



**REPUBLIC OF NAMIBIA**

**MINISTRY OF HOME AFFAIRS AND IMMIGRATION**

**ANSWERS TO QUESTION 27 (2017/02/23) – DEPUTY MINISTER OF HOME  
AFFAIRS AND IMMIGRATION**

**Honourable Speaker,  
Honourable Members,**

A question has been asked why the requirements used by the Electoral Commission to give voter's cards are not being used to (in essence) confer Namibian citizenship on many citizens in Kavango East and West. I say "in essence" because one can only be issued with an Identification Document (ID) if they are a Namibian citizen. As for birth certificates, we issue birth certificates to everyone born in Namibia as evidence of such person's birth – even if that person is not a Namibian.

I will now deal with the questions asked by Honourable van der Heever.

I will answer question 1 and 2 together because they ask the same principle questions.

**Question 1: Surely if someone is deemed "Namibian enough" to vote in Namibian Elections, then such person should also be entitled to Namibian identification documents?**

**Question 2: Why is it that the same practice that is used for identification purposes during voter registration can also not be used for registration for identification documents?**

I want, at the very beginning, to clarify that the rules pertaining to registration as voters differ from citizenship laws. Unless these laws are exactly the same, the "practice" used for identification purposes during voter registration cannot be used for registration of identification documents. Namibian citizenship is regulated by Article 4 of the Namibian Constitution and the Namibian Citizenship Act, 1990 (Act No. 14 of 1990) while eligibility as a voter is regulated by Article 17(2) of the Namibian Constitution and the Electoral Act, 2014 (Act No. 5 of 2014).

Without going into the requirements of who is entitled to vote as it is not in my sphere to do so, I would like to mention that the Ministry issues national documents within the ambit of the laws that regulate such issuance. For purposes of issuing birth certificates we are regulated by the Births, Marriages

and Deaths Registration Act, 1963 (Act No. 81 of 1963) and for purposes of issuing IDs, we use the Identification Act, 1996 (Act No. 21 of 1996).

**Honourable Members;**

As lawmakers, we know very well that no administrative official is permitted to act outside the law; this would attract litigation for Government. So we endeavour, as much as possible, to remain within the confines of the law. A person is Namibian if they meet Constitutional and statutory requirements for Namibian citizenship.

It is my considered view that questions regarding the requirements for registration as a voter (and how they tie in with Namibian citizenship) should be directed to the Electoral Commission which administers the Act of Parliament pertaining to voter eligibility.

**Question 3: Does the Ministry currently have any ongoing programmes in place to address the plight of voter-card-carrying Namibians who do not have identity documents?**

The Ministry of Home Affairs and Immigration, as part of its core mandate, must administer the National Population Register. This register contains information of all Namibian citizens. A person will only have their details entered in the Register if they meet Constitutional and Statutory requirements for Namibian citizenship. These requirements are not drawn from the Electoral Act; therefore, being in possession of a voter's card is not a requirement for citizenship.

Whether or not the persons referred to in the question are Namibians remains to be determined. Therefore, proof must be furnished to the effect that such individuals are indeed Namibians. If they are not Namibians, they must apply for Namibian citizenship as set out in the law. They only become Namibians when Namibian citizenship is granted to them by the Minister of Home Affairs and Immigration.

The Ministry has programmes to ensure that all citizens (country-wide) have national documents.

## 1) Regarding citizenship by birth

We have in the past 10 years put strategies in place to reduce the high number of late registrations through improving accessibility to civil registration services. We have hospital-based facilities to ensure that the birth of children is registered in hospitals before mothers leave hospitals. We register the birth of all children born within the territory of Namibia; this is in line with international standards. We want to register the birth of every child before such child turns a year old.

For the benefit of the house, in the two Kavango Regions, the Ministry has, since 2012, opened 4 hospital-based registration offices at:

- Rundu State Hospital,
- Nyangana Hospital,
- Andara Hospital, and
- Nankudu Hospital.

These are in addition to:

- The Regional Office in Rundu,
- The two sub-regional offices in each region (namely Mukwe sub-regional office in Kavango East and Kahenge Sub-regional Office in Kavango West).

**Honourable Speaker,**

**Honourable Members,**

Allow me to inform this August house that on 23 June 2017 our new Kavango West Regional Office will be opened in Nkurenkuru.

Unfortunately, despite the efforts by the Ministry, the 2 Kavango Regions still have very high rates of late registration of births. Last year (2016), we registered a total number of **Thirteen Thousand Eight Hundred Thirty Six (13 836)** births but of this number only **Three Thousand Thirty Two (3132)** were (timely) registered.

The late registrations (or non-registration) of many children are due to cultural name giving practices, absent fathers and for some people very long distances. I must make it clear to the nation that absent fathers

must not be a barrier for timely birth registration. Let me take the opportunity, to encourage mothers to register the births of their children even if fathers are absent. In circumstances like this, the law permits for the child to take the mother's surname. If the father appears later, the surname can be changed.

The border regions are also giving us particular challenges, as we by law are obliged to verify that each child was in fact born in Namibia, and determine the citizenship, which depends on the citizenship/resident status of the parents at the time of the child's birth. If parents delays the registration of their children and the proof of the birth from the hospitals are lost, it becomes difficult to determine where and when the child was born, and who the biological parents in fact are, and therefore additional requirements will have to be met. Parents must be in possession of national documents for their children to get national documents.

If people have birth certificates and are Namibians then they can obtain IDs when they turn 16 years of age.

## **2) Regarding Citizenship by Naturalisation & Registration**

- We are well aware that there are people who were not born in Namibia but have been in Namibia for a long time but have no Namibian citizenship. For the specific issue of Namibian citizenship for Angolans who entered Namibia between 01 January 1978 and 20 March 1990, a draft bill for this particular group of people is currently being discussed between the Office of the Attorney General and this Ministry. We are hopeful that the matter will be resolved. After this category of persons gets citizenship certificates they can get IDs. The Angolans who came before 01 January 1978 have already been taken care of.

The Namibian Citizenship (Second) Special Conferment Act, 2015 (Act No. 6 of 2015) was enacted to cater for descendants of Namibian citizens by birth or would have been such citizens had they been alive, and had left Namibia owing to persecution by the colonial government which was in control of the country before 1915. This

category of persons is entitled at any time within a period of 10 years after the commencement of the Act to acquire Namibian citizenship. This process is open until 2025. After this category of persons gets citizenship certificates they can get IDs.

I trust that the information I have provided has adequately answered Hon. Van der Heever's question.

I thank you.