that we find a brain-drain to the other institutions. That is why I would like this Commission to come up with a recommendation to the Government how to retain the scientists we have.

Another brief comment I want to make is on the allocation of bursaries for new scientists. I know that the government, through the Ministry of Higher Education, is doing its level best to assist the needy students. But however, what I want to add is that there are in this country parastatals who have money and the parastatals should also give bursaries to the new science students. I know that some parastatals are giving bursaries, but to me it is not enough and I would like the government to have a hand in deciding what kind of bursaries should a parastatal give and to how many

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON KAAPANDA

students.

Finally, Honourable Speaker, I would also like to comment on the existing experienced scientists and technologists, in particular those who were assisted psychologically, socially, financially in the previous days to get degrees in this field. One finds, and I am talking in particular of those who are managing some public institutions, that they are jealous of the new entrants, in particular the black ones. I would like to request the Minister that when he is sponsoring these commissioners under Clause 6 to consider honest men and women who will not be a barrier to the young ones. I was reliably informed that some of these people in our public institutions frustrate the new black graduates, with the result that they just go away. I hope through that we will motivate them and it will make a difference.

With this short intervention, I once more thank the Minister for introducing the Bill. I thank you.

HON SPEAKER: I thank Honourable Kasingo for her contribution. I now call on Honourable Kaapanda.

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING: Thank you, Comrade Speaker. I would also like to add my voice to the previous speakers who congratulated the Minister for tabling this important Bill. The importance of science and technology cannot be over-emphasised.

However, Comrade Speaker, I just want to point out that the sectors being indicated where representatives are drawn are very important sectors of our economy, as enumerated here, but I think that the Minister of Regional and Local Government and Housing should also have been included due to the importance of housing. Housing is so important and one cannot talk about development of improvement of quality of life of people if people

15 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON KAAPANDA

are not housed. First of all shelter should be provided for a human being to be able to live a decent life, so that other necessities can also be provided to the house. Therefore, I strongly believe that the Ministry of Regional and Local Government and Housing should have been included under Clause 6.

Honourable Speaker, recognising the fact that housing is so important in order to provide decent comfort to our people and given the fact that to be able to deliver adequate housing requires substantial investment in terms of money which has not been forthcoming, the Ministry of Regional and Local Government and Housing has set up what is called the Habitat Research and Development Centre in Katutura so that research and development can be undertaken in the area of housing, so that we can identify alternative construction materials that are locally available, cheap and affordable. This will enable us to deliver adequate housing in the market.

Research on alternative construction materials will enable us not only to deliver affordable housing, but also to come up with new innovations that can also help us to improve the quality of houses we are constructing. At the same time the Centre will open its doors for general organic research on the various disciplines. I feel that this Centre will also be used by the Commission because it will provide facilities that will also enable research to be undertaken. Data for various disciplines will be collected and disseminated.

Therefore, I feel strongly that while this Centre is already in existence, it can also play an important role in facilitating the development of science and technology in this country, because science and technology will be the crucible in the conducting of research.

Once again I would like to thank the Honourable Minister and kindly request him to include our Ministry in this Bill. With this I would like to rest my case, Honourable Speaker.

15 September 2004

HON SPEAKER: I thank the Honourable Minister Kaapanda who has just rested his case, but we do not know the position of the Ministry, whether they support the Bill or not. Honourable Namises.

HON NAMISES: I Move that the Debate be adjourned until tomorrow.

HON SPEAKER: The Debate on this item is adjourned until tomorrow afternoon. Any objection? Agreed to. I call on the Right Honourable Prime Minister to adjourn the House.

RT HON PRIME MINISTER: Comrade Speaker, I rise to Move the adjournment of the House until tomorrow afternoon at 14:30.

HOUSE ADJOURNED AT 17:45 UNTIL 2008.09.16 AT 14:30

**ASSEMBLY CHAMBER
16 SEPTEMBER 2004
WINDHOEK**

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 Kaiyamo.

TABLING: REPORT ON NATIONAL HERITAGE BILL

HON KAIYAMO: Comrade Speaker, I lay upon the Table, the Report on the National Heritage Bill by the Parliamentary Standing Committee on Human Resources, Social and Community Development for discussion.

HON SPEAKER: Will the Honourable Member please table the Report? Reports and Papers? Notice of Questions? Notice of Motions? Right Honourable Prime Minister.

NOTICE OF MOTIONS

RT HON PRIME MINISTER: Honourable Speaker, I give Notice that on Tuesday, 21st September, I shall Move –

That leave be given to introduce a Bill to amend the Public Holidays Act, 1990 so as to provide for the Day of the Namibian Women as a public holiday; and to provide for matters incidental thereto.

16 September 2004 **RESPONSE- QUESTION BY HON PRETORIUS
RT HON T-B GURIRAB**

HON SPEAKER: Will the Right Honourable Prime Minister please table the Motion? Any Ministerial Statements? Today being Thursday, the day on which the business in this Chamber is initiated by the opposition benches, we will commence with Questions.

RESPONSES TO QUESTIONS

QUESTION 71:

RT HON PRIME MINISTER: Answer to question 1: Through a Cabinet decision 26/22.8.1995/2002, Cabinet gave in principle approval for the creation of the National Youth Service under the then Ministry of Youth and Sports. Thereafter the National Youth Service is currently managed and controlled under the Public Service Act and its regulation pending the tabling of the National Youth Service Bill in Parliament. The National Youth Service was until recently run, controlled and managed by the Ministry of Higher Education, Training and Employment Creation but has since 14 August 2004 been shifted to the Office of the President. It is expected that the National Youth Service will continue to be managed in a similar way until this Bill has been passed and Gazetted.

Question 2: The National Youth Service Bill was withdrawn in March 2003 because it needed to be reviewed and to be rephrased before its submission. It has been handed over to the Cabinet Committee on Legal Affairs. It is expected to be tabled in Parliament as soon as that Committee has done all its work on the draft.

QUESTION 72:

RT HON PRIME MINISTER: Answer to question 1: Yes, the policy of a balanced structure is still followed, as reported in Paragraph 9.1 on

16 September 2004 **RESPONSE- QUESTION BY HON PRETORIUS
RT HON T-B GURIRAB**

Page 8 of the Public Service Commission Annual Report of 1st April 2003 to 31st March 2004.

Question 2: In answering this question, may I first refer to the Constitution of the Republic of Namibia, Article 113, which empowers the Public Service Commission *“to advise the President and the Government on the appointment of suitable persons to specified categories of employment in the Public Service with special regard to the balanced structuring thereof.”*

Similarly, Article 23(2) of the Constitution specifically addresses the enactment of legislation, *“for achieving a balanced structuring of the Public Service, the Police, the Defence Force and the Prison Service.”* To comply with Article 23(2) and (3) of the Constitution, Parliament promulgated the Affirmative Action (Employment) Act, 1998 (Act 29 of 1998). For the purpose of this Act, affirmative action means *“a set of affirmative action measures designed to ensure that persons in designated groups enjoy equal employment opportunities at all levels of employment and are equitably represented in the workforce of a relevant employer.”*

Answer to question 3: Article 10(2) of the Constitution prohibits discrimination on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status. However, as already pointed out above, Parliament, in terms of Article 23(2) of the Constitution enacted the Affirmative Action (Employment) Act as a means for the relevant employer, in this case government, to ensure that balanced structuring in the Public Service is achieved. Section 18 of the Affirmative Action (Employment) Act, 1998 (Act 29 of 1998) states that: *“For the purposes of this Act, there shall be three designated groups, namely racially disadvantaged persons, women and persons with disabilities.”*

Answer 4: The recruitment policy in the Public Service is set out in the Public Service Staff Rule B, Section 2, Part 1 to 4 which deal with recruitment, interviewing, selection and placement. In the process of filling posts, Paragraph 5.2 of the Public Service Staff Rule, issued under Public Service Management Circular No. 23 of 2002 requires that the Affirmative Action (Employment) Act, as mentioned before, should be

16 September 2004 **RESPONSE- QUESTION BY HON PRETORIUS**
RT HON T-B GURIRAB

consulted for achieving a balanced structuring of the Public Service. To this end and for the purpose of coordination, messages were forwarded to Offices, Ministries and Agencies, directing them to provide statistics of Departments, Directorates and divisions on their establishments and affirmative action plans whenever they submit requests for the filling of posts. These are, therefore, official statistics from an accounting officer or a representative Office, Ministry and Agency to the Public Service Commission as was reported to in the 2002-2003 Annual Report on Page 7 under Paragraph 9.1 and again in the 2003-2004 Report under the same Paragraph under Pages 48 to 49.

It is noted that the Honourable J W C Pretorius commended the Public Service Commission for the 2002-2003 Annual Report.

QUESTION 73:

RT HON PRIME MINISTER: A detailed list of the 261 political office-bearers and other office-bearers is attached for the Honourable Member's information. Of course, as I had to say on one occasion, matters of this nature are readily available. Our HANSARD carries the names of all the National Assembly Members and I should take it that there is a similar record for the National Council where this information is readily available. But if the Honourable Member really wants to find information of this nature, I am sure the Office of the Speaker would oblige and provide such information.

HON PRETORIUS: I thank the Right Honourable Prime Minister for the answer, but the documents he referred me to only contains the names of 104 of the members and not 261. So actually I want the names of the rest and I have no further questions.

16 September 2004 **RESPONSE- QUESTION BY HON PRETORIUS**
RT HON T-B GURIRAB

QUESTION 74:

RT HON PRIME MINISTER: On Question 74 the two answers are as follows: According to the 2001 Population and Housing Census National Report, which is the latest to date, there is a total of 85 567 Namibians with physical disabilities, 43 966 are females and 41 601 are male.

Answer 2: Contrary to the question, the Public Service Commission reported on Page 8, Paragraph 9.1 of the 2002-2003 Annual Report of the Public Service Commission that offices, ministries and agencies continue with attempts to recruit disabled persons but with less success. Reference is also made to Paragraph 9.1 of the 2003-2004 Annual Report of the Public Service Commission.

HON PRETORIUS: I just want to thank the Right Honourable Prime Minister for all the answers and then a suggestion whether it will not be possible in future also to give a graphical comparison of disabled persons in the service of the government in the Public Service Commission's report because it is only the principle. Thank you.

HON SPEAKER: I would like to thank the Right Honourable Prime Minister for his response to questions put to him. Question 84 is put by Honourable Namises to the Minister of Women Affairs and Child Welfare. Does the Honourable Member Put the Question?

HON MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE: Comrade Speaker, the other day I was ready when it was on the Order Paper and when it was brought back I was not informed. So let it stand over.

16 September 2004

**RESPONSE- QUESTION BY HON NAMISES
HON DR AMATHILA**

HON SPEAKER: I take it that there is no objection. This Question will stand over. Question 85 is put by Honourable Namises to the Honourable Minister of Health and Social Services. Does the Honourable Member Put the Question?

QUESTION 85:

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you for the question, Honourable Member. The question is in the light that I am opening clinics, why are well-built and equipped clinics not been opened to date. The second question: When does the Minister intend to deploy medical personnel to that Clinic and when will the Minister officially open the Clinic?

Aussenkehr is private land. We have struggled so much with its private owners that there must at least be a Clinic. Rudimentary as it is, we managed to get that clinic. Now what these private people want to do is they do not want to lease their farms to look after their workers. They want the government to put up a proper clinic but the land is theirs. We therefore have problems there in Aussenkehr.

However, we set up a clinic, which is not actually a clinic which should be there, but just to assist our people. We have a very beautiful health centre in Noordoewer with a Doctor. Thus when people need treatment and they are very ill, they go to Noordoewer. They cannot go to Oranjemund because it is still a private hospital there, only for people who are registered as Oranjemund workers.

We worked with Oranjemund to set up a Clinic for Namibians. That programme is still ongoing. We got the hospital and I am going to open that Hospital in Oranjemund, but Noordoewer is closer for the people of Aussenkehr. We cannot put up a proper Clinic when people hold onto the land, but then they do not want to give that money. Housing is the same, I think they want the place to be proclaimed and we have been working on the proclamation since I was the Minister of Local Government and there

16 September 2004

**RESPONSE- QUESTION BY HON NAMISES
HON DR AMATHILA**

are problems between grape owners, because it is massive groups of people who own grapes there. Once the place is proclaimed we can have a proper school and a proper clinic or hospital for them at Aussenkehr, but right now it is a private area. I think that is the general answer to the question. I cannot go and open a Clinic officially which has not been properly built. We are waiting for that proclamation to come through so that we can set up our school and our housing projects.

There was again a problem between the Mines. There was a big problem between Mines and Agriculture, so we cannot put up a Clinic there. Thank you very much.

HON NAMISES: I thank the Minister for the answers but I would just like to find out whether the Minister has not gone into negotiations with those owners in order to take charge of that Clinic. Did I hear the Minister correctly that she says the health facility is not properly built? Is that what I hear and if so, what is it you think can be done? And then also about Noordoewer, I have heard that the people working at Aussenkehr have difficulties to go to Noordoewer, it is quicker for them to be treated at the workplace. Does the Minister have difficulties that this process can happen?

HON MINISTER OF HEALTH AND SOCIAL SERVICES: We have a health centre at Noordoewer and we have a doctor there and it is not very far from Aussenkehr. If they however do not provide transport for the people, it is not for the Ministry to provide transport. It is those employers who should provide transport for the people. It is a beautiful new health centre and it has doctor there and they should go there.

When I say it is not properly built, it is not built exactly to our standards because you do not put so much money into a place which is not yours. People go there for treatment but it is not our standard clinic we build.

16 September 2004

**RESPONSE- QUESTION BY HON NAMISES
HON DR AMATHILA**

We need to build a clinic later when the place is proclaimed. That is what I am trying to say.

HON NAMISES: I just need to find out whether there is no possibility for the Minister to provide an ambulance for those patients? I hear the Minister saying it is private.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: The private people must take their workers to the clinic. I am sure they do, but if government provides an ambulance we must pay the driver. It will not work, people must take responsibility for their workers. Oranjemund takes responsibility for their workers, they have a clinic, they have everything, so why should these people who are earning so much money from the grapes not even look after their own people? Sanitation there is also zero. I had to fight so much even to get that clinic.

HON NAMISES: Finally, I just want to know whether the Minister has talked to the employers about the possibility of an ambulance or the possibility of a proper clinic there and helping the workers themselves?

HON MINISTER OF HEALTH AND SOCIAL SERVICES: It is obvious that we had discussions, that is why we were able to build that small clinic. There was a strong discussion and it is obvious.

HON SPEAKER: I thank the Honourable Minister for her response. The next question is Question 86 put by Honourable Member Mr Moongo.

16 September 2004

**RESPONSE- QUESTION BY HON MOONGO
HON NGHIMTINA**

Does the Honourable Member put the Question to the Honourable Minister of Defence?

QUESTION 86:

HON MINISTER OF DEFENCE: Thank you, Honourable Speaker. In the first question the Honourable Member would like to know whether the Minister of Defence is aware that the South African and Zimbabwean ex-fighters as well as other ex-fighters who participated in the liberation struggle were granted special pensions in order to start a living.

In question 2 the Honourable Member is also asking when the Namibian fighters are going to be considered.

In response to these questions, Honourable Speaker, I would like to thank the Honourable Member for raising this concern on the subject matter. However, I would like to remind the Honourable Member that the Ministry of Defence of the Republic of Namibia is not responsible for ex-fighters, but it is responsible for members of the Namibia Defence Force. There is a big distinction between ex-fighters and members of the Namibia Defence Force.

I think that the provision of special pensions for ex-fighters is a national issue and directing that question to the Minister of Defence will be unfair.

I also wish to state that compensation by Zimbabwe and South Africa of their ex-fighters were national decisions and payments were not handled by the Ministers of Defence *per se*.

If the question of the Honourable Member is a genuine concern and not an electioneering ploy, I suggest that it is a matter for the August House to pronounce itself and direct accordingly. With those few remarks, Honourable Speaker, I rest my case.

16 September 2004

**RESPONSE- QUESTION BY HON NAMISES
HON DR AMATHILA**

HON SPEAKER: I thank the Honourable Minister for his response. Question 87 it put by Honourable Namises to the same Honourable Minister of Health and Social Services. Does the Honourable Member Put the Question?

QUESTION 87:

HON MINISTER OF HEALTH AND SOCIAL SERVICES: The question is about mosquitoes in Gibeon. I remember the Deputy Prime Minister has been bugging me for a couple of years now about the mosquitoes in Gibeon. There are two aspects there. The Fish River passes at Gibeon plus the oxidation ponds are an open breeding place for mosquitoes. Fortunately these mosquitoes are non-malaria carrying mosquitoes, they are known as the Kules mosquitoes which do not cause any disease.

However, we have been telling people in Gibeon that they must organise themselves to do self-education. We cannot spray their houses with **DDT** because it is not necessary because it does not create disease. It is just nuisance to go and spray people's houses. People have to spray their homes as we usually do in our houses, close the doors and windows, close places where you have water and clean up the area and these oxidation ponds must be looked after by Mariental Town Council. It is nuisance, use your mosquito nets, close the doors during the evening and that is all we can advise the people. But there is no need for spraying with DDT. That is what I have also been explaining to the Deputy Prime Minister for years and that is the answer.

HON NAMISES: I thank you for the answer, but although they are not malaria mosquitoes they bite and maybe the two of us should have a campaign to go down there and really help the people because they cannot afford.

16 September 2004

**RESPONSE- QUESTION BY HON MOONGO
HON HISHONGWA**

HON SPEAKER: Honourable Namises, do not abuse the privilege of questions to present your arguments that you have forgotten somewhere else. That was not a supplementary question but an argument and therefore, it is out of order. Question 88 is put by Honourable Mr Moongo to the Honourable Minister of Higher Education, Training and Employment Creation. Does the Honourable Member Put the Question?

QUESTION 88:

HON DEPUTY MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: Thank you very much, Honourable Speaker. I would like to answer the question of Honourable Moongo.

Yes, it is true and to be precise, the National Youth Service was transferred on the 14th of August 2004 to the Office of His Excellency the President of the Republic of Namibia.

The second part of the question: No, I do not agree that the youth can easily be misled. I do not buy that idea, it is wrong. Otherwise it will be an insult to many people who left this country when they were young people to fight for independence and they were not misled. It is maybe those like you who came back. If there was any motive behind the transfer of the National Youth Service, it must be just a good move from the right office by His Excellency the President who has the constitutional right to do so. He as the President has only exercised his constitutional right, unquestionable right and his constitutional obligations.

If the Honourable Moongo knows and understands the Constitution, the rights and obligations of the President, then he would not ask this question. I believe he understands the Constitution although he was not part of those who drafted it, but at least his party, the DTA of Namibia, was party to it and I believe that they should have told you as to what are the rights and the obligations of a Head of State.

16 September 2004

**RESPONSE- QUESTION BY HON NAMISES
HON DR AMATHILA**

Lastly, of recent the President transferred one of the Deputy Ministers from the Ministry of Higher Education to the Ministry of Basic Education, Sports and Culture. Maybe the President saw it fit that he should move some of these responsibilities from the Ministry of Higher Education, among them the recent transfer of the responsibility for the National Youth Service which was not at the beginning part of that Ministry, to his office. Indeed, some of already knew from the very beginning that it was stated that the National Youth Service should be created and then later it will be transferred to the Office of the President and we are happy about it. Thank you.

