

## MEMBERS OF THE THIRD NATIONAL COUNCIL

### Political office bearers

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Kapere, A (Mr.)	Chairman	[SWAPO]
Mensah-Williams, M. (Ms.)	Vice-Chairperson	[SWAPO]
Hakaye, J.H. (Mr.)	Chief Whip	[SWAPO]
Nicanor, H.N. (Ms)	Dep. Chief Whip	[SWAPO]
Karupu S. (Mr.)	Ass. Chief Whip	[SWAPO]
Kavetu, N.L (Ms)	Chief Whip	[DTA]
!Gobs, S.I. (Mr.)	Chief Whip	[UDF]

Name	Party	Region
Appollus, W.R. (Mr.)	SWAPO	Karas
Diergaardt, T.V. (Mr.)	SWAPO	Hardap
!Gobs, S.I. (Mr.)	UDF	Kunene
Hakaye, J.H. (Mr.)	SWAPO	Omusati
Kabula, D.M. (Ms)	SWAPO	Caprivi
Kapere, A.K. (Mr.)	SWAPO	Erongo
Karupu, S. (Mr.)	SWAPO	Kavango
Katoma, L.S. (Mr.)	SWAPO	Omusati
Kankoshi, H.T. (Mr.)	SWAPO	Oshikoto
Kavetu, N.L. (Ms)	DTA	Kunene
Kavetuna, F. (Mr.)	SWAPO	Otjozondjupa
Martin, A. (Mr.)	SWAPO	Oshana
Mensah-Williams, M (Ms)	SWAPO	Khomas
Mogotsi, S.O. (Mr.)	SWAPO	Omaheke
Mwilima, L.Y. (Mr.)	SWAPO	Caprivi
Namwandi, B. (Mr.)	SWAPO	Hardap
Nakwafila, J.K. (Mr.)	SWAPO	Ohangwena
Ndemula, H (Mr.)	SWAPO	Erongo
Ndjambula, P. (Mr.)	SWAPO	Oshikoto
Nguvauva, K (Mr.)	SWAPO	Omaheke
Nhinda, R.K. (Ms)	SWAPO	Ohangwena
Nicanor, H.N. (Ms)	SWAPO	Karas
Shangheta, B.T. (Mr.)	SWAPO	Otjozondjupa
Sibiya, R.M. (Ms.)	SWAPO	Khomas
Siwombe, F.M. (Ms)	SWAPO	Kavango
Ya Kasita, H.S (Mr.)	SWAPO	Oshana

### Official

Shimutwiken, P.N. (Ms) Secretary to the National Council

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## **COUNCIL CHAMBER**

### **WINDHOEK**

**20 NOVEMBER 2006**

The Council met pursuant to adjournment.

The Chairman took the Chair.

Prayers and Affirmation.

**CHAIRMAN**: The august House is called to order. Honourable members, I would like to welcome you to the last session of 2006 and your coming here was blessed with a bit of rain indicating that the session will be fruitful. Is there any petition? Any reports of Standing or Select Committees? Any reports and papers? Any notices of motions? I have an announcement to make; I have received the following message from the Speaker of the National Assembly, the National Assembly has passed and referred the following Bills to the National Council:

1. Financial Intelligence Bill [B.1 – 2006]
2. Local Authorities Fire Brigade Services Bill [B.3 – 2006].

In terms of Article 75(1) of the Namibian Constitution, these Bills are referred to the National Council to act there upon in terms of the said article. The Secretary shall now read the Bills for the first time.

**FIRST READING:**

**SECRETARY: Bill number:**

1. **Financial Intelligence Bill [B.1 – 2006];**

2. **Local Authorities Fire Brigade Services Bill [B.3 – 2006].**

**CHAIRMAN**: Honourable members, that was the order of the day. Is there any other business? There being none. I now call upon the Acting Chief Whip to adjourn the House.

**VICE-CHAIRPERSON**: Thank you very much Honourable Chairman, Honourable members, I can see that the Honourable members are all fresh and ready for the session as the Honourable Chairman has just said. Definitely, I am sure it will be a fruitful deliberation during the session. Having said that, I would now like to take this opportunity to move that this House stands adjourned until tomorrow morning at 09:30. So I move.

**CHAIRMAN**: Is there any secondment? Any objection? It is agreed to. The House stands adjourned until tomorrow 09:30.

**COUNCIL ADJOURNED**

## **COUNCIL CHAMBER**

### **WINDHOEK**

**21 NOVEMBER 2006**

The Council met pursuant to adjournment.

The Chairman took the Chair.

Prayers and Affirmation.

**CHAIRMAN**: The august House is called to order. Honourable members, good morning. Are there any petitions? Any reports of Standing or Select Committees? Any reports and papers? Any notices of motions? Honourable Mensah-Williams.

**VICE-CHAIRPERSON**: Thank you Comrade Chairman, Honourable members, I give notice that tomorrow Wednesday, November 22 2006, I shall move the report on the Parliamentary Forum on the Occasion of the 6<sup>th</sup> International Conference of new or restored democracies, held from October 29 to November 01 2006 in Doha, Qatar. So I move Comrade Chairman.

**CHAIRMAN**: Thank you Honourable member, you may table your motion. The Secretary will read the first order of the day.

FIRST ORDER READ:

**SECRETARY**: **Debate on Second Reading – Financial Intelligence Bill [B.1 – 2006].**

**CHAIRMAN**: Any discussion? Yes, today is not like yesterday that after the first reading there is no discussion. Today you may discuss. Yes, Honourable Kankoshi.

**MR. KANKOSHI**: Thank you very much Comrade Chairman, Honourable members, I rise to fully support the Financial Intelligence Bill which is under discussion in this august House of Review. This Bill is very important not only to Banking Institutions but to all Namibians, those who find themselves within the borders of the Land of Brave Namibia and all those who want to transfer money to and from Namibia either cash or electronically as it will provide for the combating of money laundering and the establishment of an anti laundering advisory council. It also empowers the Bank of Namibia to access and analyse financial intelligence data which may relate to money laundering. This is a good move towards corruption in Namibia. So, the Bill enjoys the blessing of Oshikoto region, the region of copper, omahangu and cattle farming.

Comrade Chairman, Honourable members, as we are living in a world of technology, we should also be pro-active and technologically compliance to rapidly pass this Bill in order to:

1. Establish the Anti Money Laundering Advisory Council as soon as possible which should advise the Minister responsible for finance accordingly.
2. Empower investigating authorities and the Namibian Central Intelligent Services to perform their duties by combating money laundering in Namibia.
3. With the principle objective of the Bank of Namibia to combat money laundering activities.

I am also happy with the powers given to the authorised officers as stipulated in this Bill to enter, search and inspect any permission or properties without a search warrant as long as he/she has reasons to suspect that an offence is being committed. This enjoys my full support as the suspected person will be caught red-handed or found unprepared. I am also delighted to learn that the Bill makes provision when it comes to the protection of informers and information which is a guarantee to our people to be the whistle-blower with confidence that their identity will confidentially be protected. Once again, I am saluting the Honourable Minister for tabling this very important Bill.

This Bill is also in line with the 2004 Swapo Party Election Manifesto page 74 and 75 which clearly states and I quote: "The Swapo Party Government in the 21<sup>st</sup> century will put in place laws and amend laws". This is what we are doing today fulfilling and implementing the promises we have stretched during the election campaigns. We are delivering what we have promised our electorates. So, long live the Swapo Government.

Comrade Chairman, Honourable members, our people out there in the remote rural areas should also be encouraged to acquaint themselves with the content of laws that have been enacted as we do not have community libraries and other centres of information in the remote rural areas. I hope one of the solutions to solve these problems is to use schools. Most schools have got small libraries. Let us encourage our school principals via their Educational Regional Offices to make sure that Acts passed by the Parliament of Namibia should reach all the schools in all the

corners of Namibia. History and Science teachers should also make sure that they have all the necessary resource materials which are essential in the process of moulding future leaders positively and equip their conceptual vessels with concrete skills with practical know-how.

Currently, I am happy with the way our Namibian Broadcasting Corporation (NBC) our print and electronic media are doing by informing the public on the debates of the Parliament but a lot still needs to be done for the public out there to have access to the Acts, to see, read and master the contents of the Acts which are governing their day-to-day activities.

The second option Comrade Chairman is to use the MPs of the National Council as they are the representatives of all 13 regional councils for them to be given copies of the Acts passed by the Parliament of Namibia and distribute them to all constituency offices via the Chief Regional Officers. By so doing the Acts will reach all our people at the grassroots level.

Having raised those observations Comrade Chairman, I would like to ensure the Namibian people that with the Swapo party government their future is secured. I thank you.

**CHAIRMAN:** Thank you very much Honourable member. Honourable Namwandi you may take the floor.

**MR. NAMWANDI:** Thank you Comrade Chairman, Honourable members, it is my honour and pleasure to contribute to this Financial Intelligence Bill [B.1 – 2006] under discussion.

Comrade Chairman, Honourable members, I am also honoured to welcome all the Honourable members back to this House after the recess. The Bill under discussion can be described as an important one as this will prevent those making illegal money in different ways. There is no law available in our democratic country which will prevent people from money laundering. The process of mandating the Bank of Namibia to coordinate and monitor money laundering in our country will be something of the past if this Bill under discussion will become a law.

Comrade Chairman, Honourable members, the treasurer is also loosing out on some revenue, which can be collected if the money laundering can take place in a coordinated way. The establishment of the Anti-Money Laundering Advisory Council will be one of the higher achievements as the Council will provide the Bank of Namibia with necessary power to collect, assess and analyse financial intelligence data. The Bank of Namibia after empowered by the Anti-Money Laundering Advisory Council can inform/advise and cooperate with investigating authorities and the Namibia Intelligence Services if there is any information available of unlawful activities which may take place at the borders of our country. The Bank can also be empowered to call or obtain further information from persons or bodies that are required to supply or provide information about unlawful activities.

Comrade Chairman, Honourable members, I am supporting the Bill and I request all the Honourable members to

do so to speed up the immediate passing of this Bill.

I thank you.

