

**Questions by Hon. Utaara Mootu**

I hereby give notice that on Thursday, 25 February 2021, I shall ask the Deputy Prime Minister and Minister of International Relations and Cooperation, Hon Netumbo Nandi-Ndaitwah Honourable Deputy Prime Minister, the 5th November 2020 became a day of tragedy and unbearable pain to our nation, as innocent fisherman were brutally killed by the DBDF. The killings became another statistic to an alarming number of citizens, who lost their lives as a result of the terrorist acts by the BDF. Botswana's shot-to-killing policy has resulted to 38 cases on record, with speculations of more. This policy manifests itself with acts of intimidation harassments, and killings, which has caused great trauma to the family of the victims and, residents of villages located alongside the borders in the Zambezi Region.

Botswana's actions is clear infiltration and a threat to our country's sovereignty, and violation of the international treaties, in terms of territorial integrity. It is an utter shock that your ministry is downplaying, such acts as we are informed that another incident took place on the 15th January 2021. The BDF soldiers allegedly illegally entered Namibian ground and proceeded to interrogate farmers on their fields.

Recently, the Joint Permanent Cooperation Commission of Defence and Security between Botswana and Namibia met and the agenda of the meeting did not include discussions around the killings that is of utmost importance to the Namibian nation.

It is on record that you made claims that talks were had with the Botswanan Government in May 2014 and a commitment was made that there would be no further killings. In addition, in 2018 a Boundary Treaty was signed by both Heads of States, to provide certainty to end border tensions.

The Minister has failed to convey the national interest of the country but seems to be vocal at protecting that of foreign nations. To give support to the previous statement, the Minister seemed vocal at condemning the death of the late George Floyd in the United States, and urged Namibians to adhere to China's Covid-19 regulations during China's xenophobic attacks. However, in contradiction when it comes to the brutal BDF killings, silence and insensitivity is given in return.

Therefore, I proceed to ask the Minister the following:

1. What are the measures that the Ministry set in place to safeguard the territorial interest and integrity of Namibia along the border?
2. During the signing of the boundary treaty, how where the people of Zambezi, that share the boundaries of Botswana consulted, especially the Traditional Authorities?
3. What are the incentives in place to accelerate the release of the reports and autopsies, to the public and family, which are in the custody of Botswana's courts?
4. How long will the Joint Commission take to complete their work and present a preliminary report to parliament as per your mandate to account to Parliament?

Honourable Speaker, Honourable Members,

While the Namibian government cannot condone cross border crime, 'shoot to kill' is unacceptable. Over the years the Namibian government has been engaging Botswana and impressed upon them to arrest instead of killing. Yes, in May 2014 at a meeting between the then Minister of Foreign Affairs of Botswana and myself a commitment was made that there will be no further killings. The killing on the 5th November 2020 came 5 years since that undertaking, at a time when we one had the impression that the commitment is working. When the killings happened, the Namibian President talked to his counterpart in Botswana on the killing of the 3 Namibians, I called in the Botswana High Commission to Namibia, and both the State House and MIRCO have issued a media statements condemning the killings. It is unfortunate that the Honourable Member was not aware of those media statement, but only know the one issued following the death of George Floyd. I will leave it there.

It is therefore malicious to accuse the government and the Ministry of International Relations and Cooperation of downplaying such a serious, tragic and unacceptable incident. The fact that for the first time the government of Botswana has taken the matter before their national court (as the killing has taken place in Botswana), demonstrates how serious the matter is being taken by the neighbours.

Honourable Member, you are right that, when the Joint Commission on Defence and Security between Namibia and Botswana meet, it should discuss the killings as it is part of defence and security.

For your information, the recently held meeting between Namibia and Botswana is the Joint Commission of Cooperation (JCC) that deals with bilateral issues in the areas of economic and social development and alike. That is to say that the JCC is not the appropriate platform to discuss the matter of the killings.

Honourable Member,

Coming to your specific questions.