HON MOONGO: I expected the response to state what is the motive. The question was not properly answered because I wanted him to indicate what exactly is the motive for the transfer.

HON SPEAKER: Supplementary question, Honourable Moongo.

HON MOONGO: No supplementary question.

HON SPEAKER: I want to thank the Honourable Deputy Minister for his response that Honourable Moongo is ruling out of order. Question 89 is put by Honourable Namises to the Honourable Minister of Health and Social Services. Does the Honourable Member Put the Question?

16 September 2004

**RESPONSE- QUESTION BY HON NAMISES
HON DR AMATHILA**

QUESTION 89:

HON MINISTER OF HEALTH AND SOCIAL SERVICES: This is a very good question because I want to put this question to rest finally on Elim Health Centre and all these old health centres and hospitals in Kavango.

After independence the Ministry of Health and Social Services embarked upon restructuring of health services. Some hospitals were reclassified to become health centres and some clinics were upgraded to become health centres, while some clinics were actually closed. This process affected the then Elim Hospital. Elim was downgraded from being a so-called hospital to become a health centre because Oshikuku Hospital is less than 10 kilometres away.

A clinic was built in 1992, a brand-new clinic which we can term as a large Clinic. The staff and members of Elim were informed to break down this dilapidated structure and they were told that patients should no longer be admitted to these ugly buildings. The hospital at Oshikuku is now beautifully renovated, the patients must go to that hospital, it is only 10 kilometres away.

However, the honourable person whose name is mentioned here has been struggling that we must now come and renovate his own hut as if it is only Elim we must serve the whole year in and the whole year out. How do you build a proper clinic and there is a proper hospital 10 kilometres away and you are telling us we must now take these huts and build something else. So it has been a war. I was there myself and I told the old man, *“forget about it, Namibia is big, we cannot do it when a hospital is 10 kilometres away.”*

The same thing happened at Oshigambo. We built a beautiful large clinic, we told then Onandjokwe is 18 kilometres away with tar roads, break up this building. But I think they keep these old buildings to pressure us. It is their responsibility, if they let people sleep there and if something happens, they must take full responsibility because they were told several times to break down these things, we are not going to renovate. Basically

16 September 2004

**RESPONSE- QUESTION BY HON NAMISES
HON DR AMATHILA**

that is what happened Elim and the councillors like to do electioneering, but I am not blaming this old man for that.

People must not think that we must just spend all our resources in one area, the whole country must benefit. We are not going to replace these dilapidated structures which they were told to break down.

“How many wards under the Ministry’s care are in a similar state of dilapidation?” I think the Honourable Member probably meant “clinics”, not “wards”. We have an ongoing process of renovating and building new places where it is necessary and renovating old hospitals. Right now we are busy with the renovation of Tsandi Hospital. They waited for a long time and that is a very dilapidated hospital, so I was so pleased to see that they have started renovation.

The criteria for renovation of the buildings and health centres, we have a policy on establishing new health and social welfare facilities or services. Management of the regions has now been restructured, so we have thirteen Regional Medical Teams. These teams look into their regions and say which places they want to be renovated or which places to have a new clinic because of the distance. We take these reports from the thirteen regions and then we have a look at how much money we have and what are urgent according to the criteria of our policy. That is how we do the renovations and build new clinics. Otherwise we will end up renovating three, four clinics in one region and leave out the other regions. This is well-organised, we have a management policy and it is ongoing and every year we are renovating some clinics and Hospitals. I think that is the answer I can give the Honourable Member. Thank you very much.

HON NAMISES: Through the Speaker, I only wanted to know who would have to demolish those buildings?

16 September 2004

**RESPONSE- QUESTION BY HON NAMISES
HON DR AMATHILA**

HON MINISTER OF HEALTH AND SOCIAL SERVICES: They themselves.

HON SPEAKER: I would like to thank Honourable Minister for her response to the questions. Question 91 is put by Honourable Member Namises to the Honourable Minister of Health and Social Services. Does the Honourable Member Put the Question?

QUESTION 91:

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Apparently this scheme was in the paper, I did not know, but the answer is that such scheme does not exist. The case reported in the papers is an isolated incident involving a staff member and one needy family. It was adequately explained in the press that the Ministry does not condone, nor would it permit such actions in future. Staff members in general and social workers in particular are aware of the procedures that need to be followed to assess social assistance for needy families.

HON NAMISES: I only want to thank the Honourable Minister and say that I have not seen the report in the newspaper, but I have received a letter.

HON SPEAKER: I would like to thank the Honourable Minister for her response and we shall now go into the business of this Chamber as scheduled for this afternoon. I now call on the Secretary to read the First Order of the day.

16 September 2004

**MEAT CORPORATION OF NAMIBIA
AMENDMENT BILL
HON H ANGULA**

**RESUMPTION OF SECOND READING: MEAT
CORPORATION OF NAMIBIA AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned on Tuesday, 14th of September 2004, the Question before the Assembly was a Motion by the Honourable Minister of Agriculture, Water and Rural Development. This Debate was adjourned for the reply of the Honourable Minister, Helmut Angula.

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: Thank you, Comrade Speaker. First I would like to thank the House and, indeed, those Members who contributed to the debate on the Amendment of Section 5(1) under Section (a) of the Meat Corporation Act, 2001. As I said in my motivation speech, it is not possible to justify the continuous denial of employee representatives on Boards of directors of parastatals the right to vote on issues that affect both the corporation and the employees.

I must inform this House that parastatals that fall under the auspices of the Ministry of Agriculture, Water and Rural Development all have workers representation on their boards. I said in my motivation speech that while employees were represented on the Meatco Board of Directors, the Act did not give the workers' representatives a vote and this an unintentional omission. The original idea was indeed that all the directors have the same right and the same obligation, but some typographic errors were made and it went through this Parliament, excluding the workers to vote and we have been unhappy ever since. Hence this proposed Amendment.

Comrade Speaker, during the debate various issues were raised on the proposed Amendments to which I am going to respond.

Some Members proposed that worker representation on Meatco Board of Directors should be replicated in all parastatals. You will also recall that

16 September 2004

**MEAT CORPORATION OF NAMIBIA
AMENDMENT BILL
HON H ANGULA**

this is what I proposed in my report on the Governance Policy Framework for State-Owned Enterprises in Namibia. The report proposed that in cases of parastatals involved in labour-intensive operations, it would be important for board deliberations to be appropriately informed about labour-related issues. This could be achieved by the involvement of a Board member from organised labour or a member that has obtained specialised understanding of labour perspectives. This member could be an employee, as is in the case of Meatco. I totally agree that the board of directors of a parastatal should have employee representation with voting rights.

Honourable Members, in my motivation I referred to the restructuring or reorganisation of Meatco activities and operations in the northern areas, especially with regard to operations of northern communal area abattoirs. I wish to state that the northern communal area abattoirs are not being privatised, Meatco is operating these abattoir under management agreement with Government. There are, however, other northern communal area abattoirs that were closed down. I refer to the one in Rundu. This abattoir could be reopened by giving management to other interested parties, especially the previous disadvantaged people who could use the facility for export purposes.

There are discussions taking place between the Ministry and the Board of Directors of Meatco on these issues and others. Meatco has encountered problems with securing throughput according to their own report and information. As a consequence, the Corporation is experiencing losses.

This could be attributed to lack of supply from farmers who are on record of complaining about low prices offered by the Company. Government will not further subsidise Meatco to keep the shop open.

If, on the other hand, they are entrepreneurs who believe they can turn the situation around, government will not hesitate to transfer the management of the northern communal areas abattoirs to them. The status quo of cattle over-population in the northern communal area is unsustainable. So, all efforts have to be done to increase the marketing through means that are

16 September 2004

**MEAT CORPORATION OF NAMIBIA
AMENDMENT BILL
HON H ANGULA**

sustainable and if there are people who are ready to cooperate in this endeavour, we will be more than happy.

As it could be recalled, the Oshakati Abattoir, for example, in the past was run by the NDC and during those days it also became clear that the NDC was not running these abattoirs properly, thus the transfer to Meatco at that point in time, which was free of charge and, of course, the Minister of Trade said the liabilities were left for the NDC and it must still be addressed as it is still a point under discussion. But the point is, whoever is able to run these infrastructures which have been built with taxpayers/money should be allowed to do so, provided there is no further Government input.

One interesting issue raised during the debate is the possibility of giving shares to employees. In my report on the Government's Policy Framework I recommended that local economic empowerment could be achieved through a broad-based ownership distribution via, for instance, employee and citizen share ownership scheme. However, some quarters are not willing to go along with such proposal. We have seen many successful businesses with block shares reserved for employees. In such instances, employees feel that they are partially owners of the Company, thus have interest in defending the existence of the Company.

Currently contradictions and instability in many of our institutions, including Government Institutions, is because the employees or workers are alienated because they do not feel and they are not part of the overall ownership of this public asset. If they were to participate, I am very sure that their attitude will be completely different because they would not like to participate in the destruction of their own assets.

We, therefore, have to be very positive and think aloud about workers' participation in state-owned and other public enterprises as a way or incentive to stabilise worker-owner relationships or the industry as such.

Those of us who farm with livestock north of the infamous red line are not always happy when we see those prices that are given, in particular the

16 September 2004

**MEAT CORPORATION OF NAMIBIA
AMENDMENT BILL
HON H ANGULA**

prices offered by Meatco. This is what I have observed through the discussion. Although I have not been here, I have the complete discussions of all the members who participated and it is testimony that the overwhelming majority are very, very unhappy.

There are various reasons behind this unfortunate situation. Livestock farmers know too well that prices are based on age, weight and condition of animal. Surely nobody here in this House will pay N\$5,000 for sick or thin cattle if they had a choice. Communal livestock farmers will not sell their cattle at prices deemed to be lower than those paid in commercial areas and industry in the commercial areas only exists thanks to the cooperation of the communal farmers north of the red line. Without that cooperation there cannot be talk about a successful and viable commercial farming. Therefore, there must be mutual understanding that the South has an obligation to compensate for the suffering of the communal farmers north of the red line. This is one of the issues that my Ministry is constantly discussing with all stakeholders, including Meatco, the Meat Board of Namibia, Agronomic Board, Farmers' Associations and Unions, that we must find a way to accommodate one another. There cannot be an issue of one being rich while your neighbour is poor.

Therefore, the time has come that we must understand one another and accommodate one another. There cannot be one-sided protection of one's income while others are going hungry.

However, many times livestock in communal areas are reluctant to sell their animals at the appropriate time. They wait too long until the animals are so weak and I want to use this occasion to appeal once more to my dear colleagues in the farming community to start marketing. There is indeed no assurance that the rains will be good, yet the population of livestock has shot up dramatically and as you can also hear from Environmental Affairs, there have been so many wildfires these days that we are not sure how to reach December with the available grazing facing destructive wildfires.

Therefore, there is a need to speed up the marketing of the extra animals

16 September 2004

**MEAT CORPORATION OF NAMIBIA
AMENDMENT BILL
HON H ANGULA**

while they can still fetch a reasonable price. My Ministry has been encouraging communal livestock farmers to properly look after animals too and sell them when they are healthy, treat them properly, look after them and not to open the kraal as usual and the animals go wandering without knowing in which direction to go, without any treatment against common diseases.

In addition, farmers are encouraged to enter into discussion with a slaughter house, including Meatco and August 26, Mangetti Farmers Association, in order to fully utilise the northern communal area's abattoirs for export of meat to countries north of our country. I think my Colleague, the Minister of Trade and Industry, in the near future will have good news to tell the public about the possibility of the marketing of Namibian meat north of the Kunene River and beyond.

On the issue of prices of meat being the same in supermarkets, according to Comrade Katali, I may say it is traders and consumers that determine the price of meat on the shelves. However, the similarity of meat prices could be the result of meat both from communal and commercial areas being sold to supermarkets at the same price, based on grade and quality.

Meat retailers may not know where the meat comes from, all they know that the meat is either from one slaughter house or another. We do not have a price watchdog in Namibia, however, that can go around checking whether prices paid by consumers are reasonable and fair.

Why do commercial livestock farmers that are closer to Oshivelo have to market their animals in Okahandja, some 400 kilometres away instead of Oshakati? I am not sure of the answer to this, I can only guess. As you know, certain communal farmers are members of Meatco and they deliver supply to Meatco on contractual basis and the end of the year they get bonuses for delivering a number of cattle. I am not sure, I do not think that there are bonus applications for the northern communal areas, so he may lose at the time on transport, but at the end of the day they will get bonuses. That is probably why they come all the way from Tsintsabis and other places.

16 September 2004

**MEAT CORPORATION OF NAMIBIA
AMENDMENT BILL
HON H ANGULA**

But when one thinks of it, it seems so unreasonable. I do not know how some people's economics work, because if you are one and the same company and you bring all the cattle to Okahandja and your plant in Oshakati is losing, there is no throughput, but you can sacrifice all these kilometres to Okahandja, it is a contradiction.

The assumption is that they fear that once they cross the red line to the north, the price will not be the same. Another reason could be that no transport costs could be deducted from prices if they deliver the animals to the abattoir at Okahandja where they believe prices are much better than Oshakati. Anyway, I really do not know and I have not in the past thought about this, that people who are so close to Oshakati are not able to supply Oshakati, although they say at Oshakati there is no throughput.

We must also know that if Oshakati's throughput is not there, the people who lose their jobs are not the concern of these Companies, because as Honourable Katali rightly said, these Companies employ only a specific class of people and those people may not be in Oshakati. Therefore, there is no sentimental feeling about the people in Oshakati not having jobs, whereas if the plant in Okahandja closes, there is a lot of sentimentality and emotions that follow.

There was an appeal in the House and I could not understand this statement, but Comrade Katali talked about land tax. I suppose he meant income tax. I must inform the House that the Amendment to this effect is now on its way. I have been discussing this matter for many months now with the Honourable Minister of Finance, about this exemption of a well-to-do company making a substantial amount of profit, according to its own declarations, but paying no returns to the state and investing nothing in the backward areas of the economy of this country. We have now arrived at an agreement that I will have to move an Amendment in the Committee Stage to include a Clause for the company to pay income tax. That will be done at an appropriate time during the Committee Stage.

Those who read the report to the Governance Policy Framework for State-Owned Enterprises in Namibia will know there is a recommendation to

16 September 2004

**MEAT CORPORATION OF NAMIBIA
AMENDMENT BILL
HON H ANGULA**

offer training to directors. Soon there will be new Meatco directors and I hope these new ones will cooperate with the Government. Under the recommendation on Governance Policy it is stated clearly that before they take up their duties, there must be an induction course of the directors, including the directors that will be representing workers, so that they know the obligations of a director. But sometimes if they understand their rights too much, then do not blame them if they also challenge you.

The recently established Central Governance Agency is tasked with identifying the type of training that should be given to directors, especially new members of the Board of Directors. However, in order to prevent the misuse of board decisions as collective decisions, everyone must have the right to vote. Of course, the majority vote will eventually count. This is why I tabled an Amendment in this House.

Honourable Members, I take this opportunity to thank all those who have contributed and there is one element that I left out, namely value addition. That is one thing the whole country has to endeavour at least to try to do something. We are taking all our raw meat across the Orange River, including cattle on-the-hoof and when the truck returns, it comes with packages for supermarkets, polonies and all kinds of sausage, but these are not hi-tech things we cannot do here and send ready-made products. But because we are nothing but an extension of the problems, apparently our mentality is distorted, we cannot see. Sometimes we really get frustrated, why should you export all the raw meat while you know it is coming back in a processed form the next day and you pay high prices and then complain about the high standard of living. How can it not be high? You and we allow the situation, we perpetuate the situation with all the means at our disposal, including the money we are saying are savings and life insurance. Apparently we think we will live after life, there will be no after life. Nothing will happen, if you die, you die – finito.

But all our exports, money, meat and everything leaves the country and we cry here.

In conclusion I would like to agree with my senior Colleague, the Minister

16 September 2004

**MEAT CORPORATION OF NAMIBIA
AMENDMENT BILL
HON H ANGULA**

of Higher Education that there is a challenge for us to add value. Anyone who in future gets the right to manage any abattoir established by government will do so on condition that there must be processing and value-adding. If not, then no business discussion. I hope to see employees running their parastatals, having the same right to vote.

The challenge is to all Ministers present here to introduce the Bills within their parastatals, to make sure that workers are fully represented and have full rights. There is no reason why they should be excluded when they are the ones who are actually producing and making this company produce goods for the public. Thank you, Comrade Speaker.

HON SPEAKER: I thank the Honourable Minister Angola for his reply. I now Put the Question, that this Bill be now read a Second Time. Any objections? Agreed to. I call on the Secretary to read the Bill a Second Time.

MEAT CORPORATION OF NAMIBIA AMENDMENT BILL.

**RESUMPTION OF SECOND READING:
NATIONAL DISABILITY COUNCIL BILL**

HON SPEAKER: When this Debate was adjourned yesterday, the Question before the Assembly was a Motion by the Honourable Minister of Lands, Resettlement and Rehabilitation. This Debate was adjourned by Honourable Member Moongo who now has the Floor.

16 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON MOONGO**

HON MOONGO: Honourable Speaker, Honourable Members, the Bill on the table is overdue. The disabled people were nearly forgotten and were victims since Independence, but to be late is better than never.

Mr Speaker, the majority of the disabilities were caused by the liberation war and it is inhuman to treat disabled people the same as elderly people, that they receive the same pension, those who cannot walk and cannot wash or help themselves, namely those who are totally disabled. It is unfair to give them the same pension as the elderly people. Those who are totally disabled need to be cared for and I propose that the pension should be increased to at least N\$1,000 per month so that they can pay a servant who can take care of them 24 hours a day. It is wrong to leave their care in the hands of the poor families after they became disabled during the liberation struggle.

Mr Speaker, I appeal to the Government to provide funds to this organisation for the disabled in order to establish centres in all regions. These centres must be well-equipped with facilities, such as Semi-Clinic and also to provide them with ambulances and means of transportation.

Mr Speaker, the Government must initiate the Fund and the donor countries must assist to cater for the problems of disabled people. Section 2(2) of the Bill indicates that the National Disability Council of Namibia has to consider and amend the National Policy on Disability. Section 2(3) indicates that Cabinet may accept any recommendation or refer it back to the Council for reformulation. These sections contradict Articles 44 and 63 of the Constitution.

Article 44 reads: *“The legislative power of Namibia shall be vested in the National Assembly with power to pass laws with the assent of the President as provided in this Constitution subject, where applicable, to the powers and functions of the National Council as set out in this Constitution.”*

Article 63 reads: *“The National Assembly, as the principal legislative authority in and over Namibia, shall have the power, subject to this*

16 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON MOONGO**

Constitution, to make and repeal laws for the peace, order and good Government of the country in the best interest of the people of Namibia.”

Could the Minister explain why this proposal differs from the above articles?

Subsection (5) deals with the composition of the Council and this Bill proposes that the Minister must appoint the members of the Council. This indicates that the Minister has too much power over the disabled people, which is unfair.

Section 8(b) proposes that members absent from three consecutive meetings of the Council without the permission of the Council, must vacate his or her seat. Disabled people usually suffer from ill-health and, therefore, I propose that it should be five consecutive meetings.

Mr Speaker, Section 8(d) is draconian. The Minister may, by notice in writing, remove a member of the Council from office. The organisation of disabled people should recommend to the Minister the termination of service of any member.