**CHAIRMAN:** Thank you Honourable members. Any further discussion? Honourable Ya Kasita you may take the floor.

**MR. YA KASITA:** Thank you Comrade Chairman, Honourable members, with your concurrence, I would like to defer this debate to tomorrow.

**CHAIRMAN:** Is there any concurrence? Any objection? Agreed to. The Secretary will read the second order of the day.

SECOND ORDER READ:

**SECRETARY:** Debate on Second Reading – Local Authorities Fire Brigade Services Bill [B.3 – 2006].

**CHAIRMAN:** Any discussion? Honourable Ya Kasita you may take the floor.

**MR. YA KASITA:** Thank you again Comrade Chairman, Honourable members, I will be brief with regards to this very important Bill. Before that, I would also like to welcome you back Honourable members. I was not able to make it yesterday but there are some reasons why I didn't.

Comrade Chairman, Honourable members, the Bill before us here enjoys my support. Secondly there are few reservations as I would mention with regards to the content of the Bill. The Bill is a step forward looking at the persisting fire incidences in the local authorities and elsewhere outside local authorities for example bush fire.

As we speak, some local authorities do not provide fire brigade services and those local authorities that provide such services, have some elements of weaknesses, for example in the event were a fire breaks out, the fire brigades do not arrive on time to distinguish that fire before it actually destroys human lives and properties. The places where these fire brigades are kept are far from where people live. It is therefore advisable to my opinion that the fire brigade offices be located at places accessible to anybody who want to make use of the services. I choose to make an example of Katutura because it is where we have many people living at the same place at the same time. I am of the opinion that perhaps fire brigades be allocated to Katutura let's say two or three in different locations. This should be the same case with regards to other local authorities in the whole of Namibia. I choose to make Katutura an example because recently there has been a case whereby some people lost most of their properties in those localities some people call "okambashus". The fire brigade could not even make it and the water is scarce that side. As a result properties were lost. I am therefore of the opinion that some fire brigades be put where these people live. Otherwise if you keep them in the city of Windhoek, when they are called they probably will not receive the phone call on time and react as quickly as possible, and when they actually do receive the phone call is when that kambashu has already burned down. In situations like this one something must be done at that time.

Comrade Chairman, Honourable members, emphasis is put to local authorities and for that matter, the Bill title is referred to as Local Authorities

Bill. No provision is made with regard to regional councils and traditional authorities. If you go to what we call a definition, reference is made to regional councils but here it does not give view that maybe this will also be applicable to regional councils or local authorities. That is why I thought maybe there is something lacking here.

The non-existence of provision of clauses with specific reference to such authorities causes some reservations and invites questions as to why. If a fire breaks out somewhere in the bush or desert, one cannot expect a local authority to attend to such a situation. It is a given regional council or traditional authority's duty to attend to such a situation. In the North for example there have been many instances of fire break out in the desert or bush but we managed to ask help from the Police, Defence and other local communities, but you cannot call fire brigades in those regions. There might be some mutual understanding of course and cooperation between local authorities and regional councils and the traditional authorities, but are these mutual understandings enforceable? Surely not. That is my opinion. The Bill is more pre-occupied with local authorities and to that end it is too exclusive.

Comrade Chairman, Section 9(3)(b) requires a person who is of the age of 16 and not older than 16 to assist any Chief Fire Officer, or a member of a service in the execution of his or her duties if requested to do so by such an officer. I appreciate the good intention of this section but mandatory part of it should be re-looked at to provide flexibility. With other words Comrade Chairman, the word "must" in that Clause 9(3)(b) I

think should be substituted with the word “may”. There is a reason to this argument Comrade Chairman and the reason is the fact that some people’s health conditions may not allow them to do certain types of activities including distinguish of fire at such magnitude. Such an officer that is Chief Fire Officer may cause or provoke a situation which may create a source of physical danger to that particular person. Let us prevent a situation whereby a prime victim may be faced with flash backs memory or intrusive relocation of traumatic incident provoked by mandatory request to assist any Chief Fire Officer or a member of services.

Again, Comrade Chairman, Honourable members, Section 9(3)(b) reads together with Clause 30(1). If a Chief Fire Officer did not handle his/her instructions to be assisted by this person and this person may be a person of that calibre as I have said earlier on, you may have a person being fined or being imprisoned just for refusing to give assistance to any Chief Fire Officer. Therefore, this need to be carefully checked careful checked.

In conclusion Comrade Chairman, the Bill requires persons to assist any Chief Fire Officer or a member of the service but made no training reference to the general public, only to it self, to its members. I feel it is advisable that perhaps the general public also be trained. It may not cost a lot of money to make use of NBC television and NBC radio and also this training can also be extended to schools to our young ones that are studying so that they may be in a position to know how to help any fire Officer and to act accordingly. Those are the argument Comrade Chairman, Honourable members that I wanted to

give as contribution to this very important Bill.

I thank you.

**CHAIRMAN**: Thank you Honourable Ya Kasita. Next to take the floor is Honourable Ndjambula.

**MR. NDJABMBULA**: Thank you Comrade Chairman, Honourable members, before I start I would also like to call on the Chairman and the Speaker of the National Assembly to come together and come up with a time table as to when the session will end and as to when the session will start. To be here while others are going for Christmas is not good Comrade Chairman.

The Bill before us is long overdue. Fire brigade is an important component of any given local authority with the main aim and objective to prevent the outbreak of all spread of fire which has become a source of concern in our country that has caused the loss of innocent lives and destroyed properties.

I would like therefore to echo the sentiments expressed by my former Chief Whip that there is no provision made regarding the regional council and the traditional authority. This Bill is seeking for the establishment, maintenance, utilisation, coordination and standardisation of fire brigade services by local authorities. I am therefore happy that the Bill has got a provision for Chief Fire Officer who will be in charge of the service. It is worth mentioning that the would-be Chief Fire Officer must be honest, accountable, and transparent as well as hold the necessary qualifications. Again, I am happy to see that this Bill empowers and recognise

the role which has been played by the Namibian Police Force and by the Namibian Defence Force when we experienced the outbreak of fire especially in the remote rural areas. I would therefore like to thank them for the job well done during those difficult days.

We have been experiencing these problems in the remote rural areas whereby the involvement of the regional council is required. However, with the assistance of our Namibian Defence Force, Police Force we have managed to put out this fire.

To this end they are empowered and they have got the same power like any member of the service. Another good move is the provision which is empowering the local authorities to enter into written agreement with any person and other local authorities and regional councils as I stated earlier. Of course the provision has been made to enter into agreement but is not enough Honourable members.

To me this provision is vital because as I stated earlier that we have been experiencing fire outbreak in the remote rural areas which cause a large destruction of grazing land, but with such provision in place, things may change for a better. Equally provision which authorize local authorities to carry out its mandate either inside or outside its local authority enjoys my highest support.

Finally, another welcomed move is the one which clearly states that a local authority Chief Fire Officer, a member of service or a member of the Namibian Police Force or Namibian Defence Force

or a person referred to in Section (9)(4)(b) of this Bill is not liable for any damage, loss as a result of bodily injury, loss of life or damage of property which took place during the exercise or performances of their duties.

In conclusion, I am disappointed in the way how volunteers in remote rural areas who are recruited to cut lines in order to prevent the outbreak of fire from spreading all over the area. These volunteers are dropped in the area without water or fire wood. However, they are willing to work and earn some money provided the Ministry looks into this matter seriously. With these words, I support the Bill and I thank you.

**CHAIRMAN:** Thank you Honourable Ndjambula. Honourable Nguvauva you may take the floor.

**MR. NGUVAUVA:** Thank you very much Comrade Chairperson, Honourable members of this august House. Allow me also to admit that this Bill is very much important and is outstanding and long over-due. The fire brigade service is of utmost importance for any local authority and especially for our local authorities in the Republic of Namibia.

Honourable Chairman, Honourable members, Section 3 is referring to the appointment of the Chief Fire Officer but according to this Bill it is not clear whether the Chief Fire Officer will and must act under the Chief Executive Officer of a certain local authority or not. With this, I am referring to Section 5(2) which is dealing with the appointment of reserve force members and Section 5(5) dealing with the discharge of members of the force.

Let us quickly go to the Bill itself, on page 4, Section 5(2) as I said, “a Chief Fire Officer may, subject to subsection (3) and on the conditions prescribed by the Minister, appoint a person who applied to be a member of its reserve force as such member”. If we can go back on page 5, subsection (5) “is referring to that a Chief Fire Officer may at any time discharge a member of a reserve force”. To my understanding I was wondering whether this one is falling directly under the supervision of the Chief Executive Officer of a certain local authority or not.

Therefore, Honourable Chairman, I am recommending that it must be clearly stated in this Bill that the Chief Fire Officer is a “must act” as a Head of Department that means (Fire Brigade Services) under the direct supervision of the Chief Executive Officer of that specific local authority to avoid misunderstandings during their operations.

### **Section 11 - Fees and Levies:**

This Section prescribes the fees in respect of services that the local authority renders and the local authority can decide on the said fees without approval of the Minister according to Section 11(1), but subsection (2) prescribes the levies payable which approval is needed from the Minister before it is gazetted.

So, to me it is not clear what the meaning of “fees” and “levies” are, therefore I am recommending that all tariffs, to my understanding the fees and levies should be handled as in subsection (2) or that a clear differentiation be made as to the applicability respectively.

### **Section 12 - Payment of Subsidies:**

Subsection (4), a local authority may at any time amend the approved estimated budget, and subsection (5) once again stated that any exceeding on the approved budget as well as approved amendment budget do not qualified for subsidies. Briefly on this, I am recommending that if the Minister approves the amended budget it must be calculated for subsidies. Section 12(6) Honourable Chairman is indicating that if fire brigade and ambulance services are combined, then the salary component does not qualify for subsidy. My question now is; what if it is only the fire brigade services rendered whether salaries qualify for subsidy or not? From my understanding I was thinking that if the two services are combined, then the subsidy should be calculated on salaries.

### **Section 12(7)**

My general view is that the audit statements of fire brigade after an annual audit should be provided to the Auditor General and then to the Ministry for a settlement of subsidy.

