



REPUBLIC OF NAMIBIA

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THE NATIONAL ASSEMBLY

NOTICE OF QUESTION BY HONOURABLE USUTUJIE MAAMBERUA OF SWANU

Honourable Maamberua, Member of Parliament for the Southern West Africa National Union (SWANU) has posed a Notice of Question which insinuates that certain appointments in the Public Sector contravene the letter and spirit of the National Constitution or are a violation of Article 10 of the Constitution. He further alleges that certain appointments are based on ethnicity and regionalism. My answer to Honourable Maamberua's question is as follows:

Whereas the majority of the Namibian population is found north of Otavi town;

Noting that the Government of the Republic is controlled by the SWAPO Party which won the 2009 National Assembly elections by 74.29 percent and securing 54 seats in the National Assembly;

Reaffirming that the Republic of Namibia is governed on the basis of the rule of law and appointments to Public Office or Public Service have to comply with the law; and conscious that Namibia is a unity in diversity; here therefore I wish to inform Honourable Maamberua and the public at large as follows:

1. Holding of public Office or a position in the public service is regulated by the Constitution, laws or conventions applicable in Namibia.

1.1 The President of Namibia is elected under the provision of Article 28 of the Namibian Constitution. The current President was elected during the 27-28 November 2009 Presidential Elections. President Hifikepunye Pohamba of the SWAPO Party received 611,241 votes out of 812, 237 votes or 75.25 percent of the national vote. **It is therefore impertinent for Honourable Maamberua to question the will of the people of Namibia.**

1.2 The Prime Minister, the Deputy Prime Minister and Ministers are appointed under Article 35 and Deputy Ministers are appointed under Article 37 of the Constitution. In the case of the Prime Minister, Deputy Prime Minister and Ministers, they should first and foremost be members of the National Assembly. The Deputy Ministers may be appointed from either the National Assembly or the National Council. During the 2009 National Assembly elections, the SWAPO Party garnered 602, 580 votes out of 811,143 or 74.29 percent or 54 seats. The President had to appoint his Prime Minister, Deputy Prime Minister, Ministers and Deputy Ministers from those elected by the people through his Party. The President enjoys the direct mandate from the people. His Prime Minister, Deputy Prime Minister, Ministers and Deputy Ministers also

passed the democratic test of the electorate. **It is impertinent for Honourable Maamberua to question both the wisdom of the President and of the electorate.**

1.3 **Appointment of Judges** is provided for in the Article 82 the Constitution. The Appointment of Prosecutor-General on the other hand is provided for in Article 88 of the Constitution. The Judicial Service Commission is a Constitutional body. It makes recommendations to the President for the appointment of judges and the Procecutor-General. **It is impertinent for Honourable Maamberua to bring into disrepute the honour and reputation of the Judiciary Service Commission.**

1.4 **The appointment of Attorney-General** is provided for in Article 86 of the Constitution read together with Article 32 (i). Similarly, the appointments of the Prime Minister, Deputy Prime Minister, Ministers and Deputy Ministers, Director-General of National Planning Commission is provided for in Article 32 (i) of the Constitution. **It is insolent for Honourable Maamberua to insinuate that the President made these appointment on ethnic or regional bases!**

- 1.5 **The Secretary to Cabinet** post is provided for in Article 43 of the Constitution. The incumbent is appointed by the President mainly on the basis of competence, loyalty and trust. Honourable Maamberua is guilty of accusing the President of ethnicity and regionalism or of denying any one from north of Otavi to be appointed as Secretary to Cabinet. If the current Secretary to Cabinet is not fit to occupying such a position Honourable Maamberua should state the reason why!
- 1.6 **The Chairperson of the Public Service Commission** is appointed in accordance with Article 112 (3) of the Constitution. This Assembly appointed the Public Service Commissioners including its Chairperson on the recommendation of the President. Honourable Maamberua must have been sleeping on job when the National Assembly approved the appointment of members of the Public Service Commission!
- 1.7 Article 114 of the Constitution established the **Security Commission**. The Commission makes recommendations to the President on the appointment of the Chief of Defence Force, the Inspector-General of Police and the Commissioner of Prisons. Honourable Maamberua should provide evidence to show that the Security Commission acted improperly in

recommending to the President to appoint incumbent officers to their positions.

1.8 **The Permanent Secretaries** are appointed in terms of the Public Service Act. In addition, the Public Service Commission established under Article 112 of the Constitution advises the Prime Minister and Cabinet on the appointment of Permanent Secretaries. It is therefore impertinent for Honourable Maamberwa to single out few Permanent Secretaries and allege that they were appointed on the basis of ethnic or regional consideration. This is demeaning of the Permanent Secretaries concerned.

1.9 Appointments of heads of what Honourable Maamberwa termed "Public Finance Nerve Centres" is regulated by statutes, Boards and line Ministers who make recommendations to the Cabinet. Rather than generalizing, Honourable Maamberua should produce evidence of wrong doing in the appointment of such officers.

1.10 Promotion in the Defence Forces is regulated by tradition and promotion in the Defence Force is strictly rank based.

On the basis of the above it is fair to conclude that Honourable Maamberwa and his ilk are suffering from ethnic phobia. His question is aimed at incitement, ethnic hatred and ethnic cleansing.

Honourable Maamberwa and his ilk should be reminded that they are inviting the attention of the International Criminal Court!

I thank you!



Nahas Angula, MP
Prime Minister

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