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NATIONAL ASSEMBLY

QUESTIONS

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Question 129 (2023-07-11)

Hon. Mootu (LPM) asked the Minister of Finance and Public Enterprises.

Regarding Ministers who receive S&T from State parastatals. Honourable Minister, it has come to media headlines that the Minister of Higher Education, Technology and Innovation, Hon. Itah Kandjii-Murangii received an amount of N\$ 310 400 in S&T for traveling purposes in July last year. This raises concerns because the university has a history of targeting disadvantaged students who failed to pay tuition fees, at a value that is lower than the amount dashed out to the Minister by the university. Furthermore, the kleptocratic nature of some Ministers to loot State resources under the disguise of 'S&T' is alarming. It is in light with the above statement that I proceed to ask the following:

1. Can the Minister provide which policies and procedures that permits Ministers to solicit traveling S&T from State parastatals?
2. If there is an existence of such policies, what are the mechanisms in place to ensure that tax payers' money is not spent on unproductive trips, and that corruption is limited?
3. How many Ministers have benefited from requesting S&T from parastatals, and at what value? Can it be made public?
4. If such requests are provided for via a policy, why has it not been reported back to the August House during the budget debates?

Question 130 (2023-07-11)

Hon. Seibeb (LPM) asked the Minister of Mines and Energy.

Regarding the current issue of lead exposure among infants and children in Rosh Pinah, there have been allegations of a potential cover-up by the mining company, Trevali

Mining Corporation, which happens to be one of Namibia's largest and most significant lead and zinc mines.

A medical report exists that reveals the findings of lead concentration tests conducted on 30 children. According to the report, all 30 children exhibited high levels of lead in their blood. These tests were performed by a medical doctor who was previously employed by the mining company. The doctor recommended concrete measures be taken and advised the company to inform the Ministries of Health and Social Services, Mines and Energy (Mining Commissioner), and Environment, Forestry and Tourism (Environmental Commissioner). Unfortunately, the doctor's contract was abruptly terminated, and he subsequently relocated to Cape Town. It's worth noting that the doctor's employment contract contained a Non-Disclosure Clause, prohibiting him from contacting anyone outside the scope of his employment. Nevertheless, he compiled a report that has been in existence for the past three years. The local clinic in Rosh Pinah is well aware of this situation; however, it appears that Trevali Mining Corporation is attempting to suppress this matter from becoming public knowledge. The health implications of lead exposure in children are significant. At high levels of exposure, lead can severely impact the brain and central nervous system, potentially leading to coma, convulsions, and even death. Another medical doctor conducted tests on 10 children, and in one instance, a one-year-old baby exhibited a lead concentration of 25 in the body, while a two-year-old child had a concentration of 22. The blood lead reference value (BLRV) for children should not exceed 5 micrograms per deciliter ($\mu\text{g}/\text{dL}$). In some countries, a blood lead reference value of 3.5 $\mu\text{g}/\text{dL}$ is utilized. If this lower value were applied in Namibia, it is possible that more children would be identified as having lead exposure.

This would enable parents, doctors, public health officials, and communities to take early action to reduce the children's future exposure to lead. Children who survive severe lead poisoning may experience intellectual disabilities and behavioral disorders. Even at lower levels of exposure that do not produce obvious symptoms, lead is known to cause a range of injuries across multiple body systems. Lead is distributed throughout the body, including the brain, liver, kidneys, and bones. It accumulates over time in the teeth and bones, and during pregnancy, lead in bone can be released into the blood, thereby becoming a source of exposure for the developing fetus. It is important to note that there is no known level of lead exposure that is without harmful effects. One week ago, officials from the Ministry of Health and Social Services visited the clinic in Rosh Pinah to assess the situation on the ground.

Questions:

1. Honourable Minister, I would like to inquire if you are aware of the existence of a medical report compiled by a former medical doctor employed by Trevali Mining Corporation?
2. Has Trevali Mining Corporation informed you about the elevated lead concentration levels found among children in Rosh Pinah?
3. Is the Mining Commissioner informed about the lead exposure issue and the alleged cover up by Trevali Mining Corporation?
4. Has the Mining Commissioner dispatched a team of investigators to Rosh Pinah to assess the lead exposures and determine the necessary remedial actions?