Finally, Honourable Chairman, Honourable members, as I said earlier that this Bill is very much important and the local authorities are the implementers of this Bill when it becomes an Act of Parliament. But I am still wondering whether the local authorities, village councils through ALAN has an opportunity to have their inputs, comments and ideas to be included as they are the expertise in this Bill. If that was done, then I would be satisfied. If not, then I am appealing to this august House to task the concerned Standing

Committee of the National Council to come in contact with the municipalities through ALAN to get their comments and views and their inputs before we approve this important Bill.

With these remarks and observations, I thank you very much.

**CHAIRMAN**: Thank you Honourable Nguvauva. Next to take the floor is Honourable Martin.

**MR. MARTIN**: Comrade Chairman, Honourable member of this august House, I would like to take this opportunity to congratulate Honourable Minister of Regional, Local Government and Rural Development Comrade John Pandeni and the Deputy Minister Comrade Kazenambo and their staff for having tabled this important Bill.

The Local Authority Fire Brigade Services Bill is a very good Bill and enjoys the blessing of Oshana region especially the three towns. This Bill covers all matters that needs to be covered, a very wide range of authority and places of high responsibility of local authority commensurate with the primary responsibilities of municipalities, towns and villages.

Comrade Chairman and Honourable members of this august House, although the Local Authority Fire Brigade Services Bill was recently introduced in the National Assembly, it is also long overdue if the current state of affairs in the local authorities' area is to be taken into consideration. It is further evident that the Fire Brigade Services ordinance of 1979 lacked substance to compel and ensure effective Fire Brigade Services and related matters in the local authority

area. Considering the principle of this Bill it could be classified as a global law because it is based on the international prescription to protect our people's property and the belongings to safe lives and to assist people with the damage caused by fire.

Having said that Comrade Chairman and Honourable members of this august House, I wish to highlight the following five key points consideration in the Bill to empower local authorities in the [indistinct] of the noble initiative.

1. The establishment and the maintenance and the services due to the nature and importance of these services, local authorities should be compelled rather than to be given any option to establish a Local Authority Fire Brigade Services.
2. Appointment of Chief Fire Officers. In order to ensure a suitable qualified person of Chief Fire Officer, the appointment of such person should be done in consultation with the Minister or the relevant body.
3. Payment of staff. While subsidies from the ministry are essential to sustain the fire brigade services, proper disbursement modalities need to be worked out for such a funding.

The acquisition of basic fire brigade equipment as a priority area for funding through subsidies while the operation thereof could partly be funded through the introduction of appropriate levies and subsidies.

### **Urgent Cases and Compensation of Services:**

The Regional Council and Traditional Authority even though not covered under this Bill, equally have an important role to play in the fire prevention, education and training in the sense of rendering such a services in the area of their jurisdiction outside of the local authority area. It is therefore of utmost importance that, the regional councils be equally equipped with the necessary skills and equipment to make them dependent on services of local authority fire brigade establishment. The area of jurisdiction of any given local authority and its responsibilities are outlined in the Local Authorities Act. The fire brigade and the emergency services are not fully cost recovery and cannot be expected to operate in the context if it has to serve its primary objective.

Extending of services outside the scope of the town, especially into areas under the jurisdiction of regional council shall ultimately lower the set performance standards of the Bill as direct result of unavailability.

### **Professional Body:**

Recognition in this Bill should be given to the Namibia Emergency Service institute whose membership should be drawn from all sectors which are actively involved in maintenance of fire brigade and emergency services.

Comrade Chairman, Honourable members of this august House, with these remarks, I support the Bill. Thank you.

**CHAIRMAN:** Thank you very much Honourable Martin. Next to take the floor is Honourable Namwandi.

**MR. NAMWANDI:** Thank you very much Honourable Chairman, Honourable members, it is my pleasure and honour to give my contribution to this Bill under discussion. Allow me first of all to congratulate the Honourable Minister of Regional, Local Government Housing and Rural Development for coming up with this very important Bill which will provide for the establishment, maintenance, utilization, coordination and standardisation of fire brigade services by local authorities to our communities. The absence of fire brigade services in our communities has caused lost of lives and personal belongings as the mentioned services are not available.

Our communities need to be trained to avoid losing of lives and properties, as one always have to wait for some hours before the fire brigade arrive. Fire taps and pipes must be put at certain points in informal settlements under the supervision of the trained community members. The passing and the immediate implementation of the Local Authority Fire Brigade Services Bill will bring some relief to our communities as quick response will be ensured during any fire outbreaks.

Comrade Chairman, Honourable member, I am supporting the establishment and the maintenance of the fire brigade services on a full time basis as this will protect the lives and personal belongings of our people. The funds made available for this purpose by the Parliament must ensure to equip all local

authorities in the country with quality equipment to protect the fire fighting idea.

Comrade Chairman, Honourable members, the training of fire fighting staff must also be the top priority of the government to ensure effective service delivery to our communities. I fully support the Bill and I thank you.

**CHAIRMAN:** Thank you Honourable Namwandi. Honourable Kankoshi you may take the floor.

**MR. KANKOSHI:** Comrade Chairman, Honourable members, thank you very much for this very important and noble opportunity. I am fully supporting the Bill which is now being reviewed by this august House or Parliament the National Council.

The outbreak of fire is and will remain an emergency, hence there is urgent need for us in this august House of Review to treat this Bill as an emergency and pass it soonest possible. This Bill is very good as it provides for the establishment, maintenance, utilization, coordination and standardization of fire brigade services by the local authorities.

As we are sitting now here there are many upcoming and recently declared local authorities who don't have or offer fire brigade services to the residence in their respective towns and settlements, hence the subsidiary from the GRN is necessary as per Section 2(3) and this subsidy to local authority should be on percentage. Local authority should be categorized because for example; you cannot compare the town of Swakopmund with Eenhana town when it comes to infrastructure and income. So

the subsidy should also be made in such a way that those towns with less income are being upgraded but not wheel chaired, in order for them to also render better services to the residence.

Comrade Chairman, Honourable members, the fire brigade as I said earlier is an emergency service and should be treated as such, because one is always found unprepared to cover costs when the fire attacks either the house or the shacks. I would like to salute those towns which have prescribed some fees for fire brigade services when billing for the consumption of water and electricity on a monthly basis. I would like to urge other towns that are not doing it to consider it and follow suit.

This service should also not be limited to town or city dwellers who are residing within the boundaries of that town or a city. Fire outbreak also occurs in the farms and in the remote rural areas where our rural poor are living. Therefore, operations should also be carried beyond the town boundaries and the cost involved if any should be made public for public consumption. Towns should also make provision to assist our rural people in order to rescue and protect not only lives but properties as well. We should encourage training in this regard. Our community should be trained on voluntarily basis, to gain skills and know-how. Experts in this field should be made available to transfer these skills to the community. Towns should also come up with bodies of cooperation and agreements to assist one another.

Comrade Chairman, Honourable members, I am happy to learn that this Bill under Section 28, paragraph (a) and

(b) clearly states that any person who has uniform distinctive badges/button of services and is not in service commits an offence. This is a good move in the right direction. Nowadays I have seen and experienced a problem of people mostly youngsters wearing military camouflages which they publicly display as fashions and modern wears. Some used to say that they are “with the time”. One wonders what they mean when they say that they are with the time. Wearing of military camouflages by ordinary citizens should be banned and condemned with the strongest terms it deserves. The camouflages should only be allowed to be used by our security personnel and not by ordinary citizens. Our old-age people there, our “kukus, mukwananbwa’s and mukwanangobe’s” in the rural areas do not have the capacity to recognise that this is a genuine camouflages and this one is fake. That is why I am calling for the condemnation of wearing these military camouflages.

Having raised those observations Comrade Chairman, I support the Bill, and I would like to guarantee the Namibian people that; with the Swapo Party Government their future is secured. I thank you.

**CHAIRMAN**: Thank you very much Honourable Kankoshi. Is there any further discussion? Honourable Ndemula you may take the floor.

**MR. NDEMULA**: Thank you very much Comrade Chairman, if there is no one who want to contribute, I would like to postpone this Bill until Thursday.

**CHAIRMAN**: Any secondment? Any objection? Agreed to. Honourable

members, that was the business of the day. Is there any other business? In the absence of any further business, I call upon Honourable Karupu to adjourn the House. Please be reminded that your steering committee meeting and the other meeting is subsequently taking place after that meeting. Honourable Karupu, the floor is yours.

**MR. KARUPU**: Honourable Chairman, Honourable members, I rise to move that this august House stands adjourn until tomorrow 09:30. So I move.

**CHAIRMAN**: Any seconment. Agreed to. The House stands adjourned until tomorrow 09:30.

### **COUNCIL ADJOURNED**

### **COUNCIL CHAMBER**

**WINDHOEK**  
**22 NOVEMBER 2006**

The Council met pursuant to adjournment.

Chairman took the Chair.  
Prayers and Affirmation.

**CHAIRMAN:** The House is called to order. Honourable members, you are all welcome. Any petitions? Any reports of Standing or Select Committees? Any reports and papers? Any notices of motions? Honourable Karupu.

**MR. KARUPU:** Thank you Comrade Chairman, Honourable members, I hereby move a motion without notice that this august House grant leave of absence for Honourable Ruth Nhinda and Honourable Wilma Nicanor until 30 November 2006 and Honourable Jhonny Hakaye until further notice. So I move.

**CHAIRMAN:** Any secondment? You may table your motion. Any further notices of motions? The Secretary will now read the first order of the day.

FIRST ORDER READ:

**SECRETARY:** Resumption of Debate on Second Reading – Financial Intelligence Bill [B.1 – 2006].

**CHAIRMAN:** This debate was adjourned on Tuesday, November 21 2006, the question before the Council was a motion that the Bill be now read a second time. Honourable Ya Kasita adjourned the debate and he now has the floor.

**MR. YA KASITA:** Thank you Comrade Chairman, Honourable members of this august House, I will be brief and I want to start by indicating that this Bill is overdue. It is my humble opinion that these types of legislation ought to be enacted immediately after our independence and I believe, if it was

there from the beginning, dishonest practices aimed at unjust self-enrichment would have been something of the past by now.