Section 9 stipulates that the members of the Council must have freedom to convene special meetings. While the Bill proposes that special meetings must be held if it has been proposed by the Minister or by six members of the Council in writing. Imagine, they have to beg before a meeting can be convened, which is really unfair. Therefore, freedom of assembly is being violated which is guaranteed by our Article 21(b) of our Constitution.

Mr Speaker, with these few suggestions for Amendments I fully support the Bill on the table. Thank you.

HON SPEAKER: I thank Honourable Moongo for his contribution. I now recognise Honourable Member Mr Pretorius.

16 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON PRETORIUS**

HON PRETORIUS: Mr Speaker, in the first place I have to congratulate the Honourable Member Mr Moongo for making a study of the Bill before he took the Floor, because yesterday I had a very interesting experience when for the first time in my 44 years in politics, I experienced that a legislator was prepared, not only to take the First and Second Reading on one day, but Members were prepared to discuss a Bill which they have not studied, which they have not seen, which they have not even received at that stage. But Mr Speaker, the Right Honourable Prime Minister the other day indicated that as the time goes on, Members are becoming experts. I therefore accept that one of these days, as a result of science and technology, we will adopt our legislation by way of e-mail.

Mr Speaker, I have not look as thoroughly as Honourable Member Moongo at the Bill and I support it in principle, but what provoked me to say something today were two sentences in the introduction speech of the Honourable Minister. On Page 3 he said: *“In our policies related to education, training and employment, recent statistics revealed to us that there is a disparity between policy intentions and policy implementation.”*

And the second one is on Page 8, which reads: *“As I have earlier mentioned, this Bill has long been awaited by people with disabilities in Namibia, it is for the past six years.”*

As a matter of fact, Mr Speaker, I can remember – and if I am not correct, correct me – that during the past fifteen years I was the only Member of this August House to put questions about disabled people. The first question was in 1998, because in 1997 in our National Employment Policies which we accepted, only slight reference was made to disabled people and I can remember that even as far as training is concerned, there was an institution up in the North which was closed during these years. In 1998 I put a question to the Honourable Minister of Labour, asking what is the total number of disabled persons in Namibia, what is number of disabled persons in the service of the Government of Namibia, what is the percentage of the abovementioned of the total workforce of the Government of Namibia and what has the government done during the past eight years to increase the number of disabled persons in its service.

16 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON PRETORIUS**

Mr Speaker, Honourable Members can read for themselves, it is in Hansard, Volume 31 of 1998. But the Honourable Minister of Labour could not answer me because he did not have any figures. He actually went through the answers very jokingly, because in the first answer he said, and it was about the percentage of the abovementioned disabled people, he answered: "What I can give is a formula, X divided by Y times hundred." That was his answer. But he gave me an assurance, he said that as a result of the Equity Commission which was introduced in the affirmative action legislation earlier that year, *"I am sure you will get all these answers in the year 2000 from the Commission."* Meaning, he gave me the answer, please wait for two years and you will have it.

Again in the year 2000, I put a question to the Prime Minister:

"How many disabled persons are employed in the Public Service? How many of them were employed in the last five years?" And again, Mr Speaker, the Right Honourable Prime Minister could not give me an answer as far as the figures are concerned, but he said, *"our policy for the future, therefore, is to employ physically challenged and also adapt our facilities."*

Even our own Parliament does not have a ramp for physically challenged to enter this Parliament. Therefore, in the future our policy would be that the Parliament and all government buildings must provide for ramps for physically challenged." He continued: *"As I said, I appreciate the question but it is not provided for currently, but in future we should all do our best to accommodate the physically challenged."*

Now Mr Speaker, we are four years later. As far as the building concerned, you know very well that I am not in favour of the renovation of this building, I said it will be cheaper and it will be easier to build a new building which could also make provision for the disabled people. If we can build a State House, if we can build a Heroes Acre, then we can build a new House also to make provision for disabled people.

Mr Speaker, I want to elaborate a little bit on the question I put to the Right Honourable Prime Minister this time today. In the Public Service

16 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON PRETORIUS**

Commission Report we still do not have graphs about disabled people, it is only about disadvantaged, advantaged, male, female, but no comparisons with disabled people. I must give the Equity Commission the credit that they have started to do it and it is shocking, really shocking. I have in my hands the Report 2002-2003, I could not lay my hands on a newer report, but here are two graphs. The one graph is a representation of designated groups in senior management. Overall, except for a slight deviation as far as the Public Service is concerned, the graph shows a straight line for the whole of Namibia as far as disabled people are concerned. So, nobody, not to show it on the graph. (Intervention)

HON DEPUTY MINISTER OF PRISONS AND CORRECTIONAL SERVICES: May I ask a question? On the front page of the *New Era* today there is one old Japanese man apologising for the deeds of the Japanese during the occupation of China. When is the Honourable Pretorius going to apologise for the past deeds?

HON SPEAKER: The question is Out of Order.

HON PRETORIUS: Mr Speaker, the second graph or representation of designated groups in the middle management, you will not believe me, also for the Public Service and for the whole employment sector in Namibia, a straight line at the bottom, not even deviating a little bit. Therefore, I am really welcoming this effort after fifteen years of independence to look at our disabled people.

But what made my day yesterday was what the Honourable Tsheehama said. Mr Speaker, Honourable Tsheehama said the Council must be given the right to elect one or two Members of the House. He also suggested that we must not only talk about it, but to come forward with real proposals and suggestions. I want to say today that I am prepared to

16 September 2004

**NATIONAL DISABILITY COUNCIL BILL
HON NAMISES**

second him if he comes up with those proposals during the Committee Stage, because I have now for fifteen years been struggling to have the principle on the rights of interested groups also to be accepted in our Constitution, but in vain and suddenly the Honourable Member came and said, okay, let us start with the disabled people.

To conclude, I want to repeat that I support the Bill in principle and I am pleased to know that in the coming election I will have the Intelligence Service squarely behind me. Thank you.

HON SPEAKER: I thank Honourable Mr Pretorius for his comprehensive contribution to the Bill under discussion. Any further discussions?

HON NAMISES: I move that the Debate be adjourned until Tuesday.

HON SPEAKER: Any objection? So agreed. The debate on this item stands adjourned until Tuesday, next week. The Secretary will now read the Third Order of the Day.

**RESUMPTION OF CONSIDERATION OF MARINE RESOURCES
POLICY: TOWARDS RESPONSIBLE DEVELOPMENT AND
MANAGEMENT OF THE MARINE RESOURCES SECTOR.**

HON SPEAKER: When this Debate was adjourned on Tuesday, 14th of September 2004, the Question before the Assembly was a Motion by the Honourable Minister of Fisheries and Marine Resources, Honourable Dr Abraham Iyambo. This Debate was however adjourned by Honourable

16 September 2004

**MARINE RESOURCES POLICY
HON ULENGA**

Member Mr Ben Ulenga. I now give the Floor to Honourable Ben Ulenga.

HON ULENGA: Thank you, Honourable Speaker. I must say I am not very glad that I have to speak in the absence of the Minister, but perhaps there is somebody listening on his behalf.

I do not want to repeat what I said yesterday because that was said generally, but I must say it is a very good thing that we have an updated version of the Fisheries and Marine Resources Policy before the House and that we can make use of this opportunity of the discussion of this document to raise some of our concerns regarding this very important sector of our economy, as well as to come up with some of the appreciations that we have for this sector.

It is generally taken that to a very large extent the Ministry of Fisheries and Marine Resources and the whole management and preservation programme of the government in that sector has been, to a large extent, a success story. The increased control and efficiency for protection has been noticeable. Over the years surveillance, monitoring of the fisheries sector as well as of the possible thieves who have sometimes crept upon our waters and stolen some of our resources has improved and some of them have been taken care of and that is a very good thing.

I must say, looking at the new updated document, that it is also commendable to see that the Minister has come with a more holistic and comprehensive approach regarding not only fisheries but the entire marine environment, starting from the very microscopic to the elephantine. However, I wonder how the Minister succeeds to balance the possible contradictions and conflicts and clashes involved in harmonising such divergent interests, involved in the preservation of a great, biotic diversity.

In this regard, I want to put a few concerns to the Minister because I understand the diamond mining that is going on off our shores has been responsible for disturbing some of the habitats for breeding of some of our

16 September 2004

**MARINE RESOURCES POLICY
HON ULENGA**

species, such as rock lobster, and how does the Minister succeeds to balance the interest of miners and his own interest. I would like to hear whether there is any specific programme in this regard and how effective it has been.

I also see the paper mentions just in passing the involvement sometimes at sea by oil explorers and others who are not interested in the biotic resources of the oceans, but in the organic resources. The Minister is not talking about any intention of updating the law so that the conflicts are balanced out and I would want to hear the Minister talking more about his intentions in that regard. I see that the document on Page 10 talks in passing about the possible conflicts involved there.

When I was a young man I used to hear so much about guano. At the moment I see the Minister again mentioning in passing in the document one small little island where guano is collected. Exactly what happened to this prosperous industry of the past and does it perhaps have to do with some of our resources disappearing and what can be done to bring this very important resources to its optimum?

Talking about guano, I know that close to Walvis Bay there is another important resource and I do not know whether this falls under the Ministry of Environment and Tourism or whether it falls under the Ministry of Fisheries and Marine Resources, because the document mentions seabirds. I am now talking about the Walvis Bay Lagoon and the flamingo. I understand that this particular specie is in danger of extinction. I have seen with my own eyes that the breeding grounds inland of this particular bird are no longer suitable breeding grounds in Namibia. What does the Ministry say specifically with regard to the preservation of the breeding grounds next to the sea of this important environmental resource in terms of keeping the ecosystem well-balanced?

In the past there used to be an outcry about the harvesting of seals on the Namibian coast. I do not hear any outcry any longer, but I wonder why the Ministry does not develop or promote the processing of this important resource within Namibia, so that the products could also benefit Namibians and create more jobs here. We heard about the clubbing, but

16 September 2004

**MARINE RESOURCES POLICY
HON ULENGA**

thereafter I personally heard nothing.

Honourable Speaker, the one thing that really concerns me within this document is the question of the economic potential of our marine resources. Of course, there is a lot of mention about Namibianisation, which I have no quarrel with and also the document is very much emphatic on the need to allow more onshore processing in the Namibian Factories. However, the policy document does not mention anything about the need to create more jobs for Namibians. There are no statistics given in this regard. There is no mention of any profiles or incentives concerning those who need to be encouraged to create more jobs for Namibians.

I understand that right now the entire fisheries stock gets exported raw and what I would really like to hear from the Minister is what the Government intends to put in place to ensure that perhaps an internal market for fisheries is created, so that those who catch Namibian fish must offer it first to an internal market, which can then sell it both to local processors and therefore, encourage local employment creation here or if there is still fish left over, then they can sell that on the international market.

Even though there is some slight mention of incentives, seeing that we are now fifteen years into our Independence, I would also like to hear about the effects so far of these incentives that the Minister has mentioned.

The last issue that I want to raise that also, in my view, does not enjoy focus in the document is the issue of research. We have just discussed the law on scientific and technological research and I see that in the policy document the Ministry seems to be confusing mere surveillance and quantification with focused research in the fisheries industry. Is the mere surveillance and the counting of fish considered to be research in the fishing industry? Honourable Speaker, I rest my case.

HON SPEAKER: I thank Honourable Ulenka for his contribution. Are there any further discussions? There being no further discussions, I

16 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON MALIMA

now call on the Honourable Minister to reply. In the absence of the Minister and Deputy Minister this item will stand over. The Secretary will now read the fourth Order of the Day.

RESUMPTION OF SECOND READING:
RESEARCH, SCIENCE AND TECHNOLOGY BILL

HON SPEAKER: When this Debate was adjourned yesterday, the Question before the Assembly was a Motion by the Honourable Minister of Higher Education, Training and Employment Creation, Honourable Nahas Angula. The Debate was adjourned by Honourable Minister Malima.

HON MINISTER OF ENVIRONMENT AND TOURISM: Thank you, Comrade Speaker, Honourable Members. I would also like to join the Colleagues who have made very important contributions to this Bill.

Firstly I would like to commend the Minister and his staff members. The Act on Research, Science and Technology is a very important Act because it provides for an umbrella body to oversee all issues related to research, science and technology in our country. This is a field that is considered a national priority in Namibia and as such the Bill is welcomed by all of us. The proposed Commission is expected to bring some synergy and focus on the field of research, science and technology and set priorities at a national scale.

The structure provided will promote closer collaboration between various institutions, including the institution responsible for renewable resources, such as my Ministry, the Ministry of Agriculture, Water and Rural Development, the Ministry of Fisheries and Marine Resources, just to mention but a few. These are institutions which are already engaged in

16 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON MALIMA

research programmes, including related issues to science and technology though at a very limited scale.

The Act will facilitate the maintenance of central database of research undertaken within Namibia, both by Namibians and by non-Namibians. My Ministry has already been playing some significant role, although on a rather small scale, through its Ecological Institute based in Okakeujo and the Desert Research Foundation in the middle of the Namib Naukluft Park.

Comrade Speaker, when I listened to Colleagues that have contributed significantly to this debate, I have realised that in Section 1 of the draft Bill, which deals with definitions, there was an omission of the word “*president*”. I do not know whether this is attributed to the belief that when we refer to the president, we always understand it as referring to the President of the Republic of Namibia, but Comrade Speaker, if we look at Section 6(1)(c) of the Bill, there is mention of the “*President of the Namibia Chamber of Commerce and Industry*.” I think this necessitates the need to define what is referred to here. In Subsection (3) is it very clear that the Bill is referring to the President of the Republic, but here in Section 6(1)(c) the reference is dealing with the President of the Namibia Chamber of Commerce and Industry.

The last comment is with regard to Section 20 of the draft Bill. I would like to state that there was no mention made as to whether the registration of research institutes has a time limit and there is no reference to the requirement on feedback. Of course, Section 22(3) mentions something towards that direction, but still the Ministry needs to express itself by way of clarifying to us why there was no clear indication or condition that the registration cannot be a lifelong registration, there must be a time limit. It may be prescribed by regulation and maybe that is the reason why it is not included in the draft Bill.

I would also think, Comrade Speaker, that it should be a condition of registration that copies of all scientific publications produced by such an institution should be forwarded to the Commission. There is no mention of this apart from mentioning that some of the reports or findings will be

16 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON NGHIMTINA

submitted to the Minister. Of course, now there is confusion whether it is directed to the Minister or to the Commission.

These are the few observations that I thought I should remind the Minister to take care of. Thank you.

HON SPEAKER: I thank the Honourable Minister Malima for his contribution. Honourable Minister Nghimtina.

HON MINISTER OF DEFENCE: Thank you, Honourable Speaker, Honourable Members of this August House. I wish to add my voice to the other Honourable Members who supported the Bill on Research, Science and Technology. I also congratulate Comrade Nahas Angula for such initiative. It is really in line with the aims and objectives of Vision 2030.

Honourable Speaker, research provides answers to questions whereas science provides scientific explanations and technology provides scientific technical know-how. This Bill will, therefore, answer most of our questions on a scientific basis.

Central to the Bill is the establishment of the National Commission on Research, Science and Technology. It specifies embedding research, science and technology strategies towards achieving a national system of discovery, innovation and creativity. The National Commission on Research, Science and Technology would drive such coordination and it is in line with global trends.

The establishment of the National Commission on Research, Science and Technology will promote consistency in the government's approach to stimulate Namibia's national systems of innovation, commitment to science, engineering and technology.

Further, the National Commission will promote and coordinate inter-institutional and governmental initiatives related to the support of

16 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON NGHIMTINA

innovative and technological decisions.

Comrade Speaker, regulation of research is inevitable. For example, research such as cloning has ethical implications. I also know that biological agents were created in laboratories and that the damages as a result of such research are enormous. Scientists spend hours and hours in laboratories unsupervised. Some scientists have research laboratories at home, creating monsters for some unexplained reasons.

Namibia needs applied research, basis research and social science research. Such research will aid government to seek solutions to answers.

The National Commission on Research, Science and Technology will encourage good research. However, policies, guidelines and regulations should be in place not to violate research regulations.

The National Commission on Research, Science and Technology will encourage and coordinate research, scientific and technological knowledge without importing consultants and experts from abroad to do research. Namibia needs to find scientific and technical solutions for national research, such as the desalination process, oil exploration, extraction of stones from the ground, discovery of HIV/AIDS vaccines, usage of appropriate technologies, discovery of life support products and techniques to enhance quality of life of Namibian people, food self-sufficiency and sustainable development.

The Government has a constant need for informed advice about the problems and opportunities facing Namibia. This event is a stimulation of innovation in pursuit of our national vision. The National Commission on Research, Science and Technology will carry out enquiries, studies and consultations with respect to the functioning of our national system of innovation, discovery and creativity.

As you might be aware that many of the innovations, such as computers, cell phones, space craft, etcetera, were primarily developed by defence forces for military use and later were pushed for commercial and civil use. Defence forces the world over are innovative and have been used for

16 September 2004 **RESEARCH, SCIENCE & TECHNOLOGY BILL**
HON DR AMUKUGO

peace projects. I, therefore, wish that the National Commission on Research, Science and Technology should include in its composition the Defence Force.

Equally, research and development projects are expensive in nature and they are not always giving the expected results. It is, therefore, important that the National Commission of Research, Science and Technology be sufficiently funded in order to produce tangible results.

Furthermore, the establishment of the National Commission on Research, Science and Technology should not reduce the importance of UNAM, the Polytechnic of Namibia and other tertiary institutions. Although the National Commission on Research, Science and Technology has a strong governance within it, it is essentially a non-governmental body with good powers on its own role and functions.

With these few remarks, Honourable Speaker, Honourable Members, I support the Bill. I thank you.

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

HON DR AMUKUGO: Thank you, Honourable Speaker. I only returned from abroad this afternoon and I therefore ask the indulgence of the House to adjourn the Debate until Tuesday, next week.

HON SPEAKER: Any objection? Agreed to. The Debate on this item stands adjourned until Tuesday next week at 14:30. Thus I call on the Secretary to read the fifth Order of the Day.

16 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON SCHIMMING-CHASE

**CONSIDERATION: REPORT ON VISITS TO
RESETTLEMENT AND OSTRICH FARMS**

HON SPEAKER: When this Debate was adjourned on Tuesday, 14th of September 2004, the Question before the Assembly was a Motion by the Honourable Member Ya France. The House adjourned in terms of Rule 90, automatic adjournment. Thus there would not have been any pre-registered Members to take the Floor. Any further discussion? Honourable Schimming-Chase.

HON SCHIMMING-CHASE: Thank you, Honourable Speaker. Honourable Speaker, this Report is a crucially important Report. It is crucially important because studying the Report, one repeatedly hears what the Ministry should have done or promised to do, which was not done and it is now brought out by the Committee.

Honourable Speaker, the resettlement programme in some instances is more than a decade old. A decade, Honourable Speaker, give us enough time to take stock of what has happened, to review and to determine whether the intention and the aim has materialised or not.

Honourable Speaker, if the aim of resettlement was to give land to people who did not have land, to give food to people who did not have food, to give an income to the people who did not have an income, then one has to admit that after twelve years it has been a dismal failure, because in the Report people who have been resettled twelve years ago say they cannot exist without drought aid, without food from drought aid. Under normal circumstances one would have thought that after twelve years they would at least have been able to plant for their basic needs, not even for profit. This, obviously, is not the case.