5. Honourable Minister, I understand that officials from the Ministry of Health and Social Services were sent to Rosh Pinah to meet with the clinic administration. Could you provide us with information on when you plan to conduct joint meetings with your Cabinet colleagues, the Ministers of Health and Social Services, and Environment, Forestry and Tourism, in order to investigate these issues thoroughly and deliver a comprehensive briefing to this esteemed House?

Question 131 (2023-07-12)

Hon. Seibeb (LPM) asked the Minister of Finance and Public Enterprises.

It has come to my attention that there have been recurring concerns regarding the utilization of subsistence and travel allowance funds by various Ministers, with a recent focus on the Minister of Higher Education, Technology and Innovation, who is alleged to have benefited from such claims across multiple public enterprises within the education sector. However, it is worth noting that this issue extends beyond the Minister of Higher Education, Technology and Innovation, as it appears that several Ministers have also availed themselves of similar arrangements.

During the Fishrot trial, former fisheries minister Bernhardt Esau explicitly mentioned how Ministers would exploit these opportunities to claim excessive subsistence and travel allowances, thereby accumulating substantial financial gains. Furthermore, it is important to highlight that there is currently no provision within the Public Enterprises Governance Act that explicitly authorizes Ministers to request subsistence and travel allowances from Public Enterprises.

In light of these circumstances, I seek clarification from the Minister of Finance and Public Enterprises regarding the legitimacy and appropriateness of these claims made by Ministers, particularly with regard to Public Enterprises. Additionally, I request information on any directives or guidelines in place, or any potential plans to establish them, to ensure proper governance and oversight of subsistence and travel allowances within the context of Public Enterprises.

Therefore, the following questions:

1. Hon. Minister, are you aware that the Minister of Environment, Forestry and Tourism and his Personal Assistant has been always claiming subsistence and travel allowances from the Environmental Investment Fund (EIF) to attend COP (Conference of the Parties) meetings every year? COP is the main decision-making body of the United Nations Climate Change Conference (UNFCCC).
2. Will you investigate such claims against the Minister of Environment, Forestry and Tourism and his Personal Assistant and publish such findings/avail it to this August House?
3. Hon. Minister are you aware that even the former Minister of Environment and Tourism, Uahekua Herunga (now Swapo Deputy Secretary-General) used to claim subsistence and travel allowances from the Environmental Investment Fund (EIF) during his short stint as the Minister of Environment and Tourism?
4. Will you investigate such claims against the former Minister of Environment and Tourism and publish such findings/avail it to this August House?

5. Hon. Minister can you confirm or deny that when the Public Enterprises were transferred to your Ministry, you received subsistence and travel allowances request made to the Environmental Investment Fund by the Minister of Environment, Forestry and Tourism but you refused to accede to such requests arguing that it is wrong and that all Ministries must budget for subsistence and travel allowances. Kindly produce such a letter of request by the Minister of Environment, Forestry and Tourism and your concomitant response?
6. When will you develop laws, regulations, policies prohibiting the Executive and their support staff from requesting subsistence and travel allowances from public enterprise operating in their sphere of control?
7. Hon. Minister, can you investigate written letters to all the Managing Directors, Chief Executive Officers of all the public enterprises and request them to provide whether they have not received subsistence and travel allowances requests from the Executive, and the amounts thereof?

Question 132 (2023-07-12)

Hon. McHenry Venaani (PDM) asked the Prime Minister.

The Constitution of our Republic recognises the diverse fabric of our society, affirming in Article 19 that “Every person shall be entitled to enjoy, practise, promote and maintain his or her culture, language, tradition or religion subject to the terms of the Constitution and further subject to the condition that the rights protected by this Article do not impinge upon the rights of others or the national interest.”

Our /Khomanin brothers and sisters, under the /Khomanin Traditional Authority, have been practicing their beliefs, traditions, and norms in the same manner as our predecessors did, yet they seem to persist without communal land of their own to practice these customs and norms.

Furthermore, Article 23 of our Constitution, recognises and places responsibility on our Government to actively promote and maintain the welfare of the people by adopting policies aimed at ensuring that citizens can partake in activities which are necessary for their physical, economic and social development. Regrettably, it would appear that either this duty has been overlooked or dismissed in the case of /Khomanin Traditional Authority.