Today, as we debate on this Bill, Honourable members, people go to bed poor and want to wake up rich. Since this is not possible, some went to the extent of acquiring wealth through illegal means and for that matter laid their hands on public property without fear. There are several examples in this regard. Yes, the country needs to have this type of legislation that is “Financial Intelligence Bill” to fight and discourage those enjoying the world of money laundering. I am happy that mechanisms with which to fight this disease are included in this Bill, and can be improved as time goes. The amendments as made in the National Assembly enjoy my full support. I hope that the Act will make it difficult for those who do avoid paying tax or VAT because their books including their businesses or personal accounts will be checked once the need arises. These accounts will be scrutinized with the sole purpose of discovering and subsequent put on trial of the would-be suspect of money laundering.

The fact that this Bill is being debated now, nowhere it spare the money laundering activities in the past. Some people are of the view that this Bill once it become a law it will not be applicable to money laundering activities done in the past and some people are transferring money obtained through laundering to the accounts of those people obtained theirs before independence and immediately after independence. Some of these accounts are outside the borders of Namibia. As we can see, the success

of this Act will mainly depend on those who do possess both economic and financial intelligence because these are the people the government will make use of if they are to discover the would-be suspects on money laundering.

The country is therefore required to train more people in these fields including using computers in this regard. An effective means is to install computer surveillance link to all bank accounts of the would-be suspects. Yes, I said we need to have more people trained in this Bill. Presently we have but they are not enough and I am again suggesting that a division in this regard should be created for this purpose. Otherwise if we are to use them on a part time basis we may not achieve what we want.

Comrade Chairperson, Honourable member, the fight against money laundering should not be limited to money cash alone but it should be extended to properties or assets as well. Potential suspects buy properties or assets, rent them out and then sell them again and they repeat the exercise. The idea is to hide their real colours. Some of the accounts are not even in the names of the real owners or their known businesses. It is better to have well qualified people for the expressed concern.

In conclusion, notwithstanding all what I have said as contribution, since the Bill provides for other incidental matters, it is also important to my opinion to investigate the possible cause of money laundering. To my humble opinion the huge discrepancies in salaries encourage this decrease of money laundering. It is difficult to accept and believe that some individuals are paid salaries of N\$100

000.00 per month in a given institution and yet within that institution there are those receiving below N\$500.00 per month. The salary scale in the country should be re-looked at in favour of lower paid employees. This should apply to both public and private institutions. Majority of money laundering activities are spearheaded by the haves but the have-nots want to occupy the position of the haves. I suggest that a national conference on salary discrepancies should be organized to solicit the opinions from the public. This to my opinion will strengthen the fight against money laundering and corruption.

Having said that Comrade Chairman, Honourable members, I rest my case and I thank you very much.

**CHAIRMAN:** Thank you Honourable Ya Kasita. Any further discussions? Honourable Mensah-Williams you may take the floor.

**VICE-CHAIRPERSON:** Thank you Comrade Chairman, Honourable members, I will also not be very long but allow me to congratulate the Ministry although this Bill is long overdue for the amendments made by the National Assembly. I have only one or two observations and recommendations that should be taken into account when you look at this Bill.

1. PART 1. 1 (a) “money laundering” or “money laundering activity” means –
  - (a) the act of a person who –
    - (i) engages directly or indirectly in a transaction that involves proceeds of any unlawful activity;

Here it came to my mind that people start small and they grow big and

although a spider web only spins the small fly and the big ones get away. I feel we should always start with the small flies and then go to the bigger ones. I think the ATM where people are really having such intelligence of defrauding people and they engage in illegal activities and transactions that involves them. So, that to me is also illegal transaction that they are doing because they are so well trained that they place the card inside. I don't know but I asked people to whom it happened, they don't think that those people could see them putting in the pin. Then they will just tell you that the machine have swallowed your card. Afterwards you see that they have withdrawn money from your account. So, they must also be asked to put in surveillance cameras because these people should also be punished under the law that we are about to pass. That is how you start small and then it grows bigger.

From there I don't know if some of us will also learn how to use computers. When you open your emails you see that you received emails from people in Nigeria, from people all over. They tell you "you are chosen from somebody, a person passed away and this person had so much money in the Bank and we are just looking for somebody to assist us to use your bank in order for that money to be placed you will be paid so much money". Now if a life of survival, let me refer also to the big issue that the churches have got now and I agree with them hundred per cent in my individual capacity. I also condemn IMF (International Monetary Fund) who have used countries in the past and brought down economy to come and dictate to Namibians what they think. It is a negotiation between the people and the

government. That is why the people elect government and parliament to be there and listen to them. The Namibian Government said that it is prepared to listen. So, IMF should not come and dictate that they disagree with it. They are not Namibians. We are the Namibians. So, these things start small and grow big.

I am saying the level of poverty in this country caused by unemployment, creates a situation and also people want to become rich, there is no person in life who will tell me that they don't like money. I love money too. I will not say I don't like money to show people. We all like money, whether you are a child, even with a one cent, the child is happy to have that one cent. The way in which you get it can differ and people can be convinced easily. Talk about police when they are not properly remunerated then the feedback you get from them is people's files disappear etc. so, you need to think very deep. This is where it comes from. If somebody tells you as a Namibian, somebody here in my constituency in Khomasdal, Otjomuise or Katutura and somebody comes and say, "look, I have US\$ 20 000 but I am a foreigner and I don't have a bank account, please I want you to change this money or go and place it in your bank and withdraws, I am going to give a N\$2 000.00, for somebody who is not working, do you think that person will say no? If I was unemployed I would also not say no. So, I cannot blame that person, but those are the things that need to be looked at when corruption issues come in. This person can be corruptible because of the person's economic status.

There are money of these people who in their countries, and I am sorry to say that

but since West African blood also runs in me, I feel free to talk about Nigeria. There are very good Nigerians, people with integrity but there also people who have learned the ways, and they are the experts to me in Africa on money laundering. These people, in their country, the Act is so strict that even if the IPU (Inter-Parliamentary Union) for instance have recently done a project in Nigeria and this project the IPU have got donors, but before the donors could actually give the money the IPU advance the money so that the project of building the democratic situation in the Nigeria, the IPU decided to advance the money. After the project was completed and the money had to return, it is now when I learn about the strict laws that Nigeria has got and that is why I realised why they try and use other countries where there are no laws in place. That country, for IPU's money to come back which is the legal entity and the money was deposited legally. The Attorney-General had to recommend to the Minister that yes this money was the advance from this institution; you must now return the money because when the money enter it must go to Nigeria. When it goes out to exchange to foreign currency and it is a certain amount, then you need the Minister to approve. That is how these measures are in order for them to curb the issue of money laundering.

The same people who cannot get away with that are coming to countries like Namibia and exploit the people. So, I am very happy that there will be a legal instrument to ensure, and that we will also need to educate people on this legal instruments and how you utilize it because we know that people are scared and I am happy that I see that there will also be protection from people who will

be whistle blowers. But we know still that people need to be reassured that their lives will be saved because we know that money creates killings and will not be very easy for some. So, I am happy that even if somebody at the Bank does not want to go openly according to the report the person is protected.

When I go further and I look at PART 3 - the Anti-Money Laundering Advisory Council I also would like to reiterate that I am happy that this Council be established. But one thing that I want the Council to also take up is to really go in Namibia, this exchange of foreign currency on the black market is really to the extreme in Namibia now. During the AVID hearing, I went to court one day to listen and I listened how somebody could exchange money and that was my shock (my wake up call), N\$500 000 into US Dollars on the black market in a small shop. The person came and said: "I have never seen the person, I don't know the person, I just know that the person is a family member of somebody". But if only person could exchange cash amount of N\$500 000, what about others who go there? So, I want that there should be spot checks and people should be vigilant and the Central Intelligence Bureau should really work on this. I am sorry to say it, we are Africans, we are Namibians, we believe in Africanism etc. but most of these people are not Namibians who come and operate these things in Namibia. Obviously people do not want to pay tax and this is also tax payers' money, pay tax as Honourable Ya Kasita was saying. People need to pay tax. Those people are not paying taxes and that interest belongs to the government, to the people. Banks must also pay certain dividends through the Bank of Namibia and it comes back to

the people. So, if we are robbed of this money, it is not going to be healthy for the economy and the development of our economy. I hope that this issue will be taken up by the Council.

Under Part 4; I was very happy to see that there will be control measures to identify clients and to keep record and report transaction. I have one concern Honourable Chairman, Honourable members, if people see that within Namibia there is this strict law now, what they will do now is that they will try and find other means for them to do the business because they make a lot of money out of this illegal business of money laundering. It is the biggest money-making scam all over the world. These people will just casually come into Namibia with a brief case and walk in nicely because since it is not drugs or diamonds the machines will not detect. So, those people will come with that money to do illegal businesses here. Namibians will be used to be the cargoes of these people to tell you "listen, I want you to take 2 million US Dollars out of the country for me. I will pay your plane ticket, hotel accommodation and I will give you a N\$100 000". That Namibian will go out of the country and take the money wherever. So, there is also need at our border posts, at our airports that now and then there will be stop checks and also on the immigration forms I see that you only have to say how much money you will spend in Namibia if you are a visitor. I can have 2 million US Dollars and I will say N\$5000.00, nobody is going to check. In other countries as we travel we see and we learn. You see that you have to declare how much foreign currency you have. Now there will not be at all times somebody to check. This is how money

laundering also takes place not only through financial institutions. If there is a spot check and you have declared because then you are unlawfully having more, then the law can come into place. So, I would like on those border posts these control measures also be included so that suspicious transaction that includes the cash transactions above prescribed limits, we also saw and I am happy that is now part of this Bill. During the same AVID saga, we heard how people withdrew a certain amount of money in one day, and I was saying I know that you can only withdraw a certain amount of money, but how did these people get it right in a banking institution to withdraw these lots of money they withdrew? It just came back to me when I read this Bill that because these measures were not being placed. I am happy that there will be a supervisory body that will ensure that these financial institutions also do not do these funny transactions. This morning I read what Oupa Indongo said about the Chinese, and it came to my mind what people said. He said "we have high respect for the Peoples Republic of China and its people", but he foresee a problem that these people get and he said they are our friends but they are getting such a lot of [indistinct] because they get tenders awarded to them. The money they are making does not stay in this country, it goes out. Now obviously that is not the Government of the Peoples Republic of China, it is individuals and business companies. So, we are not apportioning the blame to the government. But we are saying that stricter measures should be made. This is what I have heard and you know "lokasi stories" is rumours, but I heard it and I will say it that these people, it is true; they don't keep the money here. They know where the black

markets are to go and exchange those monies. They go to the black market and they export the money. Even if somebody dies it goes and burn in the coffin. The monies are underneath there in the casket and it goes back. That is not fair, it is not right, it is illegal because you have to make legal transaction. Now, I am not only concentrating on them but I am saying when I read of it this morning it came to my mind of what people said. So, all these will be in place once this becomes a law. It should also not be a piece of paper only. It should be an issue where people ensure that these are implemented. We are there as Parliament to ensure and to call the Public Accounts Committee. Honourable !Gobs, it is your responsibility in the National Council to call these people with your Committee time and again so that they come and report to your Committee so that you report to us how far they are, what are the problems they have and we can assist in disseminating the information. So, this is our oversight role. This is what we have to ensure. We should not leave it to the supervisory body. We should not only leave it to the Bank of Namibia. We are all partners and as Parliament it is our duty to see that the laws that we make and pass are implemented effectively and efficiently.