Therefore, one has to interrogate the whole idea of resettlement to find out exactly what purpose it was supposed to serve and that, Honourable

16 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON SCHIMMING-CHASE

Speaker, I believe cannot be done by those of us in this House, although I commend the Committee for the very good job they did. I think what we need at this point, because of the importance of land and resettlement, is an independent investigation to see whether the money which was put in for resettlement has actually brought anything out.

It is very important, Honourable Speaker, that this is done in the year 2004 when we remember our people who were disowned a hundred years ago and when we are demanding from the Germans to assist and where the Germans have not only apologised but declared their preparedness to assist, that we really make a review because it is no use wanting to pour money in a bottomless pit year after year after year with nothing coming out of it. The assistance that we will muster will be totally dependent on what we have done with the assistance that we have had for the past twelve years.

Honourable Speaker, I think we have constantly stated that land just being given will not help the situation. You cannot resettle people without any education or training to enable them to farm. You cannot do that and in considering our history of apartheid, Honourable Speaker, and the fact that we blacks were brainwashed into believing that we cannot think and considering how farm workers were exploited in all those years, you cannot just take them and put them somewhere and all of a sudden believe that they will be totally independent, totally productive, totally able. It's just not human nature, Honourable Speaker.

What we have seen that not only were people put without training, they were put without livestock, they were put without the means to exist and to improve – with a few notable exceptions. (Intervention)

HON MINISTER OF BASIC EDUCATION, SPORT AND CULTURE: May I pose a question to the Honourable Nora Schimming-Chase? Honourable Schimming-Chase, you are making a very powerful and interesting argument that one cannot resettle people without giving them training. If we go back into history, it is a fact that thousands and

16 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON SCHIMMING-CHASE

thousands of Namibians were uprooted from their motherlands into exile and that when the time came, these people had to come back home without any particular place to refer to as being home. What is it that you are suggesting the Government should have done with these people when they came back, uprooted for decades without a place to live on? What is it that you are suggesting the Government should have considered?

HON SCHIMMING-CHASE: Honourable Speaker, the Honourable Minister is raising a very, very important question. It will also necessitate research and discussion because I do not believe that anybody who was in exile did not have a home to go to. It is not true, we all had a home. We may not have owned land, but we had a home to go to.

Secondly, Honourable Speaker, I am prepared to have empirical evidence and a public debate with the Minister, there were not even 40 000 of us who came back. Let us not play politics. The Minister is raising a very important question, I am prepared to challenge the Honourable Minister to public debate, but I shall discuss that under who was repatriated and where they are right now. They were not the ones who were resettled.

Honourable Speaker, most of the people who were resettled cannot get a loan because they have no collateral, because after twelve years even the Title Deeds have not been finalised to enable those people to have collateral to make loans. That is an omission that is going to cost us dearly, because we have not resettled, we created squatter camps and I will explain why.

Honourable Speaker, this Report states over and over again how the resettled people are complaining that the big shots who can afford to buy commercial farms are encroaching on the small space that they are getting, pushing them out, taking away instruments, interfering with their water supply. It is in the Report, I am not sucking it out of my thumb and this is what we were afraid of. I had once asked a question to the Honourable Minister, who has been resettled and he invited me to his office. The information was devastating. Maybe that is why we need a review to see

16 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON SCHIMMING-CHASE

who has been resettled, who is benefiting, who is taking the little away from those who have virtually nothing.

Honourable Speaker, we hear about what has happened to what would have been a very lucrative occupation, and that is the ostrich farms. Once again, Honourable Speaker, they themselves say that their training was by far too inadequate and they were not trained to sell what they have. They were not trained to sell and that is what caused the problem, of course with the compounding factor of fodder. Nobody thought in these twelve years that if we plant and make our own fodder, we will not be dependent on South African prices, making it impossible to develop.

Honourable Speaker, I recall during the time that I was abroad, writing a letter, warning that if we do not stop the illegal export of young ostriches and eggs, we would one day sit with a situation that a farming sector that could have provided a better life for our people, would not manage because of the competition. Today you can buy ostrich meat in Munich, the open market in Hamburg, you can buy it in America and it is our eggs that were exported and now our untrained, poor people have to compete with big, very wealthy farmers in Europe and America.

Honourable Speaker, when I am talking about resettlement – and I hope the Honourable Minister of Education is listening – many of these farms on which these people were resettled are totally economically non-viable. It is a scientific fact that for you to eke out a living on the land in Namibia, you need a certain size, because of our rainfall. But yet, Honourable Minister, let me take two glaring examples: DuPlessis Farm of 4 102 hectares, fourteen families and they were put there in 1997 *temporarily*, they are still there. Nobody can tell me that fourteen families can farm in Namibia on 4,000 hectares.

The other side of the coin, Honourable Speaker, is Okaputa, almost 12,000 hectares with four families which were put there. Does it surprise this House that the late Dimo Amaambo is one of them? Four families, 12,000 hectares – fourteen families, 4,000 hectares. That, Honourable Speaker, is the dismal failure of the resettlement policy. We have spent millions on resettlement, we have not managed to say that it was worthwhile.

16 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON SCHIMMING-CHASE

Resettled people are today renting out parts of their resettlement farms because they want to eat and Honourable Speaker, if you look at some of the farms that seem to have been successful and as the Report says in its introduction, one cannot be sure whether this increase was based on inheritance or possibly theft, because if you see a person going in two years from fifteen cows to seventy-eight, I wish I was so lucky.

So, Honourable Speaker, with the law that we have passed here, we may put these poor people in a situation that every month we are going to have a person being sentenced to twenty years in prison because he stole a goat.

This is the reality of the situation, because they are talking about poaching across, because there are no fences, no security. There is theft, even the stronger ones stealing from the weaker ones. If a poor person's goat wanders to the other side of the farm where a rich person has taken almost two-thirds of the farm, the goat is taken. If that poor person tries to get his goat back and does not get it and take another goat? *Twintig jaar is jou voorland.* (Intervention)

HON MINISTER OF BASIC EDUCATION, SPORT AND CULTURE: On a Point of Order. I want some guidance on a technical point as a matter of procedure, if you may allow me. Comrade Speaker, I see that the information contained in this Report is very useful, very important for the public also to take note of and for us to debate, but when I read on Page 6 in the introduction and I see there that the Committee went out to the specific identified farms to investigate, to acquire information and so on and then to report back, then I would like to follow what the Honourable Pretorius said the other day. When I read through the content of the Report, I see that the people that are resettled on the farms were interviewed and so on, but I am not very sure whether the line Ministry responsible were, before tabling this Report, also approached to get their side of the story. If that is not the case, I just wanted to find out whether at the end of the debate the Ministry would be allowed to comment, only using the Floor of the Parliament or how are we going to handle the situation?

16 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON SCHIMMING-CHASE

HON SPEAKER: We have experience of fourteen years. The Report by the Parliamentary Committee would have been referred by Honourable Members from here to go and look at that aspect and come back and report, on the assumption and convention that the Parliamentary Committee operates on non-partisan basis and I think that is the political culture we have been trying to inculcate over the last twelve or thirteen years. As to whether or not we are achieving sixty percent of that, I do not know, I am not going to comment on that, but that is indeed the hope. Indeed, I had a meeting with most of the Members and the Chairperson of the Committee that in this case he highlights what has been changed, because it has already cleared the Floor of this Chamber and to answer the specific question, the Report cannot come back here unless it has gone through of with the cooperation of the line Ministry because they are directly involved. They get interviewed, they give their submissions and presentations. That is the procedure. But we are also free to comment here on the Floor of the House. I do not know whether I have answered your question.

HON SCHIMMING-CHASE: Honourable Speaker, actually after the first question... (Intervention)

HON MINISTER OF TRADE AND INDUSTRY: May I ask the Honourable Member a question? First I want to commend the facts coming from the Honourable Member's evaluations and conclusions, which I think we in this House need to take note of very seriously. I only want to urge her to take out the passion. You touched on the issue regarding the law on stock theft and you mentioned that it may as well happen that most people will be caught under this new law and be sentenced to thirty years for stealing a goat from the resettled people, which will be a tragedy. My question is, where were you, why did you not raise these issues before we passed the Bill? Why are you raising it now a few days after the passing of the Bill?

16 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON SCHIMMING-CHASE

HON SCHIMMING-CHASE: With all due respect, Honourable Minister, you may have been either absent or asleep, but may I request that you read the HANSARD. Sleeping is normal procedure for you, I agree. Honourable Minister, I just suggest that you read the HANSARD. Actually I put up a solitary fight throughout. But let me get to the other point.

I have actually thought that the Minister Basic Education had read the Report. I think if he would have read the Report, that question of procedure would not have been asked, because wherever they went to visit a farm, a representative of the Ministry.... (Intervention)

HON SPEAKER: Honourable Schimming-Chase, you have enough on your plate to chew, leave the procedural ones to me.

HON SCHIMMING-CHASE: Thank you, Honourable Speaker. The other point I was trying to make was that everywhere this Committee went, there was a representative of the respective Ministry and at times they said they have not yet come back on this problem, they are looking at that problem, something still has to happen, those fences have to be put up, which is an indictment of the Ministry, because these things were supposed to have been done.

Honourable Speaker, if we sit here and we do not want to seriously look at the fact that most of these resettled people and even their children do not stand a chance because they do not get education which will enable them to lead a better life – there are no schools, no clinics. I think this Report is very, very important and when Honourable Nyamu talks about passion, let me please tell him why I become passionate by quoting from the Report:

“Mr Tsuma #Ham Kao, who physically appeared a victim of hunger, thanked the delegation for the visit.” Page 29: “He thanked the delegation for the visit but requested them to make a difference in their

16 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON SCHIMMING-CHASE

lives. He appealed to the delegation not to disappear without feedback, like other such visitors in the past. He claims that they frequently went into the nearby commercial farms without permission to beg for food from relatives, a situation which might cause their death if found by the white commercial farmers. He claimed not to have eaten something for the past three days and that he has only been surviving from drinking water. Tears were visible in his eyes as he was talking."

Honourable Speaker, if I get emotional about that, I do not apologise for it because we did not fight a liberation struggle for Namibians to drink water for three days. People did not die for Namibians to drink water for three days. We are a rich country, God gave us wealth. (Intervention)

HON DEPUTY MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: I would like to ask the Honourable Nora Schimming-Chase a question. Are you aware that in Namibia we do have some people who have a culture of eating, but no culture of working and producing the food they eat?

HON SCHIMMING-CHASE: Honourable Speaker, I really do not see the significance of that cultural interjection when I am talking about people who are dying of hunger. These are issues of grave importance and that is because the Honourable Deputy Minister's stomach is full, that he can talk about the culture. I do not think that we should allow that, Honourable Speaker, God has given this country immense wealth. We have uranium, we have gold, we have everything and we have a population that is smaller than the population of Soweto. It is a shame that we cannot feed them.

Therefore, Honourable Speaker, I would like to say in conclusion, if we are honest and if we care for our people, we will have a commission of inquiry and have a review on the resettlement programme, to learn from our mistakes, to improve upon it and to show that we absolutely do care

16 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON H ANGULA

for the people who elected us. I thank you.

HON SPEAKER: I thank Honourable Schimming-Chase for her contribution on this very important topic. Honourable Minister Angula.

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: Thank you, Comrade Speaker. The Report by the Committee is considered to have been a genuine mission to discover and propose some solutions to be addressed in this House and to have a national approach to resettlement. That parliamentary idea is excellent and not questionable.

However, if investigations on important projects like this are to be used as a vehicle for bashing the Ruling Party, then we have no hesitation to say that the members of the Ruling Party did not participate in that kind of mission because now they come in this House, they cannot join the bashing, they have become neutral and the ruling party is forced into a situation where it is supposed to defend which is not necessary to defend and in defending it, it will then appear to be the promoter of the evils discovered. If that is the idea of the opposition, then I think we have to seriously discuss future participation of the Ruling Party in these kinds of missions. (Intervention)

HON SPEAKER: Comrade Angula, let me just say this, as persons of the same generation, who struggled together, you will not be the person to utter words of despair, nor can the Ruling Party abstain from the legitimate mandate given. Under no circumstances could that be implied. Please continue.

16 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON H ANGULA

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: Comrade Speaker, coming to resettlement, we have to recognise the fact that resettlement is demand driven and it is not supply driven. Of course, as a matter of policy all of us want the land to be returned to the landless and especially to the original landless owners. In the scheme of things a demand on all other aspects of national economy is overwhelming, so the government has tried to answer the demand of the masses who have no land to be resettled.

Surely it is self-contradictory to now say that there should never have been resettlement until training had taken place or until capital has been found to finance resettlement. All of you recall in recent times how landless people and farm workers threatened to carry out... (Intervention)

HON MINISTER OF JUSTICE: I am sorry to disturb my senior Colleague, but may I ask a question? Comrade Senior Minister, do you agree with the CoD who prefer to leave those people who are dumped by the roadside by the farmers? First they are opposed to resettling those people unless they are given training. Do you support that they must be on the roadside for two years before they are resettled?

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: Honourable Comrade Kawana, the fact of the matter is that as Members of Parliament we want to get assistance from our Members of Parliament to advise how to go about the procedure of resettling people properly. (Intervention)

HON NAMISES: Honourable Speaker, is it allowed for a Minister to speak for another political party to which he does not belong and never will belong?

16 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON H ANGULA

HON SPEAKER: I only heard an interjection which is an integral part of the interaction in the Chamber. Please proceed.

HON ULENGA: Will the Minister allow me to put a tiny question? Honourable Senior Minister, since when do you allow junior Ministers to put words in your mouth?

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: Comrade Speaker, what Comrade Kawana is saying is that now when this Parliamentary Committee went out to discover the truth and to assist us to proceed, the CoD is making mileage out of this. I wonder whether our own members will say exactly the same words that Honourable Schimming-Chase is saying. I agree that you will not say it, but the problem is that she is now speaking in the name of the Committee. That is where the cheap propaganda comes out, that a genuine investigation is now turned into a campaign platform. But I am happy, I have no fear of the CoD campaign because they are campaigning for the vote of the commercial farmers who are happy to hear that kind of story.

However, when we campaigned, our people said, “*give us land, having money or not having money, we want the land.*” (Intervention)

HON SCHIMMING-CHASE: Will the Honourable Minister allow a question? Would the Honourable Minister agree with me that the appointment of the hunter, Jooste, which was done unconstitutionally, was also aimed at the commercial farmers or was it just the hunters? And if that is the case, *what is good for the goose, could not be dandy for the gandy.* (Laughter).

16 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON H ANGULA

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: Comrade Speaker, this Government, having addressed phase one of resettlement, this SWAPO Government having addressed... (Intervention)

HON VENAANI: On a Point of Information, Honourable Speaker. I do not want this debate to be taken in the light that the Members are taking it, I think it is a very serious debate and you are talking about Members of Parliament advising the Ruling Party on the way forward. Sir, are you aware of the fact that the Land Bank, in the name of AgriBank, sits with more than N\$500 million in reserves and are you telling me that if we spend those reserves on providing livestock to resettled farmers, are we not going to ease the burden of those people they put on the land without any livestock?

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: That is why the DTA is bankrupt, financially speaking. They never save, they just eat *boerewors*. (Intervention)

HON SPEAKER: On that high note of expressed bankruptcy the House stands adjourned in terms of Rule 90 of our Standing Rules and Orders.

HOUSE ADJOURNS AT 17:45 UNTIL 2004.09.21 AT 14:30

**ASSEMBLY CHAMBER
22 SEPTEMBER 2004
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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

NOTICE OF QUESTIONS

HON PRETORIUS: Honourable Speaker, I give Notice that on Thursday, the 30th of September, I shall ask the Honourable Minister of Regional and Local Government and Housing:

Against the background of the Right Honourable Prime Minister's appeal on the Traditional Authorities to confine them to their own domains, does this only concern cultural activities or does it also include geographical areas of jurisdiction and if so, how are the latter geographical areas of jurisdiction demarcated and determined?

HON DEPUTY SPEAKER: Please table the Question, Honourable Pretorius. Any further Notice of Questions? Any Notice of Motions? Right Honourable Prime Minister.

22 September 2004

**NOTICE OF MOTIONS
RT HON T-B GURIRAB**

RT HON PRIME MINISTER: Thank you Honourable Deputy Speaker, I give Notice that tomorrow, 23rd of September 2004, I shall Move that this Assembly, in terms of Article 114(2) of the Namibian Constitution, recommend Ms Doreen Sioka to replace Ms Lempy Lucas as a Member of the Security Commission. In terms of the same Article, the National Assembly is required to recommend this nomination to the President for appointment. I so Move.

HON DEPUTY SPEAKER: Table the Motion, Honourable Prime Minister.

HON DEPUTY SPEAKER: Are there any further Notice of Motions? Any Ministerial Statements? Ministerial Statements? The first Notice of Motion is the one of the Honourable Minister of Justice. Does the Honourable Minister Move that the Bill be now introduced?

**INTRODUCTION AND FIRST READING
CRIMINAL PROCEDURE BILL**

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

HON DEPUTY SPEAKER: Who seconds the Motion? Is there any objection? No objection, then it is agreed to. Will the Honourable Honourable Minister please table the Bill?

HON DEPUTY SPEAKER: The Secretary will now read the Bill a First Time.

22 September 2004

**CRIMINAL PROCEDURE BILL
HON DR KAWANA**

CRIMINAL PROCEDURE BILL

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

HONOURABLE MINISTER OF JUSTICE: I so Move, Comrade Deputy Speaker.

HON DEPUTY SPEAKER: Who Seconds? Any objection? No objections then it is Agreed to. Will the Honourable Minister please take the Floor and motivate the Bill?

**SECOND READING:
CRIMINAL PROCEDURE BILL**

HON MINISTER OF JUSTICE: Honourable Comrade Deputy Speaker, I rise to motivate the Criminal Procedure Bill. It is a historical fact that the Namibia people, under the leadership of the SWAPO Party waged a bitter, long and modern liberation struggle for Namibia's Independence. Following Namibia's Independence, the vision of the SWAPO Party had to shift from liberation, nation-building, infrastructure, development, peace, political stability and economic prosperity for the benefit of all of our people. The SWAPO Party is fully aware that no economic prosperity can be successful when there is no peace and stability and if there is a high rate of crime in our country. We have largely succeeded in moulding the Namibian people into a united and democratic Namibian nation. Time has now come to move into the third phase of

22 September 2004

**CRIMINAL PROCEDURE BILL
HON DR KAWANA**

this struggle namely, the economic struggle. We should be economically empower those who were previously disadvantaged by the colonial system. More effort should be put in addressing the employment situation in our country, especially among the youth and women. We must grow the economy so that we do not adversely affect other Namibian citizens. All these goals can only be achieved in an atmosphere of peace, security and stability. The security needs of our nation should logically include fighting crime.

It is a well-known fact that since Namibia's Independence there has been a lot of debate on the crime situation in general and on issues such as bail, sentencing, frequent court postponements and compensation for the victims of crime by accused persons in particular. Several measures have been put in place by the SWAPO Party Government aimed at addressing the crime situation in our country. Currently the state of affairs of our lower courts is in a very, very sorry state, mainly because of the shortage of human power and backlog of cases.