1. What are the measures that the Ministry set in place to safeguard the territorial interest and integrity of Namibia along the border?

Article 96 of the Namibian Constitution clearly stipulates the mandate which underpins the Government's commitment to actively promote friendly and beneficial relations and co-operation with other nations, and also to foster, in concert with them, the maintenance of the rule of law, peace, security, social justice and economic welfare.

At the bilateral level, we are cooperating through different mechanism, this include the political and diplomatic consultations, the Joint Commission of Cooperation and the Joint Commission on Defence and Security. The Joint Commission with Botswana was now elevated to a Bi-National Commission, which will be co-chaired by the respective heads of state. Through such mechanism, we are able to address issues of mutual interest and concern. To protect our border Namibia has increased the presence of defense and security personnel along the border in the Zambezi Region, not as a means of confrontation but as a safeguard of our territorial integrity and national security.

At the Regional level, we engage each other through the SADC Organ on Politics Defence and Security Cooperation. As members of international community, both countries are party to various international treaties which guide our relations, including the AU Convention on Cross-Border Cooperation (Niamey Convention).

2. During the signing of the Boundary Treaty, how were the people of Zambezi, that share the boundaries of Botswana consulted, especially the Traditional Authorities?

The process that led to the signing of the Boundary Treaty in 2018 by our respective Heads of State comes a long way, as far back as November 1999, following extensive consultations.

The Office of the Surveyor-General studied the final report of the Joint Commission of Technical Experts on the Delimitation and Demarcation of the boundary between Namibia and Botswana along the Kwando/Linyanti/Chobe river, which was established on the 24th November 1999 to determine the riverine boundary in accordance with the Anglo-German Agreement of 1st July 1890.

The Namibian Technical Commission was led by Honorable Dr Albert Kawana, then Permanent Secretary, Ministry of Justice, supported by the former Director of Geological Survey: Dr Gabi Schneider, the former Surveyor-General: Dr K. Owolabi, and the Head of the Hydrographic Division: Mr G. Van Langenhoven.

To attain its goal of delimiting and demarcating the river in question, the Joint Commission employed all methods viable including hydrographic, ground and aerial photography surveys, as well as examination of various expedition reports, mainly the 1915 Eason Report, the 1925 Kalahari Reconnaissance Report, and the 1945 Kalahari Expedition Report.

In addition to deployment of scientific and technological methods, the office of the Governor of Zambezi Region and Traditional Authorities were consulted and informed by the Joint Commission Namibian Co-chair, who also served as a local expert. As part of the consultation process, several meeting took place in Katima

Mulilo and visits to sites of high interest were undertaken in which the traditional authorities and community participated.

The work of the Joint Technical Commission culminated in the production of the Main Report and associated annexes, dated June 2002, which were later incorporated into the main treaty signed on the 5th February 2018.

I may also inform that the Ministry of Agriculture, Water and Land Reform through the Directorate of Survey and Mapping has the responsibility to sensitize communities for them to know the precise position of the national borders.

3. What are the incentives in place to accelerate the release of the reports and autopsies, to the public and family, which are in the custody of Botswana's courts?

As you correctly put it, the report of the joint investigation is before the courts in Botswana and remains sub judice.

As true democrats and strong advocates of the principle of the separation of powers, we should allow the judicial process to run its course without interference.

Having observed that the report is placed before the courts in Botswana, as a Namibian Minister, I have no jurisdiction over another sovereign country to dictate the speed of their internal judicial processes.

4. How long will the Joint Commission take to complete their work and present a preliminary report to Parliament as per your mandate to account to Parliament?

I want to believe the Honourable Member is referring to the Joint Commission of Cooperation (JCC) being the only Joint Commission under MIRCO.

The JCC is an instrument used to ensure continues bilateral cooperation between Member States, as such its work is never completed. Hence, during the budget statement the Ministry gave a summary of the JCCs that have taken place in the course of the year. That is what we do to account to parliament based on the benefit allocation.