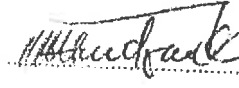


# NATIONAL COUNCIL

## AMENDMENT

MOVED  
BY

Hon. Andreas N. Amundjindi ..... (Signature:  Tuesday, 18<sup>th</sup> July 2023

On the

Honourable Chairperson.....

Honourable Members.....

I hereby move that the definition of "Spouse" as contained in the Marriage Amendment Bill (B-2023), Section 1(b) which states that the word spouse, *"wherever it occurs in this and any other legislation, means a partner in a marriage between persons of opposite sex"* be replaced with the definition of Spouse as contained in the Definition of Spouse Bill (B-2023) which categorically define a Spouse to mean *"a person, being one half of a legal union between a genetically born man and a genetically born woman of the opposite sex of that person."*

I so move,.....

**Motivation for the Amendment of the  
Definition of Spouse in the Marriage Amendment Bill (B-2023)**

**By Hon. Andreas N. Amundjindi**

**Tuesday, 18<sup>th</sup> July 2023**

Honourable .....

The basic rationale for the Amendment Bills, namely the Marriage Amendment Bill (B-2023) and the Definition of Spouse Bill (B-2023) follows the recent judgement of the Supreme Court which basically ruled that two men or two women can go out of Namibia get married and will then be legally recognized whilst such marriages in our beloved Republic are not allowed. This judicial decision is not only confusing but it leaves ambiguity about what the Constituent Assembly intended what a Spouse and Marriage should be.

Our intention therefore as empowered by Article 81 of the Namibian Constitution is to close the gap and remove any and all ambiguity regarding Spouses in the context of marriage in the Republic of Namibia hence the proposed amendment. Article 81 empowers us to do exactly what we are doing as only the House of Parliament has powers to make laws. Furthermore, Honourable Members, we have a duty to preserve our cultural values and morals as a Nation. The laws that we make should therefore respond to this.

Whilst I highly welcome the Private Member's Bill by Honourable Jerry Ekandjo, whom I once again highly salute, the Bills before us are having different definitions whilst they appear to address the same issue. It is important that we adopt a

common definition for the word Spouse and therefore for the categories of people who by law should be allowed to enter holy matrimony (marriage). This proposed amendment therefore will serve to close any gap in this regard.

Finally, I move that the definition of "Spouse" as contained in the Marriage Amendment Bill (B-2023), Section 1(b) be replaced with the definition of Spouse as contained in the Definition of Spouse Bill (B-2023) which states that a spouse is "a person, being one half of a legal union between a genetically born man and a genetically born woman of the opposite sex of that person."

I so move,