Since Independence numerous Acts of Parliament assigned new responsibilities to Magistrates in addition to their judicial functions. For example, during elections they are required to hear objections and supervise elections of certain office-bearers, such as Governors, Mayors and members of the Management Committees of Local Authority Councils. They are required to swear in newly elected officials, they are Chairpersons of Liquor Licensing Committees under the new Liquor Act. They hold inquests, they preside over the District Labour Court in terms of the Labour Act, 1992, etcetera, etcetera.

The Maintenance Act and the Combating of the Domestic Violence Act have all brought added responsibilities to Magistrates. Currently the country is divided into five divisions. From January 2002 to December 2002, 156,297 cases were recorded at the Magistrate's Courts throughout the country, broken down according to the five divisions, as follows:

Windhoek division, which includes places such as Windhoek, Okahandja, Rehoboth, Karibib, Usakos, Omaruru, Swakopmund, Gobabis

22 September 2004

**CRIMINAL PROCEDURE BILL
HON DR KAWANA**

and Walvis Bay, 89,950 cases.

Oshakati divisions, which includes places such as Oshakati, Ondangwa, Tsumeb, Eenhana, Outapi and Opuwo, 34,240 cases.

Rundu division, which includes places such as Rundu and Katima Mulilo, 6,926 cases.

Otjiwarongo division, which includes places such as Otjiwarongo, Okakarara, Grootfontein, Khorixas and Outjo, 8,950 cases, and

Keetmanshoop division, which includes places such as Keetmanshoop, Karasburg, Mariental, Maltahöhe, Aranos, Lüderitz and Oranjemund, 16,245 cases.

The state of affairs referred to above requires adopting comprehensive and decisive measures aimed at rescuing the situation that I have described. The measures should include a new legislative framework. In order to effectively address the crime situation in our country, we need to look at our colonial past. During the apartheid colonial period, the culture of dehumanisation and the pervasive culture of brutality were the order of the day. The collapse of discipline is also as a result of the destruction of family and community life. Therefore, there is a need to work hard, all of us, not only the Government, in order to reverse this culture of brutality. Special measures in the homes, places of worship, places of entertainment, places of work, schools and those other educational institutions must urgently implement and reverse the process of dehumanisation and to build respect for life and human dignity. Social education should be an integral part of any solution to fighting violent crimes.

Therefore, fighting crimes successfully should be a joint venture involving the Government, the community and family.

There is also a feeling in some of the members of our society that in our communities there is too much crime tolerance. Goods stolen during housebreaking and robberies are sold to ever willing buyers. In addition,

22 September 2004

**CRIMINAL PROCEDURE BILL
HON DR KAWANA**

crimes are not reported to the police. Witnesses to crimes often fail or refuse to come forward to assist law enforcement agencies unless there are some rewards offered. I, however, take note of frustrations of genuine witnesses due to the frequent and unacceptable postponement of cases and adjournment of proceedings. Our communities and businesses must develop greater crime intolerance and actively assist to prevent and combat crime.

On the Government's side there are basically four main institutions that are involved in combating crime. These are: The Ministry of Justice, the Ministry of Home Affairs, particularly the Department of Police, the Ministry of Prisons and Correctional Services and the Office of the Attorney-General, particularly the component of the Prosecutor-General.

Therefore, all these institutions need active support because the most effective deterrent to crime is certainty which must exist in the minds of potential criminals that if they commit crimes then, without doubt, they will be apprehended and charged by the police and prosecuted by the Prosecutor General. The crime will be properly and speedily investigated by the police. They will be tried efficiently and speedily. If found guilty, effective and appropriate sentences will be imposed on them and that they will serve their sentences.

Each of these elements in the criminal justice system can and must continue to receive urgent attention and refinement. These elements should continue to initiate effective measures to ensure that in each line function the system is effective. In addition to the roles played by the Executive and the community in combating the crime situation in our country, the Judiciary is also expected to play its part. Without a positive role from the Judiciary, any measures would be futile and ineffectual.

I am one of those, Comrade Deputy Speaker, who holds the view that the Judiciary is not a holy cow, the Judiciary in our country should serve the interest of our society, as is the case in any democratic society because the Judiciary is part of the society, not outside it. Indeed, the Judiciary should be criticised, of course, within the parameters of the Namibian

22 September 2004

CRIMINAL PROCEDURE BILL
HON DR KAWANA

Constitution if it fails to meet the latent spirit of serving the interest of our society in an impartial manner, if it fails to be responsive to societal hopes and aspirations. Our Judiciary should listen to the cries of our people on the issue of bail, effective and speedy trials and sentencing.

The current Criminal Procedure Act 1977 has been amended several times in order to enable our courts to refuse bail in appropriate cases, enforce stringent conditions where necessary and generally exercise their discretion, *inter alia* to ensure that the public is protected. In addition, the criminal jurisdiction of magistrates has been considerably increased over the years. All these measures seem to be inadequate.

I fully sympathise with the public's perception that in our criminal justice system, the rights of Accused persons seem to receive more attention than the rights of the victims. As a result there are calls from some of our society, including the Honourable Mr Pretorius, to amend the Namibian Constitution to re-introduce the death penalty. I admit that calls to re-introduce a death penalty is partly caused by our nation's frustrations as a result of our Judiciary which is in some cases meting out ridiculously light sentences. As a result the public's perception is that the Namibian Constitution is inimical to the law-abiding citizen, since it is perceived as putting the rights of criminals above those of the victims of crime.

I fully accept that the SWAPO Party Government must in all its activities work within the framework of the Namibia Constitution. The Government must take an example in respecting the rights and obligations contained in the Namibian Constitution. Our constitutional order should not be taken for granted. It would be wrong, however, to condemn those citizens who look at the Namibian Constitution with a critical mind. Where there are weaknesses and problem areas, then these must be addressed.

As already stated earlier, Comrade Deputy Speaker, the Government has done a lot to improve the criminal justice system since Namibia's independence. Since 1996, following the appointment of the **O'Linn Commission**, the Government has, *inter alia*, passed the following Acts and ratified the following international instruments aimed at combating

22 September 2004

**CRIMINAL PROCEDURE BILL
HON DR KAWANA**

crime in our country and in our region:

Extradition Act, 1996;

Liquor Act, 1998, aimed at controlling illegal trading in liquor, particularly the control of shebeens;

Prison Act, 1998;

Motor Vehicle Theft, 1999, to provide heavier sentences;

Diamond Act, 1999, to increase sentences for illegal diamond transactions;

Road Traffic and Transport Act, 1999, to provide for heavier sentences in traffic offences;

International Cooperation in Criminal Matters Act, 2000;

Anti Corruption Act, 2003;

Magistrate's Courts Act, 2003;

Combating of Domestic Violence Act, 2003;

Maintenance Act, 2003;

Community Courts Act, 2003;

Administration of Estates Amendment Act, 2000, to increase punishment of offenders; and

The Combating of Rape Act, 2000.

The following International Protocols were signed and/or ratified or acceded to:

22 September 2004

**CRIMINAL PROCEDURE BILL
HON DR KAWANA**

SADC Protocol on Extradition;

SADC Protocol on Mutual Legal Assistance in Criminal Matters;

Protocol against Corruption;

Protocol on Combating of Illicit Drugs;

Protocol on Control of Firearms, Ammunition and other related Materials;

United Nations Convention against Trans-national Organised Crime; and

International Criminal Court.

In addition, the Combating of Organised Crime Bill will be tabled in Parliament by my Learned Colleague, the Honourable Deputy Minister of Justice, soon.

Honourable Deputy Speaker, it is not possible to detail all the issues covered in the Bill. This is because the Bill contains 373 sections and 38 Chapters. What I can tell the nation is that once the Bill is passed into law it will bring about the most radical reform in the criminal justice system in Namibia's history. Heavy sentences are provided for in the Bill, for example, treason, murder and robbery committed with aggravating circumstances will carry life imprisonment and in some cases without any possibility of parole or remission of sentence. Victims of crime or their legal representatives, will have a say during bail applications. Victims of crime will be entitled to compensation from convicted persons, victims of crime will be entitled to private prosecutions in cases where the Prosecutor General decline to prosecute. Accused persons, who regularly commit crimes, will be declared habitual criminals and they stand a chance of being locked up for life in order to protect the society.

The Bill also makes provision for a speedy trial with a view to addressing the current frustrating habit of endless postponement of cases and adjournment of proceedings. Life imprisonment is defined to mean

imprisonment for the rest of the natural life of a convicted person. As an example, the following crimes will carry life imprisonment without the prospect of parole, probation or remission of sentence:

- Treason, when committed in circumstances that caused death or grievous bodily harm to another person or caused serious damage to property;
- Murder, where the victim is a law enforcement officer, performing his or her functions or a law enforcement officer who is killed by virtue of being a law enforcement officer or where a person who is killed is a witness who has given evidence in crimes such as treason, murder, robbery, arson, fraud, money laundering, offences relating to smuggling of ammunition, firearms and explosives and many other offences;
- Murder, where the death of the victim was caused by the Accused in committing or attempting to commit rape or robbery;
- Murder, where the offence was committed by a person or a group of persons or a syndicate acting in the execution or furtherance of a common purpose or conspiracy;
- Rape, when committed in circumstances where the victim was raped more than once whether by the Accused or by a co-perpetrator; or
- Rape, where the victim was raped by more than one person, whether those persons acted in the execution or furtherance of a common purpose;
- Rape by a person who has been convicted of two or more offences of rape;
- Rape by a person who knows that he or she is HIV positive;
- Rape where the victim is a child under the age of 16 years or over the

22 September 2004

**CRIMINAL PROCEDURE BILL
HON DR KAWANA**

age of 16 but under the age of 18 years and the Accused is the victim's parent, guardian or caretaker or is otherwise in a position of trust or authority over the victim;

- Rape of a physically disabled person or mentally ill person;
- Rape involving the use or wielding of a firearm or any other weapon;
or
- Rape which involves the inflicting of grievous bodily harm or mental harm;
- Robbery involving the use or wielding of a firearm or any other dangerous weapon or the inflicting of grievous bodily harm by the Accused or any of the co-perpetrators or participants at the time when the offence is committed, whether before or during or after the commission of the offence; and
- Robbery which involves the taking of a motor vehicle.

Honourable Comrade Deputy Speaker, as I have said earlier on, all these offences carry a sentence of life imprisonment without the prospect of parole or probation or remission of sentence.

In addition, the Bill provides for minimum sentences in respect of various offences. It may happen that the offences of treason, murder, robbery and rape are committed in circumstances other than those I have mentioned. A person found guilty of any such offence will be required to serve a minimum sentence of twenty-five years before his or her application for parole or probation or remission of sentence can be considered.

A number of minimum sentences have been provided, depending on whether the Accused is, for example, a first, second or third offender. I am aware that there are criminals who are involved in the economical sabotage of our economy. More often than not one hears a story about counterfeiting or forging of our coins and bank notes. One hears stories

22 September 2004

**CRIMINAL PROCEDURE BILL
HON DR KAWANA**

about copper cables being stolen from our telecommunication infrastructure. One hears the stories about medical equipment, my senior Minister, Comrade Libertine Amathila, one hears stories about medical equipment, many things or hospital materials being stolen from our State Hospitals. One hears the stories about property and money being stolen from our government institutions and state-owned enterprises. In all these cases minimum prison sentences have been provided in the Bill, ranging from five years to twenty-five years.

Victims of crime deserve better treatment than is the case today. There must be a fair balance between the human rights of Accused persons and the human rights of the victims of crime. This is the practice today in many democracies in the world. In this regard there is a requirement that the victims should be afforded an opportunity to express himself or herself before bail is granted. There is also a requirement that the presiding officer should inform the victim of his or her right to compensation by the Accused during the criminal trial. In this regard there will be an obligation to prepare what is called, "*victim impact statement*". Information such as the following should be taken into account in awarding compensation:

- Injuries suffered, that is to say physical, psychological and emotional;
- Details of treatment;
- Time spent in hospital;
- Doctor's medical report; with the consent of the victim;
- Details of estimated damage suffered;
- For physical injuries, pain and suffering; shock, loss of earnings, medical expenses, damage to personal property such as clothing and property stolen and if not recovered, its replacement value.

I must admit that currently there are unreasonable delays in our courts, especially in our lower courts. Provision has been made in the Bill to address this problem.

In terms of Clause 371 of the Bill, a Court before which criminal proceedings are pending, must investigate any delay in the completion of

22 September 2004

**CRIMINAL PROCEDURE BILL
HON DR KAWANA**

proceedings that appears to the Court to be unreasonable and that could cause prejudice to the Prosecution, the Accused or his or her legal practitioner, the State or a witness. If, after an enquiry, it is satisfied that the State is the cause of the delay, the Court must order the State to pay the wasted costs of the Accused as a result of any unreasonable delay caused by a person in the employment of the State. In addition, the Accused or his or her legal practitioner can be ordered to pay the wasted costs of the State as a result of an unreasonable delay caused by the Accused or his or her legal practitioner. The Court would be empowered to refer the result of its enquiry to the appropriate authority for an administrative investigation and possible disciplinary actions against any person responsible for the delay.

Honourable Comrade Deputy Speaker, Chapter 1 deals with preliminary issues such as definitions. Chapter 2 deals with prosecuting authority.

Chapter 3 deals with legal representation of Accused persons and with victims in criminal proceedings. Chapter 4 deals with search warrant, entering of premises, seizure, forfeiture and disposal of property connected with the offence. Chapter 5 deals with questioning of certain persons in connection with crime, ascertainment of bodily features of an Accused and victim impact statement. Chapter 6 deals with methods of securing attendance of Accused in court. Chapter 7 deals with arrest. Chapter 8 deals with summons. Chapter 9 deals with the written notice to appear in court. Chapter 10 deals with admission of guilt fines. Chapter 11 deals with bail. Chapter 12 deals with release on warning. Chapter 13 deals with assistance to Accused. Chapter 14 deals with a summary trial. Chapter 15 deals with mental illness and criminal responsibility. Chapter 16 deals with the charge. Chapter 17 deals with disclosure. Chapter 18 deals with curtailment of proceedings by way of pre-trial conferences. Chapter 19 deals with the plea.

Honourable Comrade Deputy Speaker, Chapter 20 deals with jurisdiction. Chapter 21 deals with a plea of guilty at summary trials. Chapter 22 deals with a plea of not guilty at summary trials. Chapter 23 deals with the committal of an Accused for sentence by the High Court after conviction

22 September 2004

**CRIMINAL PROCEDURE BILL
HON DR KAWANA**

in the Divisional Magistrate's Court. Chapter 24 deals with plea in the District Magistrate's Court on a charge triable in the High Court. Chapter 25 deals with a plea in the District Magistrate's Court on charges to be tried in the Divisional Magistrate's Court. Chapter 26 deals with preparatory examinations. Chapter 27 deals with trial before the High Court. Chapter 28 deals with conduct of proceedings. Chapter 29 deals with witnesses. Chapter 30 deals with evidence. Chapter 31 deals with conversion of trial into enquiry. Chapter 32 deals with competent verdict. Chapter 33 deals with previous convictions. Chapter 34 deals with sentence. Chapter 35 deals with compensation and restitution. Chapter 36 deals with Reviews and Appeals in cases of criminal proceedings in Magistrate's Courts. Chapter 37 deals with Appeals in cases of criminal proceedings in the High Court and Chapter 38 deals with general proceedings. In addition the Bill, as I have already said, contains eight Schedules which deal with various aspects of criminal procedures.

It is clear from the foregoing discussions that the Government has a clear vision regarding the attainment of an effective criminal justice system in our country. It has continuously adopted measures aimed at dealing effectively with the crime situation in our country. We should continue to constantly adopt a comprehensive vision, we should continue to devised policies and guidelines to guide the administration of the criminal justice system in our country. We should continue to strive to deliver an effective service to the nation in the administration of the criminal justice system, have well-trained, motivated and human rights driven staff, have proper mechanisms in place pertaining to public education on legal and human rights awareness and the marketing of the criminal justice system; constantly review existing policies and laws with a view to taking the criminal justice system forward and keeping it abreast with regional and international developments and standards; have a swift, fair and effective judicial process; enable every citizen in our country to have recourse to appropriate dispute resource mechanism; harmonise the respective customary and common law legal systems with a view to coming up with an efficient criminal justice system; have a coherent, effective and efficient prosecution policy; have a sentencing policy which effectively deters criminals; facilitate the development of a well-trained and

22 September 2004

**CRIMINAL PROCEDURE BILL
HON DR KAWANA**

representative legal profession; promote active community participation and confidence in the criminal justice system and have a well-trained police force, capable of investigating crime by using the most modern methods with clearly spelled out police manuals aimed at guiding our police force in the detecting of crime and apprehension of offenders.

This Bill therefore, represents a declaration of war by the SWAPO Party Government against criminals and those who are thinking of taking up this anti-society profession.

Honourable Comrade Deputy Speaker, allow me to point out one very, very important aspect. Economic prosperity, economic growth, foreign and domestic investment, economic empowerment of previously disadvantaged Namibians, employment creation with special emphasis on the unemployed youth and women would not succeed if the rate of crime is unacceptably high. Time has come, therefore, to favourably consider the financial human needs of the Ministry of Justice. Notwithstanding the fact that our functions have considerably and clearly increased since independence, our budget remains the smallest. Since Independence it has never exceeded more than 1.4% of the total Budget of each Financial Year. For example, it was 0.71% in 1991; 0.72% in 1991/1992; 0.80% in 1992/1993; 0.86% in 1993/1994; 0.90% in 1994/1995; 1.2% in 1995/1996; 1.3% in 1996/1997; 1.3% in 1997/1998; 1.17% in 1998/1999; 1.3% in 2000/2001; 1.0% in 2002/2003; 0.98% in 2003/2004 and in the current budget it only represents 0.95%. It is, therefore, virtually impossible to achieve our set goals and objectives. We need more resources, both human and financial, in order to successfully implement the new Criminal Procedure Bill once passed into law.

Allow me, Comrade Deputy Speaker, before I conclude, to thank my former boss, the Honourable Dr Tjiriange, who assigned me to coordinate the drafting of the Bill which is before this august House, when I was his Deputy Minister. I also thank him for his positive contribution. In addition, allow me to thank the Office of the Attorney-General for the positive role played by the Directorate of the Prosecutor General.

22 September 2004

**CRIMINAL PROCEDURE BILL
HON KAURA**

With these few remarks I appeal to the Honourable Members of this august House to support the passing of this Bill as soon as possible so that we declare a perpetual war against the criminals. Once the war against the criminals has been officially declare, when the law becomes operational, we should never think of a cease-fire, because this is one of those wars where a cease-fire is not recognised or, indeed, allowed and I thank you.

HON DEPUTY SPEAKER: I thank the Honourable Minister for his motivation and I now recognise Honourable Member Mr Kaura.

HON KAURA: I thank you very much, Honourable Deputy Speaker, I would like to adjourn the Bill. It comes like soft rain on a dry summer day and which I support wholeheartedly, in which the SWAPO Party Government has declared war on criminals, to next week Tuesday.

HON DEPUTY SPEAKER: Honourable Minister, it sounds as if the Honourable Kaura already made his contribution in support of the Bill. Is there any objection to the adjournment of this Bill until Tuesday, next week? Who seconds? Agreed to. The debate on this item stands over until next week, Tuesday. The second Notice of a Motion is the one by the same Honourable Minister of Justice. Does the Honourable Minister Move that the Bill be now introduced?