Lastly Comrade Chairman, Honourable members, let me come to e-banking. E-banking is a new phenomenon. I just returned on Saturday from the USA and I read in the newspapers and now last night I also saw South Africa on Africa Review. These people were talking about how the money irrespectively of the laws because of e-banking is stolen and they asked how these people get the information. Now when I was in the USA as a most developed country, those

people do not go stand in queues to pay Edgars, Truworhs, Foshini etc. All they do is, they do everything on the computer – e-banking. Everything is done on computer, you sit behind the computer and your Bank transfers to Municipality and to whomever all your accounts. Even if you want to buy food, they are so advanced. You order, somebody deliver. You do not need to go into a shop to buy. That is how advanced they are, but there is a negative thing too. Money launderers are very intelligent. They are not stupid people. When it comes to finances, they have the best brains. Financial people, I have high regards for them, they are so good. But because they are so good, if they are mafias, they are the best mafias because they have the knowledge. So, you will not easily see. If for instance the Permanent Secretary is not a very financial person, not all of us are financial and we can't be all financial headed. That person will not even see. So, it took the Khomas Regional Council two years to realise that somebody paid herself three times her salary per month. The question was, how did the person get it right? And it is not even a big person in the finance. It was a small person in the finance, but the person knew how on the computer “that is what I am talking about e-banking”, to manoeuvre personnel there. She gives in the things how it should be and then she manoeuvres and the money goes three times in her Bank account, for two years. I am not saying that “she’s” are not bad also, but the majority are “he’s”. When I was in the USA, this was the problem. When these people are gurus, I call them gurus, they are financial gurus. You will not see it or notice it, it will go on and on and the poor PS in the ministries for instance have to go and answer to

Honourable !Gobs. They have to come and report, they are accountable. These people, the gurus are the ones, but you can't do anything else. You have to trust them as also here you have to trust them. In the US they steal your money from your bank account, traded cards etc. even if banking institutions are there.

I want stringent measures to be placed within those institutions because we are trying to make things easier for the people, but if we don't have the proper measures in place and have some checks and balances. I am happy that you have put this in the Bill, there is place by the Ministry very high amounts of money and of present terms for people who don't add here. If you read in the news papers you see people who worked in Banks for five years they have taken money. It is a very funny thing, even if people want to topple you in politics, once you are not in the country is when they do it. So, if people want to topple you or if they want to find you out, you will see some people never take leave that is what happened in Khomas Regional Council. There was no person to back up that transaction because that person was sick and that is how it came out. So, it can go on over a period of five or six years.

If there are spot checks from time to time by the supervisory bodies, these things will be curbed at the earliest stage because that person will be send to jail but the money will not be return. The person will take the jail sentence because they don't have the money. These people are going on this haste and they are stealing money. These things happen because we are not security sensitive. "Everything is fine, who will want to do anything to me". You never know what can happen, but we are so rigid if you

drive home. You drive home the same route everyday. Change now and then. That is what I see with this haste, how do people get this information? "You know what time these people come to the Bank to take the money, you know what time and what route they are taking". If you open eyes the money is finished. It is gone and you don't get the money back. So, this is not good for our economy. I am saying this in the interest of us passing this Bill speedily and in the interest of the people for us to execute our oversight function to ensure that people are not disappointed and that this may not become only a piece of paper on the shelves of some people.

Thank you very much Comrade Chairman, Honourable members.

**CHAIRMAN:** Thank you very much Honourable Mensah-Williams. Honourable Ndjambula will now take the floor.

**MR. NDJAMBULA:** I rise in support of the Financial Intelligence Bill which is long overdue because with globalization on money laundering is taking place without being checked. Apart from that Comrade Chairman, money laundering has become the order of the day and is being committed by very sophisticated syndicates. It is therefore characterized by bad economic development and it continues unchecked, which will negatively affect the internal and external economic development as well as Vision 2030. Therefore the struggle to fight against money laundering in a developing country like Namibia we need to have a very effective and strong legal instrument like establishing a Financial Intelligence Centre which is going to be hosted by the Bank of

Namibia which will be charged with the responsibility among other things such as receiving of information, assess, investigation and surveillance of suspect of financial transactions.

In conclusion, the provision to establish Anti-Money Laundering Advisory Council receives my highest support and I am happy with the composition which include among other things, the Governor as the Chairperson, the PS of the Ministry responsible for finance, the Inspector General of the Central Intelligence Services, to mention but a few.

Comrade Chairman, this composition is an indication that when this Bill becomes an Act of Parliament it will leave no stone unturned in the process of fighting against money laundering. Equally, I am happy with the procedure to be followed when business relationships are established which include among other things of self discipline and enforcement of compliance as well as total identification of clients.

With these few remarks, I support the Bill and I thank you.

**CHAIRMAN:** Thank you very much Honourable Ndjambula. Honourable Sibiya will now take the floor.

**MS SIBIYA:** Thank you Honourable Chairperson, I rise to support the Bill. I am happy that Comrade Mensah-Williams gave a comprehensive overview how money laundering is taking place. First allow me to congratulate the Honourable Minister and Honourable Deputy Minister of Finance for coming with this long

awaited important Bill that proves that Swapo Government is committed to govern our Namibia. I support the immediate passage of this very important and timely Bill as already emphasised by my Honourable Comrades.

We have witnessed people who bring dirty money (laundering money) in our country. We all know of money that just disappears. We do not want Namibia to be used as a place where criminals can get off the hook easily. We want a strict system in place that is in line with our Constitution and guided by our Swapo Party Manifesto of 2004.

If we listen to the people's parliament on open line, you hear people quoting the Constitution, how they quote the Acts in place. Whenever there are loopholes, they look at the two different documents of the government and these are the documents which were drawn up by us as parliamentarians. If there are loopholes in the Act, they say "but the constitution is there".

I quote from the Swapo Party Manifesto referring specially to Law, Order and Governance on page 19: "The Swapo Party governance is committed to reducing crime... That is why our Police Force has been strengthened". This means that our Swapo party already planned to strengthen the law enforcement agency which is stipulated in the Bill as authorized officers on page 4 in the Bill. It is the duty of this august House of Review that we execute what our mighty Swapo Party has promised our voters.

In turn our Government is making sure that the promises made in our Swapo Party Manifesto are implemented. As

indicated on page 6 of the Bill, Clause 2. The Honourable Minister may issue general or specific policy directives in terms of this Bill.

I recall, our President His Excellency Comrade Hifikepunye Pohamba stated that: “if you want to know what the Swapo Party Government is doing...” [Read your Swapo Party Election Manifesto].

If you look at page 10, Clause 8, the Honourable Minister is not having any say over who gets appointed or delegated to execute our promises as it stands in our Swapo Party Election Manifesto. I refer this august House again to page 6, Clause 2. Is the policy not going hand-in-hand with the appointment?

I therefore suggest that Clause 2 and 8 be aligned to the objectives in our Swapo Party Election Manifesto of reducing the crime rate and seeing to it that the job is done. Not only done, but executed effectively. I was very much concerned when I went through this Bill. I therefore recommend that Clause 2 on page 6 reads as follows:

Application of Act to the Bank.

(1) Subject to any general or specific policy directives which the Minister may issue, the Bank is responsible for administering this Act.

(2) This Act does not apply to the Bank, except insofar as it in terms of Section 4, imposes on the Bank the responsibilities and duties to monitor and ensure that accountable institutions comply with this Act.

(3) The Director or any person delegated or appointed in terms of Section 8 of this

Act, must perform the functions and powers contained in this Act; subject only to the policy directive issued in terms of subsection (1)”.

Furthermore, I went to Clause 8 on page 10 and my concern there and the recommendation I want to bring in is:

“Delegation”

8. (1) The Governor may appoint or delegate, in writing, after consultation with Council and subject to such directive as the Minister may in terms of Section 2(1) issue, any of the powers conferred in terms of this Act to a person, an officer(s) of the Bank, or instruct a person, an officer(s) or employee of the Bank, to perform any of the functions assigned to the Bank in terms of this Act.

(2) A delegation or instruction in terms of subsection (1);

(a) is subject to the limitations or conditions that the Director may impose; and

(b) does not divest the Director of the responsibility concerning the exercise of the delegated power or the performance of the assigned function.

(3) The Director may confirm, vary or revoke any decision taken by an officer or employee in consequence of a delegation or instruction in terms of subsection of a decision may detract from any rights that may have accrued as a result of the decision.

(4) A ministry, an agency or office as defined in the Public Service Act, Act 13 of 1995 may, after consultation with the Director, second a staff member of the Public Service to the Bank for the purposes of carrying out the Bank’s functions under this Act.

(5) A person seconded to the Bank in terms of subsection (4) is for the purpose of this section to be regarded as an officer or employees of the Bank.

The other reason why I came up with this is, is because this is clear as it is, but it is not specific and if a person, as honourable Mensah already said that these people who are doing money laundering are mafias. If he reads what is here and it is not specific, he may get hold of it and say “but the Act doesn’t indicate Or the Constitution is saying so”. This is why I brought the two together.