I thus wish to ask the Honourable Prime Minister the following questions:

1. Are you aware, Rt. Hon. Prime Minister, that members of the /Khomanin are left to brave the natural elements as many of them are evicted from farms where they have stayed for generations and as a result they now have to stay in corridors of urban areas, because they do not have communal land of their own to retreat to?
2. Why is it that, despite these constitutional provisions and their inviolable right to own and habit communal lands, the /Khomanin Traditional Authority still does not have a legitimate parcel of land to autonomously practice their beliefs, traditions and norms?

3. Why does the /Khomanin Traditional Authority not have representation on the Land Board?
4. Why is it that despite the /Khomanin Traditional Authority having been recognised by the government, they still do not have offices to conduct their affairs from?
5. How does the government plan to rectify this situation and ensure that our Constitution is upheld in letter and spirit?

Question 133 (2023-07-12)

Hon. Van Den Heever (PDM) asked the Minister of Mines and Energy.

On the 23rd of April 2023, the Employee Representative Committee (ERC), comprising of eight (8) Sperrgebiet Diamond Mining employees was elected, as per instruction from the Company's payroll administrator. The following day, on 24th April, the Company's Management called for a meeting with all employees to notify them of the Company's intention to retrench sixty (60) employees. The meeting took place. In total, six (6) consultative meetings were held between Management and ERC and in almost all meetings ERC complained about the lack of transparency, non-compliance and unaudited documents provided by Management. Henceforth, this practice has raised suspicion that Management is deliberately misleading the ERC.

In terms of section 33(a) of the Labor Act, 2007 (Act No. 11 of 2007) as amended, an employer must not, whether notice is given or not, dismiss an employee, without a *valid* and *fair* reason.

Therefore, any dismissal (whether or not notice has been given in accordance with the Labor Act or any contract or collective agreement) without a *valid* reason, and not in compliance with a *fair* procedure, shall be regarded as having been taken unfairly.

The current dispute, which has since been lodged with the Office of the Labor Commissioner, is concerning unfair termination of employment, which according to the employees is not compliant with certain provisions of the Labor Act, specifically section 34 of the Act.

According to these employees, it's been almost a month since the dispute was lodged, and no response has been received yet.

I, therefore, put to you, Hon. Minister, the following question:

Are you aware, Hon. Minister, of the ongoing labour dispute involving Sperrgebiet Diamond Mining (SDM) and certain employees, and what's the current *status quo* regarding the same?

Question 134 (2023-09-05)

Hon. Smit (PDM) asked the Minister of Finance and Public Enterprises.

It has come to light that a pharmaceutical company majority-owned by a five-year-old child and the child's father, has been awarded a government contract in the order of around N\$1 billion.

This is indeed a shocking revelation, casting a long shadow of doubt over the ability of the Procurement Board to execute its mandate, despite the extensive new legislation that is supposed to plug all these criminal loopholes.

The company in question, Cospharm Investments, is 51% owned by a 5-year old child and the child's father is the owner of the remaining 49%.

This company has been awarded a government tender worth N\$1 billion to supply pharmaceuticals used in cancer treatment and psychotic disorders.

I therefore wish to ask the Honourable Minister the following:

1. How was Cospharm Investments awarded the tender if there is no record of the company on the system of the Business and Intellectual Property Authority (BIPA)?
2. What documentation and records did the Central Procurement Board of Namibia use to verify the authenticity of the company?
3. The minor who is the owner is not part of the Founding Statement of the company that was submitted with the tender. Can you explain this contradiction?
4. How will the 5 year-old minor pay tax to the government seeing that he is the owner of the company? Or will the company be exempted from paying tax seeing that it is controlled by a minor?
5. The same company was accused of selling unregistered medicine to the government's Central Medical Stores two years ago and the State withdrew the case. Please share with this August House:
 - 5.1 Why the State withdrew the case against Cospharm Investments two years ago?
 - 5.2 Why this company still continues to benefit from Government Tenders despite its previous unlawful conduct?
6. We insist that the proper course of law be pursued and that the Procurement Board lays a charge of criminal misrepresentation against Cospharm Investments, and that this case then be investigated by the Commercial Branch of the Namibian Police and prosecuted in a fit and proper court of law.