**INTRODUCTION AND FIRST READING: FORMER
PRESIDENT'S PENSION AND OTHER BENEFITS FUND BILL**

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

22 September 2004 **FORMER PRESIDENTS' PENSION FUND BILL**
HON DR KAWANA

HON DEPUTY SPEAKER: Who seconds the Motion? Any objection?
Agreed to. Will the Honourable Minister please Table the Bill?

HON DEPUTY SPEAKER The Secretary will now read the Bill a First Time.

**FORMER PRESIDENTS' PENSION AND
OTHER BENEFITS FUND BILL**

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

HON MINISTER OF JUSTICE: I so Move Comrade Deputy Speaker.

HON DEPUTY SPEAKER: Who seconds the Motion? Thank you.
Any objection? No objections then it is agreed to. Will the Honourable
Minister please take the Floor and motivate the Bill?

HON MINISTER OF JUSTICE: Thank you Comrade Deputy Speaker,
I rise to motivate the Former Presidents' Pension and Other Benefits Bill.

Before I address the relevant provisions of the subject matter of the Bill,
allow me Honourable Deputy Speaker, to bring t the attention of this
august House the following information:

On Thursday, 9 September 2004, a daily newspaper flashed a front page
headline entitled, "*Bill to provide for golden handshake for President.*"

22 September 2004 **FORMER PRESIDENTS' PENSION FUND BILL**
HON DR KAWANA

The daily newspaper went on to say that, *"Taxpayers can expect to fork out for an exit package for President Sam Nujoma when he steps down as the country's first President early next year."*

On Friday, 10 September 2004, the same daily published, *inter alia*, the followed in each Political Perspective column: *"The Namibian Parliament, in considering the President's retirement package, and at this point we have no information what it entails, obviously cannot make a comparison with the package for the USA President."*

Yet again a weekly newspaper dated Saturday, 11 September 2004, had the following heading: *"State House an asset in that severance package?"* It went on to state that: *"In several quarters and corridors the whisper is doing the rounds that the projected Bill would be known as, 'Former Presidents' Pension and Other Benefits Bill' which is to provide for a severance package for Sam Nujoma, is to include the State House in Robert Mugabe Avenue, as a gift plus N\$60 million to upgrade the place."*

Comrade Deputy Speaker, my task today is not to respond to speculative and provocative reports which are contained in our newspapers. I am given an assignment which I regard as a national interest assignment, therefore I am going to be non-partisan in my approach. Depending on the contents of the debate, it is also my wish to be non-partisan during my reply. It is my duty to respect issues of national interest. Today Honourable Members of this august House will be afforded an opportunity to establish the truth.

Honourable Deputy Speaker, in education it is possible for all the students in a class to pass the exams. In contrast, in a presidential election such as we have in Namibia, there can only be one successful candidate from a number of candidates. Therefore, there can only be one President of the Republic of Namibia at one given time. The Bill before this august House regulates the pension and other benefits of a former Presidents of Namibia.

Honourable members will note that the apostrophe in *"Presidents"* is not

22 September 2004 **FORMER PRESIDENTS' PENSION FUND BILL**
HON DR KAWANA

between the 't' and 's' but is placed after the 's'. This grammatical feature is significant, as will become apparent shortly.

It is true that the first former President of Namibia, come 21st March 2005, would be none other than Dr Sam Nujoma, who is the founding Father of the Namibian nation. The Bill, however, regulates, as already stated, the pension and other benefits of former Presidents of Namibia, including those who would come after the Founding Father of the Namibian nation, Dr Sam Nujoma.

I am happy to note that since Namibia is a democracy, the Government has adopted a transparent method of determining the pension and other benefits of former Presidents. We as Government have nothing to hide. Time has come for the Namibian nation to manage a leadership transition. It is the wish of every Namibia citizen that this transition should be as smooth as possible. The leadership transformation should be done in accordance with our democratic culture and practice. If the role of former Presidents, such as Mandela, Kaunda, Sir Quett Ketumile Masire, the late Nyerere, is anything to go by, it would be an error to say that our former President would be retiring from public life. They would be only retiring from the office of the President and it is, therefore, expected that they would continue to play a critical role in the affairs of our nation. They would continue to play a torch-bearer role with a view to guiding the new generation of political leaders to continue to maintain the original aims and objectives of the Namibian nation.

In order to maintain and sustain our democracy, there is a need to provide reasonable pension and other benefits to former Presidents in our country. They are sons and daughters who would continue to play a role in public life long after retiring from the Office of the President. The Bill aims to attain the aforementioned considerations.

In 1990 an attempt was made to provide emoluments and pension benefits to sitting Presidents and former Presidents. An Act called, "*Presidential Emoluments and Pension Act, 1990, (Act 17 of 1990)*" was passed.

Unfortunately the aforementioned Act did not address issues relevant to

22 September 2004 **FORMER PRESIDENTS' PENSION FUND BILL**
HON DR KAWANA

former Presidents, such as security, staff, office and equipment, housing and household, travel and transport. These issues, together with pensions and gratuity, are now covered under the proposed Bill before this august House.

The central purpose of the Bill is to provide for the payment of pension and other benefits including gratuities to former Presidents, that is, Presidents who have ceased to hold office for any reason. But a former President who is removed from office in accordance with Article 29(2) of the Namibian Constitution, is only eligible to a pension. The aforementioned article states this as follows:

“A President shall be removed from office if a two-thirds majority of all the Members of the National Assembly, confirmed by a two-thirds majority of all the Members of the National Council, adopts a resolution impeaching the President on the ground that he or she has been guilty of a violation of the Constitution or guilty of a serious violation of the laws of the land or otherwise guilty of such gross misconduct or ineptitude as to render him or her unfit to hold with dignity and honour the office of the President.”

As pointed out above, the proposed law amends the short and long titles and certain provisions of the current Presidential Emoluments and Pension Act, 1990, (Act 17 of 1990). Pension in respect of former Presidents is now the province of the proposed Bill.

Clause 2 of the Bill provides that the tax free monthly pension of a former President will be equivalent to his or her monthly salary at the time that he or she ceased to hold office or 80 percent of the basic salary of the sitting President, whichever is the greater, but - and this I want the Honourable Members to appreciate what I am saying now - for the first former President, the draft law proposes an equivalent basic salary of the sitting President instead of 80% of the sitting President's monthly basic salary. This is mainly because the first former President would have served three terms of office when his current term comes to an end. Besides it is in line with the generally accepted principle that *the longer the term, the better the pension*. This principle is also applicable in our civil service.

22 September 2004 **FORMER PRESIDENTS' PENSION FUND BILL**
HON DR KAWANA

In addition to the payment of pension, every former President is to be paid a tax-free gratuity. That is a lump sum paid only once, equivalent to an amount equal to his or her annual basic salary when he or she ceased to hold office.

Clause 2 and the Schedule of the Bill provides that besides monetary benefits, a former President will also be entitled to other benefits such as staff, including security personnel and administrative and secretarial staff, furnished office accommodation, office equipment and materials, official residence or housing allowance in lieu thereof and household personnel, Medical Aid Scheme, transport and travel and entertainment allowance. The official vehicles that would be assigned to the first former President will be NAM1, official registration number plate and the second former President, NAM2 and the next NAM3, in that fashion.

The proposed law does provide gratuity, if not paid out already to the former President, and Pension and Medical Aid Schemes to the surviving spouse of a deceased former President and upon the date or remarriage of a surviving spouse, the gratuity, if not already paid out to the surviving spouse, then will go to the dependant children of the former President who have not attained the age of 21 years. The monthly pension of a surviving spouse will be 75% of the pension that the deceased former President would have received. Where there are more than one surviving spouse or dependant children, then the amount payable would be divided in equal shares to the spouses and dependant children.

Clause 5 of the Bill provides that the pension, gratuity and other benefits under the draft legislation must be defrayed from the State Revenue Fund

and they are exempted from income tax. In addition, the law provides for the period for which the pension is payable and how other benefits will cease. For example, in the case of a former President, when he or she dies. In the case of a surviving spouse, when he or she dies or remarries. In the case of a dependant child, when he or she attains the age of 21 years.

In terms of Clauses 6 and 7 of the Bill, the pension and other benefits are

22 September 2004 **FORMER PRESIDENTS' PENSION FUND BILL**
HON DR KAWANA

protected, that is to say they cannot be assigned or ceded or transferred and they will not form part of the assets of the insolvent estate of the former President. It is also immune from executions to satisfy judgment debts, except to satisfy Maintenance Orders in favour of a former spouse, minor children or a debt owed to the Government.

Honourable Deputy Speaker, on the instructions of His Excellency and this is also very, very important, Honourable Deputy Speaker, I want to repeat this one, on the instructions of His Excellency, the President, and after necessary consultations, the gratuity payable to the former President in terms of Section 4(1)(d) of the Presidential Emolument and Pension Act, 1990, has been reduced by half. This is the law that was passed as far back as 1990, that gratuity has been reduced by half. You will note in terms of that Section that a former President is entitled to two times the annual salary as his or her gratuity. This has now been reduced by half, the reason being that we should all tighten our belts and live within our means.

Allow me, Honourable Deputy Speaker, to summarise other benefits contained in the Schedule. These are:

Staff: Security personnel as may be determined by Cabinet but not less than ten; three drivers; two private secretaries; two personal assistants; two office attendants and office and equipment; office accommodation, telephones, computers, office furniture and such other office equipment and material as may be determined by the Cabinet. All these items shall remain State property.

Housing and household: A furnished official residence at any place in Windhoek or at the request of the former President, such housing allowance as may be determined by the Cabinet in lieu thereof; three domestic workers; two gardeners; two cooks; two waiters and two laundry persons.

Medical: Medical Aid Scheme for the former President and his or her spouse and dependant children.

22 September 2004 **FORMER PRESIDENTS' PENSION FUND BILL**
HON DR KAWANA

Travel: Diplomatic Passport for both the former President and his or her spouse. First class air- and rail private travel within Namibia is available for the former President and if accompanied, his or her spouse up to a maximum of six trips per annum and first class international air private travel up to a maximum of four trips per annum including a spouse, if accompanied.

Transport: Three vehicles, namely one sedan, one four wheel drive Station Wagon and one pick-up van. These vehicles shall remain State property.

Other benefits: Entertainment allowance as determined by the Cabinet, defrayal of telephone expenses in respect of the office and official residence and defrayal of water and electricity charges in respect of the office and official residence.

It must be emphasised that the law has been drafted after researching the practice of other African countries, notably Botswana, Tanzania, Zambia and Zimbabwe. I must point out, however, that it has been very difficult in some cases to make any meaningful comparison, the reason being that in some of these countries most of the benefits are determined by the Cabinet. The law also takes into account Namibia's own circumstances.

Honourable Deputy Speaker, allow me to dispel a generally held misconception that political office-bearers have the best terms and conditions of employment. On the contrary, the management in our parastatals have the best terms and conditions of employment in the public service. To this group must be added some Municipalities, followed by our Civil Service and in contrast, the basic salary of a Cabinet Minister is less than that of the most senior Civil Servants. I must also admit that the conditions of service of our Members of Parliament are the worst. Their salaries and allowances, yes, let me also repeat, for the benefit of our nation, the salaries and allowances of our Members of Parliament are less than those of a Deputy Director by N\$23,802.

In contrast, unless there have been recent changes, in Botswana the Chief Executive Officer of a parastatal is not allowed to receive a salary which

22 September 2004 **FORMER PRESIDENTS' PENSION FUND BILL**
HON NAMISES

is more than that of a Permanent Secretary. In Namibia the basic salary plus allowances of the President are less than those of the Chief Executive Officer of a Parastatal or Municipality.

In conclusion, Comrade Deputy Speaker, I appeal to the Honourable Members of this august House to approve this Bill without debate and I thank you.

HON DEPUTY SPEAKER: I thank the Honourable Minister for the motivation of the Bill and I am now inviting further discussions. I recognise Honourable Namises.

HON NAMISES: Thank you Comrade Deputy Speaker, the plea is for no debate, we need to Debate, therefore I would like to adjourn to next week, Wednesday.

HON DEPUTY SPEAKER: Is there any objection to the adjournment of this debate until next week Wednesday? No objection. It is then agreed to. The Debate on this item stands over until next week, Wednesday.

The third Notice of a Motion is the one of the Honourable Deputy Minister of Finance. Does the Honourable Deputy Minister Move that the Bill be now introduced?

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

22 September 2004

**AGRICULTURAL BANK OF NAMIBIA BILL
HON BOHITILE**

HON DEPUTY SPEAKER: Who seconds the Motion? Is there any objection? No objection. Agreed to. Will the Honourable Deputy Minister please table the Bill? The Secretary will now read the Bill a First Time.

AGRICULTURAL BANK OF NAMIBIA AMENDMENT BILL

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

**SECOND READING : AGRICULTURAL
BANK OF NAMIBIA AMENDMENT BILL**

HON DEPUTY MINISTER OF FINANCE: I so Move Comrade Deputy Speaker.

HON DEPUTY SPEAKER: Who seconds the Motion? Is there any objection? No objection. Agreed to. Will the Honourable Deputy Minister please take the Floor and motivate the Bill?

HON DEPUTY MINISTER OF FINANCE: Thank you very much. Comrade Deputy Speaker, Honourable members of this august House, it is a great honour to motivate the tabling of the Amendments to the Agricultural Bank of Namibia Act 5 of the 2003.

Honourable Members of this House, according to Article 40 of the Namibian Constitution it is the function of the Ministers to direct, coordinate and supervise the activities of the Ministries and Government

22 September 2004

AGRICULTURAL BANK OF NAMIBIA BILL
HON BOHITILE

departments, including parastatal enterprises under their care and to review and advise the President and the National Assembly on the desirability and wisdom of any prevailing subordinate legislation, regulations or orders pertaining to such parastatal enterprises, regard being had to public interest.

Under this Amendment Bill it is intended:

1. To further regulate the term of office of the Members of the Board of AgriBank and the power of the Minister to remove a member from office;
2. To vest in the Minister the power for appointment of the Chairperson and Vice-Chairperson of the Board;
3. To provide that performance criteria to be specified in an agreement which the Chief Executive Officer is required to conclude with the Board, must be determined by the Board in consultation with the Minister and the Minister responsible for Agriculture and to provide for matters incidental thereto.

Comrade Deputy Speaker, the Bill seeks to streamline the powers of the Minister of Finance as the responsible Minister in the principal Act. In such defined capacity the Minister of Finance is the representative of the shareholder of which is the Government of the Republic of Namibia. The Minister acts and is expected to act in the interest of the shareholders, that is the public interest. However, the current formulation of the Act places constraints on the Minister's ability to do so. As an elected representative, the Minister must be able and must be empowered to remove the Board if a Board ceases to represent the shareholders' interest. The current scenario Comrade Deputy Speaker, does not allow for such.

I would like to assure Honourable Members of this House that there can be no fear that a Minister would exercise his or her functions improperly as the guiding covenant in any ministerial duty is our oath to serve the people of Namibia to the best of our ability. Should we fail, Honourable

22 September 2004

AGRICULTURAL BANK OF NAMIBIA BILL
HON BOHITILE

Members then subject themselves to Article 39 of the Namibian Constitution.

Comrade Deputy Speaker, parastatals are the Governments' long extensions into certain Sectors and remain central to Government's plans, but because parastatals such as AgriBank do not operate only at Board level, we have also anticipated for a consultative process in the appointment of the Chief Executive Officer during which the Minister's concurrence must be had. The current statutory formulation places a mere notification and consultative obligation upon the Board to the Minister. We now propose that the Minister's concurrence be had. Such provisions are not new to our Legislative House as examples are abound.

In essence this Amendment also seeks to clarify the power of the Minister and that of the Board to ensure adequate supervision of the affairs of AgriBank as a parastatal 100% owned by the State. These Amendments are as follows Honourable Members, Comrade Deputy Speaker:

Amendments of Section 7 of Act 5 of 2003, Subsection (1):

The following Section is substituted for Section 7 of the Agricultural Bank of Namibia Act 2003, herein referred to as 'The principal Act':

Section 7: The Minister, after consultation with the Minister responsible for agriculture, must appoint a Board of the AgriBank to be responsible for the policy, management and control of the affairs of AgriBank subject to this Act.

Amendment of Section 8 of Act 5 of 2003, Subsection (2):

Section 8 of the principal Act is amended by substitution for Subsection (2) of the following Subsection:

"The Minister must appoint one member as Chairperson and another member as Vice-Chairperson of the Board who may not, at the same time, be in full-time employment of the State."

22 September 2004

AGRICULTURAL BANK OF NAMIBIA BILL
HON BOHITILE

Substitution of Section 10 of Act 5 of 2003:

The following Section is substituted for Section 10 of the principal Act:

- “(1) A member holds office at the Minister’s pleasure but not exceeding a period of two years.*
- (2) A member who has served a term of two years is eligible for reappointment but the member may not be appointed for more than three consecutive terms.*
- (3) The office of the member becomes vacant if a member:*
- (a) Becomes subject to a disqualification referred to in Subsection (9);*
 - (b) Resigns from office by written notice to the Minister;*
 - (c) Is under any law declared to be of unsound mind;*
 - (d) Is absent from three consecutive meetings of the Board without leave of the Chairperson; or*
 - (e) Is removed from office by the Minister under Subsection (4).*
- (4) The Minister may at any time remove a member from office for any reason which the member considers sufficient.*
- (5) If a member dies or his or her office becomes vacant in terms of Sub-Section 3, a person must, subject to this Act, be appointed to fill the vacancy.*
- (6) The provisions of this Section applies also to a person who immediately before the date of commencement of the Agricultural Bank of Namibia Amendment Act, 2004 served as a member of the Board.*

Amendment of Section 16 of Act 5 of 2003, Subsection (4):

Section 16 of Act 5 of 2003 is amended:

22 September 2004

AGRICULTURAL BANK OF NAMIBIA BILL
HON BOHITILE

- (a) By the substitution of Subsection (1) of the following Subsections;
- (b) Sub 1, the Board with the concurrence of the Minister, acting after consultation with the Minister responsible for Agriculture, must appoint a suitably qualified person as Chief Executive Officer of AgriBank on such condition of service as the Board may determine;
- (c) By the substitution for Subsection (2) of the following Sub-Section:

“The Chief Executive officer must conclude a written agreement with the Board in which he or she undertakes to comply with the former criteria specified in that agreement and which the Board must determine in consultation with the Minister and the Minister responsible for Agriculture, and

- (d) By the substitution for Subsection (6), the following Sub-Section:

“If the Chief Executive Officer is for any reason unable to perform his or her duties, the Board must, with the concurrence of the Minister, acting after consultation with the Minister responsible for Agriculture, appoint a suitably qualified person to act as Chief Executive Officer for the time-being.

Amendment of Section 22 of Act 5 of 2003, Sub (5):

Section 22 of the principal Act is amended by substitution for Subsection (3) of the following Subsection:

- (a) The Minister, with the concurrence of the Minister responsible for Agriculture, must within a period of two months from the date of receipt of the draft performance agreement referred to in Subsection (1)(a), approve the draft

September 2004

AGRICULTURAL BANK OF NAMIBIA BILL
HON KAURA

performance agreement, or

- (b) After consultation with the Board, amend the draft performance agreement.

Amendment of Section 29 of Act 5, 2003, Sub (6):

Section 29 of the principal Act is amended by the deletion of Subsection (1).

Hon Deputy Speaker, the short title, this Act is called the Agricultural Bank of Namibia Amendment Act, 2004.