The other reason why I recommended changes to Clause 2 and 8 is to avoid conflict of interest. I refer you to page 39 and 40 where the Bank is required to be a supervisory body an accountable institution and at the same time also to be an administrator, and delegating the functions to its own officer. This is like being a “coach, the linesman, the referee and the player” at the same time in a soccer match.

Honourable Chairperson, with this few remarks, I strongly support and recommend that the Bill be passed as soon as possible, still this year with immediate effect.

I thank you.

**CHAIRMAN:** Thank you very much Honourable Sibiya. Any further discussions? I recognize Honourable Ndemula. Please take the floor.

**MR. NDEMULA:** Thank you Honourable Chairman. Since there is no one who would like to take the floor, I

would like to postpone the Bill until Monday.

**CHAIRMAN:** Any secondment? Any objection? Agreed – The Secretary will read the second order of the day.

SECOND ORDER READ:

**SECRETARY:** **Report: Motivation and Debate – Report of the Parliamentary Forum on the Occasion of the 6<sup>th</sup> International Conference of new or restored democracies, held from October 29 – November 01 2006 in Doha, Qatar.**

**CHAIRMAN:** Does the Honourable Mensah-Williams wish to move the report.

**VICE-CHAIRPERSON:** Thank you Comrade Chairman, Honourable members, I have just indicated to the finance people I am also targeting them in this report. I want them to listen to take the lead.

Honourable Chairman, Honourable members, I would like to give a summary report of proceedings in order for members of the National Council to benefit from the meeting I have attended in Doha, Qatar as from 29 October to 01 November 2006 as the only delegate from the National Council because of the budgetary constrains. Please allow me therefore to proceed, I hope it will not take long and think we can proceed with the indulgence of the House.

Comrade Chairman, Honourable members, I have the honour to report to you on the proceedings of the Parliamentary meeting, which has taken place on the occasion of the Sixth

Conference of New or Restored Democracies. In doing so, I wish to thank my colleagues who have entrusted me with this responsibility of acting as the Rapporteur during this conference.

The Parliamentary Meeting was the second of its kind following the first Parliamentary Forum, which took place in Ulaan Baatar during the fifth Conference. 185 delegates representing about 70 parliaments attended the Parliamentary meeting. It was presided over by His Excellency Mohammed Bin Mobarak Al-Khulafi, Speaker of the Advisory Council of the State of Qatar. On behalf of all the participants in the Parliamentary meeting and on behalf of Honourable Asser Mbai, a NUDO MP from the National Assembly and myself who attended this meeting with me, I would like to extend our heartfelt thanks and appreciation to him for his strong leadership and effective stewardship throughout the proceedings.

At the beginning of the proceedings, the Speaker of the Qatar Advisory Council gave a keynote address in which he briefed participants on recent democratic developments in Qatar and explained ongoing and future reforms to make democracy a daily reality in Qatar.

Participants also heard reports from the Parliament of Mongolia and the Inter-Parliamentary Union (IPU) on the implementation of the recommendations of the 2003 Ulaan Baatar Conference. The Mongolian Parliament has been very active in encouraging national implementation of the recommendations. It had also adopted or amended laws in order to strengthen the efficiency of the parliament, to improve the organization of elections and to help streamline the

functioning of political parties. Furthermore, it had passed legislation to strengthen the independence of the media.

As for the Inter-Parliamentary Union, this global organization of parliaments had been very active in strengthening the capacities of parliaments worldwide, especially in young democracies and post conflict countries. It had also worked to promote the participation of women in governance processes and secure gender equity in these processes. The Inter-Parliamentary Union had also devoted attention to promoting the role of parliaments and their members as guardians of human rights and developing tools to help parliaments deal with issues that are at the forefront of the global agenda. Furthermore, the IPU had developed democratic norms and standards relating to democracy. It had reviewed its guidelines on international election practice and procedure to take into account recent developments. In the implementation of a key recommendation of the Declaration of the Ulaan Baatar Parliamentary Forum, the IPU had worked with parliaments around the world to identify good practice for the promotion of democracy by parliament. It had recently issued a guide which reflected good practices in some 75 parliaments across the world. The guide is now available in four languages and the Arabic version was officially launched during this Conference. On behalf of the participants, I would like to thank the IPU for its continuing commitment to promote parliaments as key institutions of democracy in our countries.

Mr. Chairman, Honourable members, the Parliamentary meeting then started its

proceedings with a one-day plenary debate on the overall of *Dialogue, tolerance and freedom of expression as the cornerstones of democracy*. You will have the report for you to read, I will just highlight the most important issues.

Parliaments were taking up new challenges and making enrobes into areas such as scrutinising military budget, exercising more control over the security sector and ensuring more transparent management of budget resources in general. In spite of all these progress participants recognise that a lot still have to be done in order to improve upon democracy and the parliament's role therein. Participants highlighted some of these challenges and many of these challenges are common to parliaments in both young and established democracies. The persistent imbalance of power between the executive and the legislative branches of government are in favour of the executive. Executives continue to dominate the democracy agenda and to dictate its phase. The process of ensuring equitable participation of women and disadvantaged groups need to be quickened. Parliaments continue to face a crisis of legitimacy as a result of corruption and lack of accountability leading to loss of trust among the people.

It was consistently stressed that parliaments should be citadels of transparency and accountability and that they should forge stronger ties with their constituents in order to design policies that are consonant with their aspirations. Parliamentarians should serve as shining examples of integrity. Furthermore, conflict, terrorism and intolerance continue to hinder democratic progress

in many younger democracies. Many parliaments continue to lack materials and human resources that are needed for them to deliver efficient service to their constituents.

Honourable Chairman, Honourable members of this august House, one of the key issues that came up repeatedly in our discussions were freedom of expression as key to the effectiveness of parliaments and their members. It was noted, that unfortunately, in too many instances, members of parliaments were being victimized because of the exercise of their legitimate rights as representatives of the people. I am sure I reflected the general conviction of our meeting when I said that we all confirmed the sanctity of the parliamentary mandate. While parliamentary immunity does not mean impunity. It is clear that it's only by enjoying freedom of speech and independence of parliaments and their members that we can serve our people effectively. It is only then that the will of the people can be fully expressed by their representative (members of parliament). We have made a strong statement that once the people have chosen their representatives to act on their behalf through election processes that have been generally recognized to be free and fair; those representatives should be allowed to act in all freedoms. This fundamental principle is at the very heart of democracy and must be respected by all countries in all regions of the world. You will therefore understand that our meeting unanimously called for the immediate release of the Speaker and several members of the Palestinian Legislative Council who are being detained by the Israeli authorities.

Another major point that came up for discussion was the effects of globalization on the democratic debate at both national and international levels. Many participants noted that globalization was moving decision-making from national to the international level. At the same time, international relations and the functioning of the international institutions responsible for such decision-making was far from democracy. Participants therefore called for a stronger role for parliaments in overseeing these decision-making processes in order to ensure that they are in conformity with the interests of the people they represent.

Now, needless to say, we stressed the need for women representation as well as that of minorities and marginal communities. Quotas and reserve fees were mentioned as some of the mechanisms that could help ensure such representation. They also emphasised the importance of providing a fair opportunity to all parliamentarians to do their work. This is where the Ministry of Finance also comes in because parliaments cannot function without the adequate resources both human and financial given to them to execute that. We also stressed the need for inclusive and impartial parliamentary procedures and the requirement to cater to the specific language, religious and cultural needs of certain people. So, it is disheartening though that English is our national language, and yet people of minority and cultural backgrounds are not conversant with English, even though they are very good people and they are people who would be able to make contribution, because of the lack of the language, they are not allowed to

also become representatives of the people. So, there is no interpretation services for instance in our parliaments.

Participants also stressed that parliamentarians should be able to act independently according to their conscience and not be hostage by any particular political party or group in society. They noted once again that the human rights of parliamentarians need to be protected if they are to be able to protect and promote human rights in general.

In response to the legitimacy dilemma facing many parliaments, we insisted on the need to forge a relationship with the media that allowed adequate publicity to be given to the work of parliament. Opening committees to the public is another way of promoting transparency and accountability that is crucial to restoring public trust in the institutions.

Addressing ways and means of making our parliaments even more effective, the second workshop stressed the need for parliaments to be autonomous of the executive. There should be a strict separation of powers and parliaments must have control over its budgets as well as material and human resources. If we claim it as independent, our budget is agreed and cut etc. by the Finance Ministry's staff irrespective of our autonomy and relevance, the same with the judiciary. This means, irrespective of the budget we have put not only are our staff told, the sealing, its cut and paste and as I said these are financial mafias and gurus, what they do is, they at parliament and say: "it is Ministers who sit in the executive and we must keep them happy and push the money to those ministries" and when it comes to

parliament there is nobody representing them in cabinet. They can go in parliament and make big noises. So, this is the impression we are having, I want to give you a straightforward impression of what we are having because what happened is that our staff are also told. "There is nothing we can do, our hands are tight, that is the feeling". Poor Secretary always wants to cry when we push her, she says: "there is nothing I can do Honourable members, we are told to cut".

Today is not a threat and I am bringing this in because I am reporting on the importance of the democratic institution and the importance of parliament. I want to stress that one of the most important function of parliament is:

- 1) Oversight Function
- 2) To legislate, for we have oversight the executive over the government.
- 3) To give direction;
- 4) To bring emotion, people's Bills, I call them in local language because if there is something which is not taken up, as a member of parliament or a standing committee, you need to do so. In order for you to do so, you need money, you need the resources.

So, parliaments were encouraged to continue to [indistinct] the potential offered by information and communication in order to improve upon their internal efficiency including better information flow and management as well as the streamline relationships with outside partners. At the end of our deliberations we have adopted a declaration as plan of action.

**CHAIRMAN:** Honourable member, could you bear with me while I am

getting concurrence from the House to wait for the tea break?