7. We further pray for an explanation from your Ministry why the Central Procurement Board of Namibia still operates in gross violation of all legal, ethical and professional standards, and that this is allowed to happen, either intentionally or through negligence, on your watch.

Question 135 (2023-09-05)

Hon. Katjimune (PDM) asked the Deputy Prime Minister and Minister of International Relations and Cooperation.

Elections in Zimbabwe have over the years been tainted by claims of irregularities, voter suppression, and a lack of transparency, and the elections held on 23-24 August 2023 were no different. That is why, when President Geingob was the first President in SADC to congratulate Emmerson Mnangagwa on a disputed election, it raised concern. This action by President Geingob is inconsistent with Namibia's long-standing commitment to democratic principles and human rights, both regionally and internationally.

Moreover, the preliminary SADC Observer Mission report on the elections came to a damning conclusion that aspects of the elections fell short of the requirements of the Constitution of Zimbabwe, their Electoral Act, and the SADC Principles and Guidance Governing Democratic Elections.

Therefore I wish to ask the Honourable Minister the following:

1. Why did President Geingob congratulate Emmerson Mnangagwa on a disputed election, even after the Preliminary SADC Observer Mission declared the elections as having been inconsistent with the Constitution of Zimbabwe, their Electoral Act, and the SADC Principles and Guidance Governing Democratic Elections?
2. Why does President Geingob and the Namibian government keep supporting autocratic and despotic regimes like the one in Zimbabwe that do not align with our democratic values and ethos as Namibian society?
3. Will President Geingob withdraw his congratulatory message to Emmerson Mnangagwa if the final SADC Observer Mission confirms the findings of the preliminary report that the elections were inconsistent with the Constitution of Zimbabwe, the Electoral Act, and the SADC Principles and Guidance Governing Democratic Elections?
4. Lastly, but most importantly, must we be concerned as stakeholders ahead of the 2024 Presidential and National Assembly elections in Namibia since the Namibian government supports rigged and flawed elections in countries like Zimbabwe?

Question 136 (2023-09-05)

Hon. Katjimune (PDM) asked the Minister of Higher Education, Technology and Innovation.

The Namibia University of Science and Technology (NUST) has been embroiled in a protracted fight between members of former Council as well as infighting among

senior members of its Management. The university has been making headlines for all the wrong reasons from allegations of nepotism, tribalism, abuse of power and theft culminating in an ongoing investigation by the Anti-Corruption Commission (ACC) against the Vice-Chancellor.

The former Chairperson of Council warned that *'the institution faces mayhem if critical governance shortcomings are not addressed'*¹. The crisis at NUST therefore highlights the fundamental challenge faced by higher education, especially when it concerns the erosion of corporate governance, and the comments by the former Chairperson of Council must not be taken lightly. It is clear that NUST is on the verge of collapse and it has become imperative that the Minister intervene.

I therefore ask the Honourable Minister:

1. Can the Honourable Minister provide a comprehensive analysis and account to this August House as to what has led to the collapse in leadership and corporate governance at the Namibia University of Science and Technology under her watch as the responsible line Minister?
2. Has it not become prudent that the Minister appoints the three (3) members of the Panel of Enquiry established in terms of section 37 of the Higher Education Act 26 of 2003² (as amended) to investigate the collapse in corporate governance at NUST pursuant to section 37(2)(a) of the Act³?
3. Lastly, but most fundamentally, how long will NUST have an interim Council while we wait on the Minister to appoint a substantive Council in terms of Section 7 of the Namibia University of Science and Technology Act 7 of 2015⁴?

Question 137 (2023-09-05)

Hon. Hamata (PDM) asked the Minister of Home Affairs, Immigration, Safety and Security.

There have been reports in the media about trial-awaiting and convicted inmates escaping from lawful custody. In most cases, these inmates breach the security of a prison and escape from custodial staff or while under the direct control of a correctional officer. Some escapes happen while inmates are under escort, or when they are being prepared to travel to and from court, or hospital.