Honourable Members, Honourable Deputy Speaker, I move that this august House approves this Amendment Bill in order to ensure sustainability, efficiency and transparency with the affairs of the Agricultural Bank of Namibia as stipulated also by the State-Owned Enterprises Governance Council on parastatals and I thank you very much for your attention.

HON DEPUTY SPEAKER: I thank the Honourable Deputy Minister for her motivation and I am now inviting further discussions. Honourable Kaura.

HON KAURA: Honourable Deputy Speaker, I would like to adjourn this Debate to next week, Wednesday.

HON DEPUTY SPEAKER: Is there any objection to the adjournment of this debate until next week, Wednesday? Honourable Deputy Minister, any objection?

22 September 2004

AGRICULTURAL BANK OF NAMIBIA BILL

HON DEPUTY MINISTER OF FINANCE: Yes Honourable Deputy Speaker, next week we will have meetings with regional bodies and I will be in and out of Parliament. Some of the afternoons I will just be here for short periods because of delegations that are arriving. I would like to beg your indulgence that this be postponed until tomorrow and debated further. Next week is very difficult.

HON DEPUTY SPEAKER: Honourable Kaura, does it suit you?

HON KAURA: No.

HON DEPUTY SPEAKER: What about Tuesday? We adjourn until Tuesday? Is that possible? Will that assist you? Yes, one thing Honourable Deputy Member, there is this urgency and need of the Bill but also the need for Honourable Members to be afforded enough time to really study a particular Bill and to make a meaningful contribution, otherwise we may endanger our own work if we just try to push through. Therefore Members need time to study the Bill, to consult and come back and make meaningful contributions. Now Honourable Deputy Minister, the practice is also that in instances that you as a Member responsible for a Bill, cannot be in the House, you could designate your colleagues to take notes for example for your reply. You have now tabled the Bill, you motivated it, what is now left over is for the Honourable Members to make their contributions and for you to reply and convince them to approve the Bill. I would like to see that we afford the opportunity for the Members to study the Bill, you could arrange with your colleagues to, in the instances that you are not in, to stand in for you, take notes and keep you informed of what has been said, for your reply. Why not? And can we agree that we postpone the debate until Tuesday, next week? Honourable Kaura indicated that even Tuesday would be possible but tomorrow not. We agree that the debate on this item stands over until next week, Tuesday? So agreed. The debate stands over until Tuesday, next week. The Secretary will now read the first Order of the Day.

22 September 2004 **COMMITTEE STAGE: MEAT CORPORATION
OF NAMIBIA BILL
HON H ANGULA**

**COMMITTEE STAGE: MEAT CORPORATION OF
NAMIBIA AMENDMENT BILL**

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

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: I so Move.

HON DEPUTY SPEAKER: It is Moved that I leave the Chair. Are there any objections? No objections. Who seconds? Agreed to. I shall thus call on the Deputy Chairperson of the Whole House Committee, the Honourable Doreen Sioka, to take the Chair.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to order. The Committee has to consider the Meat Corporation of Namibia Amendment Bill.

Clause 1 put and agreed to.

Clause 2 put.

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: That the following be inserted after Clause 2 and the existing Clause 3 be renumbered as Clause 4. In Section 30(a) in Act 1 of 2001, the following Section inserted in the principal Act after Section 30:

22 September 2004 **COMMITTEE STAGE: MEAT CORPORATION
OF NAMIBIA BILL
HON H ANGULA**

“Liability of Corporation for tax: Notwithstanding anything to the contrary in any law contained, the Corporation shall be liable for the payment of any levy or tax levies under the Income Tax Act 1981, (Act 24 of 1981).”

I Move.

**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you, Honourable Minister.

Clause 2 agreed to.

Clause 3 put and agreed to.

Title put.

**HON MINISTER OF AGRICULTURE, WATER AND RURAL
DEVELOPMENT:** Amend the Meat Corporation of Namibia
Amendment Bill, that the following be substituted for the long title:

“To amend the Meat Corporation of Namibia Act, 2001, so as to further regulate the exercise of voting rights by directors; to provide for the tax liability of the Corporation and to provide for matters incidental thereto.”

Long Title agreed to.

ASSEMBLY RESUMED:

Bill reported without Amendment.

22 September 2004

**MEAT CORPORATION OF NAMIBIA BILL
THIRD READING
HON H ANGULA**

**THIRD READING: MEAT CORPORATION
OF NAMIBIA BILL**

HON DEPUTY SPEAKER: Thank you. Does the Honourable Minister of Agriculture, Water and Rural Development Move that the Bill be now read the Third Time? Are there any objections? Who seconds? Agreed to. Are there any further discussions to the Third Reading? Would the Honourable Minister wish to say something in conclusion?

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: Yes, thank you very much for the support for the Amendments and the farmers who are critical and who have participated in this debate, I hope this will satisfy their hope and needs. Thank you.

HON DEPUTY SPEAKER: I thank the Honourable Minister for his closing remark and I now put the Question, that the Bill be read the Third Time. Are there any objections? No objections, then it is agreed to. The Secretary will now read the Bill a Third Time.

**MEAT CORPORATION OF NAMIBIA'S
AMENDMENT BILL**

**CONSIDERATION: REPORT BY STANDING COMMITTEE ON
VISITS TO RESETTLEMENT AND OSTRICH FARMS**

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON DR TJIRIANGE

HON DEPUTY SPEAKER: When this Debate was adjourned yesterday, the question before the Assembly was a Motion by the Honourable Member Ya France, that the Report be considered. The Honourable Minister without Portfolio adjourned the Debate until today and he now has the Floor. Comrade Tjiriange

HON MINISTER WITHOUT PORTFOLIO: Comrade Deputy Speaker, let me first share my confusion with you. I do not understand the aim of us discussing this particular issue. Do we want to say that at the end of the day we are going to advise the Minister or we want to amend what the Committee has said and send it back or do we want to use the opportunity for political campaigning? I do not know but nevertheless, the Report is here, the discussion has already started and I will just do likewise, *albeit* very short.

Comrade Minister of Lands, through you Comrade Chair, I just want to comment on a few issues. I am not sure whether you are aware of the situation prevailing in communal areas with regard to resettlement. What is actually happening is that some well-to-do or relatively well-to-do communal farmers allocate to themselves the power, the right, to fence off the communal areas without anybody's authority and arrogantly so. When our policy came into place where we said that we should try to resettle those communal farmers who have small stock in order to give space to those who are still struggling to stock and eventually to be settled as well. We have started resettling some of these people. The idea is good so that there is space for others. What they are however doing now is that, after having fenced off these areas, they are resettled and two things happen: Either they sell these areas to other people or they remain there through proxies. Meaning the man or a woman, basically men, are resettled on land elsewhere, but he remains in the village with all his fences and when he is asked, he says, "*It is only me who went, my grandmother is still in the area.*" Now this definitely undermines our policy and our programmes on resettlement. I don't have any answer to this but this is something that is very seriously disturbing the process. (Intervention)

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: May I ask the Honourable Member a question? The Honourable Member is talking about people being resettled who have fenced-off areas. Is he sure that is the case or is he mixing up people getting a loan under affirmative action and then they remain in the communal areas, because if I understand the criteria for resettlement it is people who have no land and if you have fenced-off land, how can the Ministry of Land and Resettlement resettle you when you have fenced-off land?

HON MINISTER WITHOUT PORTFOLIO: No, I am saying what I have said, because I have many examples, I even know people by name. (Interjection)

HON MEMBER: Name them!

HON MINISTER WITHOUT PORTFOLIO: Not now, we are now in the House, the Rules do not permit, but if you come to me, I will point out to you: "*Go to that village and you will get them.*" I know them and I know even where their camps are. It is not something that I am guessing and these people did not buy farms, they were resettled and this is very serious. So, Comrades, (Interjections)

Now the people who are left behind have no access to this fenced-off land and to make things worse, sometimes they rent it out to those who are left behind. Renting as if this was his house and it belongs to him, the people are renting camps and those who have fenced-off are no longer there. This is illegal and this practice, you will agree with me, will benefit only those few who have the means and who have gone somewhere and yet lock others out and this is very serious.

Another issue which needs to be mentioned is the farmers that are left behind by those who have sold their land, but I will come to that later.

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON DR TJIRIANGE

What is happening is that sometimes people leave their commercial farms, sell them and then they don't know what to do with the people that were working with them for all these years. We do not want to dump them at the roadside because there will be an outcry, we just leave them on the farm. Then when you come, you are faced with people that you do not need but yet you have bought the farm and then come there the people are not working for you. You may even migrate from where you were with your own farm workers, now you have got bunch.

The other day in this House I was saying that we should apply logic to everything. If I go and buy a house in Klein Windhoek and the former owner had people living in the servant's quarters and he leaves them behind, do I have to take them over in my house because the former owner of the house did not get these people out? That is not logic. Why does this logic not apply to the farms? I cannot buy a property and then I am told to be carrying these people that I do not know. It is not fair. (Intervention)

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: May I ask the Honourable Secretary General of SWAPO a question? Honourable Tjiriange, suppose we are in the year 2015 or 2021 and Honourable Tjiriange is now tired and unable to farm any longer and Honourable Tjiriange buys a house in Henties Bay where he is going to retire in peace until his last days, is Honourable Tjiriange saying that he would have to take the people who are at his farm now to Henties Bay?

HON MINISTER WITHOUT PORTFOLIO: I was coming to some suggestions because those answers are here in the papers and I was coming to that. It is a good question but you must make arrangements before you go so as to what are you going to do with those people. Do not dump them on somebody else because they were working for you. They

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON DR TJIRIANGE

made you rich to go and buy that house. You must therefore arrange something, you must do something for them. It is not practical also to leave them on somebody's farm.

Therefore, Comrades, there are two suggestions that are made in this Report that I really support. To avoid this kind of situation the Report is suggesting that there must be a pension scheme, for the farm workers that will cater for them at the end of the day when situations arise and another one that I also support is that there must be a medical a scheme that will support these people whenever they retire.

However, the option that Comrade Angola is propagating for some people to be left on some other person's property; he does not know them, maybe some of them are even thieves, you do not know and then you are stuck with them and you are not the one who brought them there and yet when I am buying the farm there is no ... (Intervention)

HON DR AMUKUGO: On a Point of Order, may I ask the Honourable Member a question? Honourable Tjiriange, suppose the Honourable Member buys a farm on which there are people who were actually born there, they grew up there, they grew old there and it is now their children or their grandchildren who are working for the current owner from which the Member buys the farm, does the Honourable Member honestly wants to tell this Honourable House that it is okay to send those people away from their roots at the same time as we are claiming to want to have our land back? Is that justice?

HON MINISTER WITHOUT PORTFOLIO: I am saying there must be a formula. You cannot expect of me when buying a farm, expensive land for that matter if you want to do that reduce the price so that we can share with the people but don't let me pay two million and then you say I must accommodate other people and you did not give me any subsidy. Why do you sell it with people? What I am leading to is that there must be a formula to help these people to get out of the land that has been

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON DR TJIRIANGE

bought by somebody. Either you resettle them or you give them something. (Intervention)

HON MINISTER OF BASIC EDUCATION, SPORT AND CULTURE: I am sorry to interrupt the Honourable Minister. may I pose a question to you Comrade, just as a general for clarity? Am I right to understand your argument that if I am interested in buying your farm and that I bought a farm but after I bought this farm, the responsible ministry responsible for resettlement, would come and resettle people on my farm?

HON MINISTER WITHOUT PORTFOLIO: I can explain. No, I am not saying that. The Ministry has not been as arrogant as that. Sometimes what happens is that when the people sell the farm, some people are left there for one reason or another, either to look after certain things or they are just abandoned, but then when you go to the agents here that are selling the farm, they take you, they show you the farm, the farm is good, you arrange for the money and then after the transaction is made, the farm is on your name, then you are confronted with people.

Something very interesting has happened to the Secretary to the Cabinet. He buys a plot and the people had compassion and what have you, and now we cannot go there because other people are occupying the land but he has paid for it. (Intervention)

HON MUSHELENGA: Mr Deputy Speaker, may I ask my senior Minister and the Secretary General of the SWAPO party a question? Comrade Secretary General, having the situation at hand that creates problems either for the buyer or the seller of the farm and more specifically for the people who are found on the farm, the workers, is it not probably proper for the seller and the buyer, before they transfer the land to the other person, to negotiate that, *'I hand these people, I have a*

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON DR TJIRIANGE

plot of so much hectares but the situation of the place is like this'. And these people I believe are not just people who are left there, not doing anything. I hope I am correct, they probably are workers but should there not be an agreement for these people to continue to do exactly what they were doing for the former employer?

HON DEPUTY SPEAKER: Yes, before the Honourable Minister replies, I would really like to appeal that the debate should come up a little bit and let us be precise and to the point. Yesterday we wasted a lot of time because of a debate that just goes in circles. Honourable Minister, please proceed.

HON MINISTER WITHOUT PORTFOLIO: Well, normally nobody has got a constitutional right to differ with the Speaker, but I would like to say the mere fact that the things are being questioned, means that they are very important. But nevertheless, that being the case, I go forward but the fact is that according to our law, the farm is first offered to the State and it is only when the State says that it doesn't need that farm, when it is put on the market. Now if the State knows that there are these people who have nowhere to go, it is better for the State to buy the farm rather than letting me buy a farm for other people. (Intervention)

HON DEPUTY SPEAKER: Honourable Minister, I think for absolute clarity and to avoid misunderstanding, it must be clear whether these people left on a particular farm, now being discussed and causing a problem, whether we are talking about a farm that has been bought by a particular willing buyer farmer or are we talking about a farm that is bought by Government to resettle people, whoever the people are, previously disadvantaged people, on a particular farm. This must be differentiated.

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON DR TJIRIANGE

HON MINISTER WITHOUT PORTFOLIO: I think I was very clear Comrade Speaker, I have not problem with the farm which is bought by the Government and the Government put whoever they want on that farm, whether they were found there or they brought new ones. I am talking about when you buy a farm and then you are confronted with people who were left there, yet you bought the farm. (Intervention)

HON DEPUTY SPEAKER: Now can I advise the Honourable Minister that I think that argument and that problem would be better accommodated when the Report of the Committee on the Affirmative Action Loan Scheme is discussed, because that is a problem in that Section to my mind.

HON MINISTER WITHOUT PORTFOLIO: Very good but I was bringing it to the question of resettlement. So you have to take this in resettlement somewhere. I was bringing it from that angle, but nevertheless I made my point.

Comrade Speaker, on Page 14 of the Report it is said that:

“The Committee strongly recommends that the San people especially those without any means, be provided with the necessary means, capital and training before they are settled.”

Well, we understand the sentiments why singling out the San people, but I would have liked maybe a formula which says that people have to be helped particularly maybe, but to just say a certain group of people and then you end up there. What about poor women, widows and others? I think sometimes it is not good to single out people when it suits you and then when some are singled out you say it is bad. It is better to generalise a general problem but then you particularise in certain cases. I think that is much better because if you do not do that (Intervention)

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON DR TJIRIANGE

HON MINISTER OF MINES AND ENERGY: May I ask the Honourable Member a question? The people that we are talking about that are left on the farms, Honourable Member, when you, the incoming owner of the farm and the outgoing one when the two of you now meet and discuss ...

HON DEPUTY SPEAKER: Honourable Member...

HON MINISTER OF MINES AND ENERGY: Yes, I am asking a question.

HON DEPUTY SPEAKER: Yes, yes, yes, you are asking a question and I am very much tempted to rule that question out of order because the Honourable Minister was also out of order, discussing an issue pertaining to another aspect of land reform than this one. that was why I advised him to rather discuss this issue under the Affirmative Action Loan Scheme, the Report that is still to be discussed.

HON MINISTER WITHOUT PORTFOLIO: I was talking about this thing of singling out, I think I finished that one. Now finally, on Page 10 they are saying that they paid a courtesy call to Councillors, former Councillors, the names are there and that these Councillors have complained that their recommendations are never taken seriously. These very same people are the ones that are politicising whatever the Government is doing and we cannot continue doing that. Everything, because they are Councillors, the Government was going there, giving them things, and what they is that we have pressurised the Government of SWAPO, that is why they brought these things. These things were brought by us.

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON KATALI

Even when Comrade Ben Amathila was the Minister of Information, he built a tower there. I am sure Comrade Helmut Angula knows what I am talking about. That man was going around and saying that DTA is going to bring these things today. Where does he get that from? We spent drought relief there, they go and campaign with it. We cannot be taken for a ride by these people. We can make them irrelevant, we have the capacity to do things without them. That they should know and not to cry after they have committed these political errors.

The final point is the training. I agree with and really support the idea that at the end of the day it is only the training that will make the people to sustain the areas and the farms in which we are resettling them. Without that you will find all the infrastructures destroyed and even the animals. If you buy animals, you find them dead because you don't know how to keep them. Thank you very much.

HON DEPUTY SPEAKER: I thank the Honourable Minister for his contribution. Honourable Deputy Minister Katali

HON DEPUTY MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION: Comrade Deputy Speaker, I rise to thank the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration for having fulfilled their mandate to go and visit the resettlement farms and ostrich farms. I will concentrate my contribution on the resettlement farms and leave the ostrich farms to my colleague here on my left because he is well-versed with ostrich.

Comrade Deputy Speaker, Honourable Members, the issue that I really want to address today is the question of unfairness to the Honourable Members who might not have read the Report with critical minds and also those who are not familiar with what is being termed 'resettlement' and the farms owned by the Government.

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON KATALI

If I could start with the case studies, the Report talks about problems and all these problems are being pointed at the Ministry, which is good, but then I would have liked that there is also another part that is pointing to the beneficiaries themselves. Now the Report has been made as if the beneficiaries have no problem whatsoever, they are doing what they are supposed to do and it is only the Ministry that is not bringing its side.

Looking at the farms that have been visited, one really wonders as to why these farms were chosen, what was the motive behind and whether the Committee itself knew the status of these farms before they went to those farms? Altogether 23 resettlement farms were visited. When I carefully looked at these farms, I realised that nine of these farms were those that were transferred from the Ministry of Agriculture. Now, what does this tell us? It tells us that when the Ministry of Agriculture transferred these farms to the Ministry, the people were already on those farms. These are the farms similar to the farms owned by the Nama or Damara Administration in Khorixas and other places. The people have been there when these farms were transferred. The farms that were owned by the former Tswana Administration were transferred to the Government and these people have been on those farms since then.

Seven of these farms have been visited and these are amongst the farms that were termed to be overcrowded and all that, and all this is blamed on the Ministry as if the Ministry literally resettled these people. This is the land that the people were on a long time ago, not through the Acts that the Ministry is implementing. Of course, these are Government farms, but then, who put those people there? It is actually kind of natural, just like anybody else who is on a land.

There are two of them that have been turned into a project, for example like Skoonheid. Skoonheid is really a peculiar situation because the Ministry thought it best that these are the people who have nothing and therefore, to give each one a unit is not going to work. Therefore, bring them together on one farm, build houses for them, as the Ministry did, and then assign an official to be on that farm and train them and give them the implements, the fertilisers, the seeds, for them to start cultivating. That is

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON KATALI

why I was saying the Ministry was bringing its side, but then what did the people themselves do with all this assistance? That is the question that we must ask ourselves.