**VICE-CHAIRPERSON:** It is only five minutes Comrade Chairman.

**CHAIRMAN:** Is it okay Honourable members, shall we continue?

**MEMBERS:** Yes.

**CHAIRMAN:** Thank you, you may continue.

**VICE-CHAIRPERSON:** Thank you Comrade Chairman, Honourable members. We have adopted a Declaration and Plan of Action. Our Declaration reaffirms our common understanding of democracy, its principles and values as embodied in various internationally accepted instruments and practice. We stress the role of dialogue, tolerance and freedom as key ingredients of democracy. We assert the centrality of parliament to the process as a forum for promoting this dialogue and mediating between the diverse interests of society. We confirm the need for the quantitative and qualitative representation of women in all political processes. We also stressed the importance of inclusive parliamentary processes which take into account all sectors of society, especially minorities. The Declaration welcomes and encourages the democratic progress achieved in the world, especially in the Arab region. We also pledge to work together and to assist one another in our common endeavour to promote democracy at both national and international levels.

Our Plan of Action then provides a vision and a roadmap for parliamentary

action over the next three years. In a way, it provides us with an operational tool for implementing the mandate we have assigned ourselves in the Declaration. It is founded on the premise that for parliaments to make an effective contribution to democracy, they must seek to be democratic in the way they are structured and functions. Much of the follow up will therefore focus on how we can make our parliaments more representatives, accessible, accountable, transparent and effective both at the national and international levels. Both documents as I said are attached hereto. We have therefore decided upon a follow-up mechanism at the parliamentary level, which can effectively pilot activities and projects in pursuit of this ambition. We propose a coordination mechanism which will involve a mix of parliamentarians and parliamentary experts from all regions of the world. It will also include representatives of the host parliament, the Advisory Council of Qatar, the IPU and the Arab Inter-Parliamentary Union, the three conveners of the Parliamentary Meeting.

Attached to this report is a joint statement by all the responsible stakeholders, government, civil society and parliament. This body will provide substantive advice and support in designing tools and projects that will help to implement the recommendations in the plan of action. It can also play a prominent role in raising awareness, in all parliaments, including those not represented at the said conference, of the recommendations we have formulated. Surely, the IPU will be willing to use its global reach in order to promote this message and endeavours. We should therefore request the Ministry of Finance

to acknowledge the importance of Parliaments to execute its oversight functions and thereafter allocate adequate resources, as well as to enable standing committees to come up with more people related motions, citizens papers etc. Only then can we talk about democracy if we keep the Executive accountable at all times and civil society and responsible media keep parliament accountable on behalf of the people.

Parliaments approves budgets or disapproves, maybe it is time to not be so lenient anymore and instead of making statements that some Ministries do not even listen to. They don't send anybody from their Ministries. They are not present, they are not tabling it in parliament even though we have three Deputy Ministers, they are not tabling in the National Council and that is why people are saying, Parliament and National Council. The Namibians are aware that in the Constitution, parliament consists of two House, National Council and the National Assembly and National Council is the Upper House, the House of Review. We review the laws that they make to see if it is correct and if it is not correct we should call them to order irrespective of favour. Whether I am Swapo member it does not mean I am against the politics of my party if I oppose a certain Swapo Minister's opinion. That is not democracy. Where are we 16 years after independence?

I am reading the prayer every morning "To uphold and defend the Constitution and Laws of the Republic of Namibia to the best of my ability". And then I say a very important word to me as a Christian, "So help me God". I am not

going to go to hell because I am not doing it.

**HON. MEMBER:** [Inaudible].

**VICE-CHAIRPERSON:** I know you do not believe in God. I do, I am saying it and to me as a Christian it is important I can also stand for my rights.

So, Parliaments, we are accountable. According to the Constitution, as the Upper House, the House of Review, we should give our responsibility. If we don't we fail in our duty and people who have elected us should fire us. Only then can we talk about democracy if we keep the Executive accountable at all time. Civil society and responsible media, I said responsible media, I don't want this ``mukumuru`` media who is just there to oppose. I like media that is constructive, responsible and they should keep us responsibly accountable also. It is also your right and your responsibility as media to do so. Only then, parliament can approve budgets or disapprove. As I said, maybe the time has come for us to reject budgets, it is our democratic rights and that is our constitutional responsibility. Budgets are approved and passed by Parliament and not by the Ministry of Finance. We are really lenient. We just [indistinct] like rubberstamps. We are saying, we have a problem, there is not enough money for the police, there is not enough for health, and there is not enough money for education. What do we do? We say, pass, pass. You are elected to say no if it is not right.

**HON. MEMBER:** [Inaudible].

**VICE-CHAIRPERSON:** What Party discipline? There is no party discipline

in a democratic institution where you are following... That is where we go wrong. If we are scared to take... you know, if you are a leader you must be able to take unpopular decisions. If you are not, you are backboneless.

Sorry, I am just saying it straight forward. Party discipline is party discipline, it goes on principle. It should not go on what you are swearing here that you will keep up the constitution which protects the rights of the people. If it is against the rights of those people you should say no. otherwise you are not worthy to call yourself a member of parliament. I am speaking about myself, if you want to take the shoe take it. But I am saying maybe the time has come that we should reject budgets which are falling short of addressing the needs of people in order for it to be addressed with the urgency it deserves.

For the past two years I felt ashamed in the world body of parliament where I am the Vice President and people always ask me, how come none of your Senate (because they call us a Senate), of your Senate members accompany you to IPU meetings? I always tell them there is no money. For two years I am a sole lonely angel coming from National Council to go to IPU for instance. Why? There is no money for other Honourable members to go. This is exposure. This assist you to better implement to have a better oversight. There are committees that have to go out to come up with white papers with motions. They can't do it because there is no money. We are supposed to have public hearings more often. Why can't we do it, there is no money. If you can't execute the duty that is assigned to you there is no need for you to continue. Therefore as a

responsible parliament you should say no and demand because budget cannot be approved if you say no.

As I conclude my report I can confidently say that the message coming out of a parliamentary meeting is that democracy must serve to empower the people. It should translate into socio-economic and psychological well being for society as a whole. In short, democracy should lead to sustainable human development.

#### Recommendations:

1. To request the Ministry of Finance to acknowledge the importance of Parliaments in order to execute its responsibility efficiently and effectively;
2. To allocate adequate resources as well as to enable standing committees to come up with more people related motions, citizens papers etc;
3. Parliament to reject budgets which are falling short of addressing the needs of people; and
4. For government, parliament, judiciary, civil society and media to be partners in promoting true democracy and development of the people. There is a Chinese proverb that says: "One hand can't make the sound of a clap". You need both hands. Parliament is that one hand. We need the government, we need civil society, we need the media, and we need the judiciary. Only then can we clap to democracy, to development and to economic sustainability in this country.

Having said this Comrade Chairman, Honourable members, I now rest my case, be rest assured, I am not scared to be called to order by the Party or anybody. I can stand for what I said, I am elected by the people for the people and if I can't I will just rest my case and prepare for my action. I believe that for principles you need proper behaviour. You can't just resign. If you are there to have seating allowance, please this is not the place for seating allowance. It is the place for speaking and acting allowance.

The Media was saying that we were in recess for six months. "National Council resumed after six months". It sounds so interesting. It sounds as if we are just there relaxing and so on for the six months. National Council has got constituencies. We have constituency offices we run and most importantly, if we don't have any Bill on the table by the National Assembly we cannot resume. Those are the information that should be corrected and placed in right order. Somebody was telling me the other day, "you should be careful when you speak; the media is going to haunt you". I said as they have the freedom of expression, I have parliamentary immunity. You use your freedom of expression, I use my parliamentary immunity. Case closed. So, in the interest of all the people, I hope in the interest of democracy that you will ask questions by tomorrow after you have perused the document. You are welcome to ask questions.

I rest my case and I thank you.

**CHAIRMAN:** Thank you Honourable Mensah-Williams. Any discussion? I now put the question that the report be adopted. Any secondment? Any

objection? Agreed to. The report is adopted. Honourable members, that was the order of the day. I would like to use this opportunity to express my appreciation on the new phase of the House attentive, listening quietly, tolerant and the flow of discussions, quite harmonious. I hope that is something permanent. Any further discussion? Honourable Karupu, could you take the floor and adjourn the House?

**MR. KARUPU:** Thank you Honourable Chairman, Honourable members, first of all I would like to comment Honourable Margaret Mensah-Williams for the excellent report she tabled today. Having said that I move that this august House stands adjourned until tomorrow, Thursday 23 November 2006 at 09:30. So I move.

**CHAIRMAN:** Any objection? Agreed to. The House stands adjourned until tomorrow 09:30.

**COUNCIL ADJOURNED**

## **COUNCIL CHAMBER**

### **WINDHOEK**

**23 NOVEMBER 2006**

The Council met pursuant to adjournment.

The Chairman took the Chair.

Prayers and Affirmation.

**CHAIRMAN:** The august House is called to order. Good morning Honourable members. Are there any petitions? Any reports of standing or Select Committees? Any reports and papers?

**VICE-CHAIRPERSON:** Comrade Chairman, Honourable members, I wish to lay upon the table the Report of Namibia Inter-Parliamentary Group on the 114<sup>th</sup> IPU Conference held in Nairobi, Kenya as from 7 to 12 May 2006. So I move.

**CHAIRMAN:** You may table the Report Honourable member. Any further reports and papers? Any notices of motions? Honourable Mensah-Williams.

**VICE-CHAIRPERSON:** Thank you Comrade Chairman, Honourable members, that on Monday 27, November 2006, I shall move the Report on the implementation of the Combating of Domestic Violence Act, Act 4 of 2003 as well as the effect on citizens lives that the Republic of South Africa's Magistrate Act 32 of 1944 have with a view to call for its amendment i.e. the sale in Execution of Immovable Properties.

I so move Comrade Chairman.

**CHAIRMAN:** Honourable member, you may table your motion. The Secretary will read the first order of the day.

FIRST ORDER READ:

**SECRETARY:** Resumption of Debate on Second Reading – Local Authorities Fire Brigade Services Bill [B.3 – 2006].

**CHAIRMAN:** When this debate was adjourned on Tuesday, November 23 2006, the question before the Council was a motion that the Bill be now read a second time. Honourable Ndemula adjourned the debate and he now has the floor.

**MR. NDEMULA:** Thank you very much Honourable Chairman, Honourable members of the Senate. Allow me to briefly contribute to the Bill under discussion. The Bill is very explicit and to the point and I would like to thank the legal drafters for considering the ordinary members of the society by not using too many legal jargons in the Bill.