To refresh your memory, a notable case is that of a Chinese national Wang Hui who escaped from the Windhoek correctional facility, where he had been serving a 15-year sentence for the illegal export of controlled wildlife products. It is alleged that the escapee was permitted by an officer guarding him to use a toilet and subsequently sneaked out from the toilet without being detected.

Another case involves a 36-year-old man who escaped from the Windhoek correctional facility in May 2022. According to the Namibian Correctional Service (NCS) spokesperson, the inmate in question escaped by climbing the facility wall. The NCS spokesperson was quoted: "I think that there were no officers in the unit at the time of escape. The inmate cut the wall fence in order for him to escape." Even more recently, there was a case of a 32-year-old man (who has since been re-arrested), also a Windhoek correctional facility inmate serving a 38-year sentence, who escaped from Windhoek

Central Hospital in July 2023, where he was taken for a sonar scan. These are just a few examples. Taking measures to prevent these escapes must, therefore, be a priority.

I, therefore, put to you, Honourable Minister, the following questions:

1. Do these escapes happen owing to understaffing at NCS? If so, how does the Ministry intend to deal with this crisis?
2. What operational and security improvements are you going to introduce to help minimize escapes and decline the alarming rate of escapes?
3. What management practices and physical security features and systems are in place to help maintain a secure environment at various correctional facilities across the country?

Question 138 (2023-09-05)

Hon. Van den Heever (PDM) asked the Minister of Labour, Industrial Relations and Employment Creation.

The Ministry of Education, Arts and Culture has contracted the Namibian Defence Force company August 26 Construction to build classrooms and ablution facilities at public schools countrywide to the tune of N\$255,5 million.

In the Khomas region, the company is expected to build 84 classrooms and nine ablution blocks at a cost of N\$40,8 million, in the Erongo Region 51 classrooms and nine ablution facilities at a cost of N\$33,7 million, 58 classrooms and 12 ablution facilities at a cost of N\$29,6 million in the Oshana Region, and 58 classrooms and three ablution blocks for N\$23,6 million in the Oshikoto Region. The company is also expected to build 46 classrooms and nine ablution blocks in the Ohangwena Region at a cost of N\$23,1 million, 41 classrooms and six ablution blocks costing N\$21,8 million in the Kavango West Region, 13 classrooms and two ablution blocks for N\$7 million in the //Kharas Region, and 24 classrooms and two ablution blocks for N\$10,3 million in the Hardap Region, among others.

I thus wish to ask the Honourable Minister the following questions:

1. Honourable Minister, are you aware of the tender awarded to August 26, by the Ministry of Education, Arts and Culture?
2. Was the tender made public? If not, why has the Ministry chosen to not advertise this singular project worth N\$255 million?
3. What measures were taken to ensure that the tendering process was fair, transparent, and competitive?
4. What is the track record of August 26 in construction and infrastructure development, and how does it compare to other companies that bid for the tender?
5. It appears that August 26 does not have sufficient capacity, according to the Construction Industries Federation (CIF) that August 26 has an annual turnover of less than N\$5 million, as such it is thus being anticipated that the company

will subcontract most of the work and in principle, no contractor ought to subcontract more than 50% of the work. Therefore, how much of the work will be sub-contracted?

Question 139 (2023-09-05)

Hon. Van den Heever (PDM) asked the Minister of Health and Social Services.

Medical negligence can be defined as the failure of a medical professional to meet the standards of their profession, resulting in harm or injury to a patient. The negligence of a medical practitioner must be proved in view of the particular circumstances prevailing at the time.

In June of this year, a daily newspaper published an article titled: "Health Ministry coughs up N\$3,2 million for medical negligence." This amount of money could have been used to improve healthcare services or purchase medical equipment. The fact that the Ministry of Health and Social Services had to pay out such a large sum of money due to medical negligence suggests that there may be systemic issues within the healthcare system that need to be addressed.

I therefore ask the Honourable Minister:

1. What are the factors that contribute to medical negligence in Namibia?
 2. What measures are in place to ensure that medical personnel are held accountable for cases of negligence in Namibian hospitals?
 3. What steps is the Ministry of Health and Social Services taking to prevent future cases of medical negligence in Namibian hospitals?
 4. What is the Ministry of Health and Social Services doing to ensure that healthcare facilities have adequate resources to prevent cases of medical negligence?
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