Among the other fourteen farms are the farms that the Ministry bought and the Ministry resettled people. If you look at the case studies of farms such as Rembrandt, Groot Rooibos, Demasé, Sandputz, Okaputa, Kleve Land, Wag Nog, Welma, Queen Sophia, Klein Huis and Paloma, in the Report, all these farms have been reported as doing well, they are successful, all of them, eleven of them out of fourteen and it is not being recognised that, yes, the Ministry has done a great job.

The CoD member who participated, for example, painted a picture as if the Report is not positive at all on certain issues, but if you really want to review the work of the Ministry on the basis of those farms that the Ministry bought and resettled people on, I think we are talking about 80% success here because only three, namely Samekoms, Goab and Vasdraai that are not doing good. The problem with these farms are also known, because the people on these three farms were affected by drought. It is not really a resettlement proper like the other ones. People from Ovitoto and from somewhere else were affected by drought and then they were allowed to go and graze on those farms. But unfortunately the Ministry could not take them out into the communal areas where they came from, simply because it is also known that in those communal areas where they came from there are no spaces. Therefore, they were left on those farms which they got through drought relief and then their animals kept on increasing. But they are also people who should think that “if I’m on this land, small as it is, I cannot just keep on multiplying or increasing the number of stock,” while knowing that there is no grazing.

Because of this I would like to inform the Honourable Members that the Report is in order, it is telling us the things that they have seen, what were the characteristics of those farms that they have visited, that they are reporting on, *vis-à-vis* the farms that the Ministry bought and resettled people on. All of this is a success story and when you look at some of the farms, for example on Page 39, Wag Nog, I think there are only three lines written in the Report, but when you look at the other farms, a lot was said.

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON KATALI

Why is this? Is it that when they went to Wag Nog they were not looking for all the other elements that they reported on in other farms? There are some of these weaknesses that I have noticed in the Report.

When Honourable Nora Schimming-Chase was taking the Floor there, it is something that really made me to stand up and correct the situation, simply because she was reporting as if the Ministry is wrong in everything and on every farm that they visited.

Therefore I think we need to teach our people to be responsible. Once they ask for the land and they get it, then the people must work. These people that we have resettled are not different from all the other people that we have in other communities. We have people, for example, in Mangetti Dune, they are also the San people, but the Government helped them and they also bring their side and they cannot be compared to the people in Skoonheid, for example. I however think maybe the reason is that their circumstances and the environment are different. Maybe that could be one of the factors because here they are on a commercial farm and there they are in the communal area, but then one would have expected that if a person is assigned to train the San people in Skoonheid, they cannot understand the training or they cannot get the skills required. If you however take the same person to Mangetti Dune or another project, then these people acquire skills and they are producing properly.

I think instead of trying to blame and blame and blame, there is a need for us to look for a solution to see why there is a trainer on this project but the people are not acquiring the skills, but in the other one people are being trained and acquiring skills. Then we can now come forward and take it that these are the people that we need to address because maybe their attitude is not right or the environment where they are is not contributing to them taking up the skills and the challenge that is before them.

We have a project like Demase, for example. This project is also said to be doing well, but these are the same San workers that were found on the farm when the farm was bought. B we are saying they are doing well.

Where did they get their skills from? They were trained by our officials,

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON KATALI

by the Cubans. Therefore Honourable Deputy Speaker, Honourable Members, the emphasis really here is ...(Intervention)

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: May I put a question? Honourable Katali, are you aware that most of those farms you enumerated where people do not work, are the people who were fed with *boerewors* all those years and now that it is no longer there, they still want to have that *boerewors*.

HON DEPUTY SPEAKER: Honourable Deputy Minister, that question is ruled Out of Order. Please proceed.

HON DR MBUENDE: In view of Comrade Katali's explanation, the question is that it seems that the Terms of Reference of the Report for the Committee to go to these farms, were actually not correct because they were going to investigate resettlement farms and they actually went to farms that are not classified resettlement. For example, the former Tswana Administration farms are run like communal areas. In fact, they are currently today the Tswana communal areas. Then you refer to Skoonheid and so forth. The question that I am asking and that maybe has implication on the whole report is whether, in fact, the terms of reference were not ill-conceived, because we are dealing with at least three different categories of farms here and they were lumped together, the same questions asked, interrogated in the same way and also conclusion as if we are dealing with a similar situation when you are actually dealing with three different categories of farms. I am therefore just wondering what is the implication of that on the Report as conceived and presented?

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON DR AMATHILA

HON DEPUTY MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION: Yes, this is exactly what my question is: What was the mandate of this Committee and how was it considered and what was the terms of reference because they went to three different farms but the reporting is just the same.

if you look on Page 28, to answer your question, 10.10, Groot Rooiberg, this farm was bought in 1996 for resettlement purposes. *The delegation visited this Ms H Nguvauva and Mr Ngatjizeko at their units, respectively. Four families were resettled on this farm and they claimed to have signed the Government's 99-year Lease Hold Agreement. However, proof to this effect was not shown to the delegation.* Now, what did the Committee go to do at this farm and what did they report on? Was it really the only thing that they went to look for? Just to see Ms Nguvauva and Mr Ngatjizeko and then come back? Is it really what they went to do?

There are these discrepancies, Comrade Mbuende the Report. They don't even say whether these farms are doing good or they are doing bad? They just left it there and I think these people are doing very well. These people who have never been reported of what they are doing, they are doing very well and I don't know why the Committee is shying away from reporting the good things that they have found. I think I have made my point, Comrade Deputy Speaker, and I thank you.

HON DEPUTY SPEAKER: I thank the Honourable Deputy Minister for his contribution. Honourable Dr Amathila.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Comrade Deputy Speaker. Speaking after all these professional farmers and Deputy Ministers on resettlement and all those who know the inside story, I will concentrate on some issues raised in this Committee Report.

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON DR AMATHILA

Let me first start by saying that the Report, in my opinion, has reported well the issues that we already know. I think we know the poverty of farmers, we know their hunger, so I appreciate the Report. To start off first with Page 13, we have two issues here. One issue is medical scheme for farm workers, the other issue is it is talking about hunger reported by these resettled farmers. Now this hunger is not only for resettled farmers but hunger is all over, particularly on these farms. I am, as you know, running the HIV/AIDS treatment programme, I have rolled over the programme to Khorixas and Otjiwarongo last week and Usakos and Omaruru. Particularly in Otjiwarongo everybody who wants to be treated or who is very ill is brought to Otjiwarongo Hospital since we launched this programme a month ago. I passed there the other day and I have not seen malnutrition for a long time, even in the camps we did not have malnutrition, as all of you know who were in the refugee camps with me. You find malnutrition in the hospital of Otjiwarongo and the mother comes in for treatment, the baby apparently is also affected and the child is malnourished. Now, we discuss with the doctor, *“Let us put this person on the Anti-Retro-Viral treatment”* and you all know that once you are on this treatment, you must eat. The doctor said to me, “Yes, Doctor, in the hospital we have food but then when we discharge this patient, what are we going to do? She cannot continue on treatment without food.” Now, I have taken upon myself to write to the Governors and they have responded well and the people who were lying there in Fransfontein, Khorixas have filled in forms so that they receive drought relief food.

Now you find that once these people are on drought relief food, the farm relatives come along. I just do not know how we can deal with these things. This poverty is also laziness. If you go to my village, there is a big garden. I have been crying and I have been talking to Agriculture Minister, “Come and visit me.” You still owe me a visit.

Every time I go there I preach, *“Get a piece of land, water it there and put your mealies in. You do not need to go to school to put mealies in the soil.”* My grandmother used to plant these things, we used to eat bananas, oranges from that garden. Now, this hunger story, until when are we going

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON DR AMATHILA

to let people live from this drought relief food? The hurricane from America can come and pass and pour tons of water here, we will still distribute drought relief food. I think this drought relief food must have a cut-off point. Here you have your drought relief, get a little space behind your house, you want mealy seeds, here they are. You want what, go to the agricultural extension office and go and plant something for yourself because we will stop this drought relief food.

The same story of living off pensions. The pensioners get their pensions, the children move in, relatives move in, the school kids are dumped there, the old woman has to buy the uniform and everything else. (Intervention)

HON MINISTER WITHOUT PORTFOLIO: I am sorry, sorry Doctor, but you are on the right track I just wanted to ask one question. Comrade Doctor, there are two concepts, the drought relief and hunger relief. Now, would you agree with me that there is actually nothing wrong with drought relief if the people are affected by drought and there is no rain and there is no food, then there is a need for drought relief, but once you turn the drought relief into hunger relief, it is where the problem is. Do you agree with me?

HON MINISTER OF HEALTH AND SOCIAL SERVICES: I absolutely agree with you because I think mostly we deal with hunger relief. (Intervention)

HON MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: Through the Chair can I ask the Honourable Doctor a question? Is Comrade Doctor Amathila aware that my own extension officers were chased out from Opuwo when they wanted to distribute they hoes and axes, they were told to go to Owamboland.

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON DR AMATHILA

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Yes, basically the Hereros are changing. (Intervention)

HON MINISTER OF INFORMATION AND BROADCASTING: I want to challenge the Honourable Minister, when was he the last time in Opuwo?

HON DEPUTY SPEAKER: Honourable Minister, are you rising on a Point of Order on what the Honourable Minister said?

HON MINISTER OF INFORMATION AND BROADCASTING: Correction, on a Point of Correction.

HON DEPUTY SPEAKER: The Honourable Minister does not have the Floor, the one having the Floor is this one.

HON MINISTER OF INFORMATION AND BROADCASTING: On a Point of Information. I have been visiting the Opuwo area this whole year and the Himbas are planting things. When did they decide that they are sending those things to Owamboland? (Interjection). No, do not tell me Oshikoto stories here.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Alright, let me answer that question. Honourable Mbumba has now been assigned to North Kunene, so it is maybe his second time or so to get there. I live there and I have been working there all this time. When I started my

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON DR AMATHILA

garden in Fransfontein, mealy garden, I went to one of the Ovahimba homes there, they have these red mealies, this big and this thick, I got them from them. Sunday I went to a village to go and pick up a calabash because I have got two cows and two heifers and I was given such a big calabash, still not dry, from the garden. So they are planting, they are not like this type here.

Having answered that question, I was on the question of hunger and drought relief and I cannot prove this hundred percent, but when I complained in Otjiwarongo, I was told that they are selling drought relief food. (Intervention)

HON ULENGA: May I ask the Honourable Member a question, please? Having listened to the Honourable Minister, am I right to conclude that the Minister is of the opinion that whereas in Namibia there are various kinds of communities involving various kinds of productivity, is the Minister telling this House that those who use a hoe and plough to plant are better than those who don't? Is that what the Honourable Minister is saying?

HON MINISTER OF HEALTH AND SOCIAL SERVICES: No, no, I did not say so, I do not use a hoe and whatever, but I have a beautiful garden in my village on the spot where I was born, so you can use anything to plant and feed yourself.

Having answered that question, hopefully, the thing, the next point is on point 9.3 where we are talking of the National Resettlement Policy priority, that we resettled members of some communities, former soldiers, disabled, destitute and landless Namibians, people with disabilities and people from overcrowded community areas. I think this is fine. You know we have stopped the idea and policies which lump specific people in

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON DR AMATHILA

one area and keep them. I will try and explain this: We do send blind children to blind schools, but we try to send disabled children to normal schools.

I therefore think that in future, instead of having all destitute people in one corner and give them one agricultural officer, they have no osmosis of the neighbours. Therefore in future put an Owambo-speaking person who was working on a certain farm there, the other Damara person there, so that people can mingle and even if you are lazy, when you see that your neighbours are out and they are planting, you will certainly get up. Now if you put people from one area together the whole day they will be together and where will the osmosis come from? I think it is in the beginning we were kind of emotional, our poor San people and then they accepted they are the poor San people. (Intervention)

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:

May I ask a question? Comrade Minister, you know if you want to have examples of assimilating different cultures, come to Ongandjera and you will never recognise whom you regard as San and different cultures. Come to Ongandjera, we have integrated them.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Yes, thank you very much. That is my advice to all these resettlements schemes. I just have one last point here, a very important point, the last one for the communal farmers. The issue of dual grazing is real. I have my house and my little field on the plot I grew up on and I have two cows and two heifers and then I have a couple of sheep. I was given a bull by my Honourable brother, but I thought he would finish the two cows in a day and what does he do the rest of the night? I am therefore waiting until the cows are ten, then I will collect my bull.

The last point is on the problem of dual grazing. You find that there is a

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON DR AMATHILA

fence running about 500 metres from my house, going along there, so my cows have to move outside that fence and next to the other fence and they are just grazing on that small place. All the people who fenced the land from the main road, Khorixas-Kamanjab road, up to that place, you will find their cattle will be in there because there is a fence, my cattle cannot go in, but at some point they will bring their cattle to where I live. Now, how am supposed to survive? I am already buying grass, I am already buying fodder for my sheep because there is no more grazing. Then you have donkeys of people there who come the whole night, uncontrolled.

Then you find that the cattle from *Oliefantspit* coming through my house, going to Fransfontein and the little bit of grass is eaten.

The second point is there are people who have farms distributed by my brother there, the Damara, ex-Damara farms so-called. They have these farms. During this time they are living on those farms with their cattle, when they want to prevent and protect their land, they bring this cattle to Fransfontein because they also have a house there. I know a particular woman, I am sure the Chief knows whom I'm talking about, then she brings her all her cattle again while she is rehabilitating her farm. I think it is illegal, it is criminal and when my brother came up and talked, well he has his own place, but somebody came and said, "*This thing must be discussed.*" I said, "*I hope she is listening tonight to Parliament discussions* " We have to prevent people who have their own land so to speak, coming, repatriating their cattle back to Fransfontein. Immediately after rain our little grass is gone then whoops, they go back to their farm. (Intervention)

HON MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION: Comrade Amathila, since you live in a communal area and the communal areas are under the Traditional Authorities, and now you talk about the cattle from elsewhere which come and graze in your area, but they are coming from the areas where they have got their

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON DR AMATHILA

own fields, have you ever tried to see the King, for example in this case of the Damara community and put your case before him and if so, what did he say? What response did you get?

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Well the King is not the Traditional Leader for Fransfontein, we have our traditional leaders there and these guys are working very hard. This is the village in that area which by 20:00 the cuca-shops are closed. (Intervention)

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: Yes, Honourable Deputy Speaker, I just rise to introduce myself as the King of Fransfontein.

HON DEPUTY SPEAKER: Mr King of Fransfontein, you are Out of Order. Proceed Honourable Amathila.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you very much, I will report to the Chief later and you will be part or member of Fransfontein community. Thank you very much.

Therefore, these people have no respect, of course, for traditional leadership, this place has been grabbed and wanted to be grabbed by people but I think now it is resolved. There is another big issue which has not been resolved but I think they are working hard. Their office is open every day, other people come and put up offices there, so this case is known by our Government.

22 September 2004 **REPORT: RESETTLEMENT/OSTRICH FARMS**
HON POHAMBA

Finally on the Clinics. It is reported somewhere that we must put Clinics in the resettlement areas. Basically what is happening about the clinics is that when we have block farms, if you take Eiseb Block or Gam, there we have put up very good Clinics because you have big communities there, but we cannot put up clinics when there are ten families resettled there. We have a policy of where to establish and how to establish clinics. However, we have this vehicle which goes every now and then through the resettled farms. The commercial farms you cannot enter. Even if we have national immunisation and vaccination periods, the farmers are closing their gates, we cannot enter. However, the resettlement farms, when we have block farms where you have maybe twenty families or so, we put up a clinic. We have already finished Eiseb Block Clinic and Gam Clinic which I officially opened last year and I think the policy is going to be that one. Thank you very much for listening to me. Thank you very much.

HON DEPUTY SPEAKER: I thank the Honourable Minister for her contribution. Any further discussions on this Report? Honourable Minister?

HON MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION: Comrade Deputy Speaker, I would like to make my contribution on this Report tomorrow and I would like to ask to adjourn this Debate until tomorrow to resume in the afternoon. Thank you.

HON DEPUTY SPEAKER: Any objection to the adjournment of this Debate until tomorrow afternoon at 14:30? No objection. Agreed. The Debate on this item stands over until tomorrow afternoon at 14:30. The Secretary will read the Fourth Order of the day.

22 September 2004

**AFFIRMATIVE ACTION LOAN SCHEME
HON DINYANDO**

**CONSIDERATION: REPORT ON AFFIRMATIVE
ACTION LOAN SCHEME**

HON DEPUTY SPEAKER: Does the Honourable Member, Comrade Ya France, or his Deputy move that the Report now be considered? Will the Honourable Deputy Chairperson of the Committee please take the Floor to speak to the Report?

HON DINYANDO: Thank you, Comrade Deputy Speaker. The Standing Committee on Economics, Natural Resources and Public Administration tabled its Report on the Affirmative Action Loan Scheme in this august House during April this year and the Report was debated upon. Before the break in July this year, the said Report was referred back to the Standing Committee as per Rules and Procedures of this august House. It is against this background that the Committee reintroduced the Affirmative Action Loan Scheme Report on the 15th of September this year with two Amendments.

The two Amendments are on the loan period which will be extended to thirty years, on Page 14 of the Report, and the land tax where the Affirmative Loan Scheme beneficiaries should be exempted from land tax for the first fifteen years and no provision should be made for further exemption, that is on Page 16.

Comrade, Deputy Speaker, it is not my intention to motivate the Report, since that was done when the Report was tabled in this august House during April early this year. Therefore, if there are those Honourable Members who might have had a chance to debate on this Report, they have now the chance to do so. With these few words, Comrade Deputy Speaker, I so Move and I thank you.

22 September 2004

AFFIRMATIVE ACTION LOAN SCHEME
HON PRETORIUS

HON DEPUTY SPEAKER: Thank you Honourable Member. Are there any further discussions on this Report? Yes, Honourable Pretorius.

HON PRETORIUS: Just a question, Honourable Deputy Speaker, the Amendments, can we have it? Is it in the new Report or, the wording? Is it possible to get the wording please?

HON DEPUTY SPEAKER: The wording of the Amendments as proposed, are they contained in the Report or is it separate and can that be made available to the Honourable Members?

HON DINYANDO: Comrade Deputy Speaker, the Amendments are in the Report. It is contained in the Report.

HON PRETORIUS: Mr Speaker, I just want to ask whether the Debate on this Report can be adjourned until next week, Tuesday?

HON DEPUTY SPEAKER: Any objection to the adjournment of this debate until next week Tuesday? Is there any objection Honourable Minister?

HON MINISTER WITHOUT PORTFOLIO: I need a clarification. Are we going to Debate the whole Report or only Amendments? Because the Report was already debated.

22 September 2004

AFFIRMATIVE ACTION LOAN SCHEME

HON DEPUTY SPEAKER: That is for the House to decide but I think procedurally and for the sake of progress, the Amendments that would be new would be the issues to debate. The rest of the Report is known and there is no bone of contention on those ones, I do not know, but that would be free, the Members would be allowed to debate the issues contained in the Report, whether it is Amendments or the contents, we will not stop them. Yes, Honourable Pretorius?

HON PRETORIUS: Mr Deputy Speaker, I want to say that I have no problem to stick to the Amendments, but the procedure with any Bill is, as soon as there is an Amendment, the whole Bill is open.

HON DEPUTY SPEAKER: With that good understanding and good time management, this House now in terms of Rule 90, automatic adjournment, stands adjourned until tomorrow afternoon at 14:30. The House will rise.

HOUSE ADJOURNS AT 17:45 UNTIL 2004.09.23 AT 14:30