Honourable Chairman, during the past months we experienced a lot of fire outbreak in the remote areas of our country and a lot of damages was done to the soil as well as to the wild and domestic animals as well as shelters. It is a well known fact that the majority of our villages and town councils do not have the money to purchase fire brigades and equipment. I am quite happy that the Minister has introduced this Bill and we know that the Bills of this nature also come with money. I kindly appeal to the Minister and his Management that apart from the annual subsidy of the local authorities as stipulated in the Bill –

Section 12(1), he must also make further provision in his next annual budget for at least five fire fighting vehicles and equipment for the villages and town councils up until all of them are fully equipped. I know for example that most of my colleagues from the villages here do not have fire brigades.

Comrade Chairman, Honourable members, I do concur with the sentiments echoed by the members that the Regional Councils were excluded in this Bill. As Regional Councillors we must also not sit idle but to be pro-active and make use of our own instruments for example the Association of Regional Council who also has the governors. We must also make provisions in our own capital projects for the fire fighting brigades. I know they are expensive but do we have a choice? You know that fire can destroy and as I said whether we have a choice or not, do we choose a devastating environment or should the money go back to treasury as always? Our communities must be protected and feel that they are in good hands.

Last but not least Honourable Chairman, I would also like to use this opportunity to comment the local authority of Walvis Bay for their very wise decision to locate the Mauta Manene Fire Station at a strategically place were they can easily access both communities of the town properties, Kuisebmond and Narraville. I would also like to caution our communities not to misuse and to cause damages to the properties. In order to minimize the cause of fire our communities must adhere to the laws and guidelines of the authorities and also become safety conscious. The laws of our country are very clear and whoever contravenes them will face the

consequences. The local authorities in charge for their services must also be fair and not overcharge the community members.

Honourable Chairman, having said that, I support the Bill and I thank you.

**CHAIRMAN:** Thank you very much Honourable Ndemula. Any further discussions? Honourable Shangheta, you may take the floor.

**MR. SHANGHETA:** Comrade Chairman, Honourable members in this House of Parliament, the Bill before us are one of the important pieces of legislation. Thus, this Bill under consideration in this House of Review, is currently seeking to provide for the establishment, maintenance, utilisation, coordination and standardisation of fire brigade services by Local Authorities.

Comrade Chairman, Honourable members, I would like to join the previous speakers who spoke before me and categorically express as to why this Bill should strictly confine itself to the Local Authorities only but not to Namibia at large. Therefore I must state the following proposals for the Ministry's consideration.

Comrade Chairman, Honourable members, on my own conviction, the Bill is suppose to address the situation of fire outbreak at National, Regional and Rural community levels. Therefore the establishment of a National Fire Brigade force at National, Regional, Local as well as settlement and village level of our societies which is a big and dare need that should to be considered or taken into account by the Ministry

before this Bill become an Act of Parliament.

Comrade Chairman, Honourable members, forest and field fires are an issue of great concern to the Namibian people and environment, about 3.5 to 7 million hectares of forest and field land are burned every year. In 2002 a total of about 3.7 million hectares were burned and the total areas burned this year whether in the commercial or communal areas, indicated the seriousness of the fire problem in Namibia.

Comrade Chairman, Honourable members, in most cases the fire outbreak in the communal and commercial areas you will find that individuals with the assistance of the NDF members are engaged in a fire fighting or extinguishing, that is why the Namibian Defence Force should be given modern equipments to enable the force to fight fire effectively.

Comrade Chairman, Honourable members, we also have to look critically into the issue of what the causes are and the contributing factors of fire outbreak in our society in order to treat the wound were possible, because some of the fire outbreak are man made and some are a mixture of natural fires at the onset of the rainy seasons and anthropogenic set by humans during dry seasons. Therefore fire training and awareness education should be conducted country wide in order to sensitise the communities on the negative impact and positive impact of a fire.

I support the Bill and I thank you.

**CHAIRMAN:** Next to take the floor is Honourable !Gobs.

**MR. !GOBS:** Honourable Chairman, Honourable members of this august House, first of all allow me also to contribute and support this Bill under discussion and by so doing thank the Minister of Regional, Local Government and Housing and Rural Development for introducing this very important Bill.

Honourable Chairman, Honourable members, it will be very good if all local authorities can establish and maintain fire brigade services on a full-time basis because any fire outbreak can occur any time. Millions of thanks go to those local authorities who already have got these services. Keep up the good work. But I am a little bit worried about those smaller local authorities whereby some have got the services but they cannot maintain it. I am thinking of the local authority of Usakos which I know very well. They have got a 1948 model Bedford with tank capacity of only 210 litres but there are hydrant facilities mounted on the Bedford which can work very well if connected to hydrant tap nearby the place can work very well if connected to hydrant tap in the nearby vicinity. The Bedford has to travel to nearest tap to fill up the 210 litres tank and I am telling you the Bedford is so slow that you can run it away. So I mean with this local authority cannot afford to purchase a modern truck with a bigger tank capacity. I will thus appeal that this Bill must address the possibility of subsidising the local authorities to obtain standard fire fighting machines and equipment then they can start levying fees for the services rendered as there is no direct income accruing from fire brigade services.

Honourable Chairman, Honourable members the establishing of fire brigade

reserve force which the membership is on voluntary basis must have room for incentives for those men and women who are willing to do these services on voluntary basis so that they stay on longer within the reserve force. Also the appointment of members to the reserve force by the Chief Fire Officer based on the prescription of the Minister, he or she must do it in consultation with the Management Committee of the given local authority so that people may not be appointed left and right and just discharged by the Chief Fire Officer. It must be mentioned that the establishment of the fire brigade services at the local authorities will help correctly as we at constituencies were having lot of field fires these years and it was very difficult to extinguish as the local authority of the Khorixas didn't have these services which led that great hectors of field went through this fire and the farmers have been heavily affected.

Honourable Chairman, Honourable members, the purpose that the proposed combination of services within the Bill is that it will help those upcoming local authorities as they will combine forces in order to assist properly whenever there is fire outbreak. It will also be easier for the regional council to contract the services of the local authority fire brigade services whenever there is fire within the constituencies. Currently, the region and the Khorixas constituency have to rely on the Directorate of Forestry in Opuwo which is plus minus 400Km from Khorixas. By the time the officials arrives in Khorixas everything is already under fire.

Lastly, my humble appeal is that the ministry look to possible subsidy that

these services been established and the local authorities get needed equipment. I am wholeheartedly supporting the Bill. I rest my case.  
Thank you very much.

**CHAIRMAN**: Thank you Honourable !Gobs. Honourable Kabula you may take the floor.

**MS KABULA**: Thank you very much Honourable Chairman and Honourable members. Let me take this opportunity also to contribute to this very important Bill.

Honourable members, this Bill enjoys my support and I should really congratulate the Minister and his counterparts for having tabled this Bill because with the passing of this Bill it will help our local authorities who are still having financial difficulties in buying these machines to be considered. For example, in my town that is Katima Mulilo town, in terms of fire fighting the local authority does not state the following.

2. Fire Station
3. No fire fighting equipment such as overalls, helmets, gloves etc.

The town has a population of plus minus 30 000 people with a fire hydrants around with very old hosepipes because it was inherited from the colonial government.

Honourable members, the available fire extinguishers are not in order and not serviced for some time now. Currently the town fights fire with the help of Nampol Emergency Unit. Some places that could contribute to the economy and the development of this country like

Guinea Fowl Lodge and the village and many other places burned to ashes and there was no help from the local authorities due to lack of equipment.

Honourable members, the presence of this Bill enjoy my support with the feeling that the Bill will change the difficult position that is facing our local authorities and communities around and throughout our country.

With these few remarks, Honourable members, I support the Bill and I thank you.

**CHAIRMAN:** Thank you very much Honourable Kabula. Any further discussion? Honourable Mensah-Williams.

**VICE-CHAIRPERSON:** Thank you very much Comrade Chairman, Honourable members, I will not be very long. I also want to congratulate the Ministry of Regional, Local Government Housing and Rural Development for coming up with a very good piece of legislation. They say eyes that look are common but eyes that see are rare and sight is the function of the eye but vision is the function of the heart. What I want to say is that this is really coming to the heart of those poorest of the poor and therefore it is important that we highlight the importance of services that we are giving in our society.

I am also happy that the Bill's principle provides for the establishment, maintenance, utilization, coordination and standardization of fire brigade services via local authorities. By so doing we will ensure we don't only see the fire brigade which cannot operation because it is either ill equipped if it

exists at all, or to ensure that water points are available especially in the informal settlement. Like the case I recall that was few months ago recorded in the media that although in Luderitz when a fire erupted in one of the informal settlements, although the fire brigade was forced out and it arrived, the fire brigade equipment was not functional and there was no water point that was functional. So, there was also not water for the fire brigade to utilize in order to stop the water. So, it is like having empty shell or having an ornament something that is not operational. It will not help at all to even have a fire brigade if it is not functional at all. Therefore, I am very happy with the principle of the Bill as it will look into these issues. I also hope that periodic inspections will be initiated by our line ministry in order to ensure that the principle of this Bill is adhered to at all times.

I further agree with Honourable members of this House of Review who stress the importance of the need for all areas to be equipped with fire brigades especially in communal areas where shacks are the shelters for the poorest of the poor and therefore no electricity is available for these services. Therefore, they have the problem of being in the fore front of the fire squad, they use candles, they use paraffin to cook outside, children need to study, they have to light a candle in order to study, the wind blow, the material of which these shacks are actually constructed are of very poor quality because these are the poorest of the poor in our community. Therefore, a light wind blow even if it is a fire outside where they are cooking and it catch fire and needless to say, if one shack catches fire then a

whole community is addressed, not only the inhabitants of that specific shack. It will be those people specially children because in Windhoek my constituency and other constituencies where the informal settlements are, the Municipality give them communal land where they subdivide and these people are so close to each other where it spreads very easily.

In the first place those people do not have telephones to call so it will take time for the fire brigades to arrive. When the fire brigade arrives it should be in such a condition that they can immediately operate in order to also assist these people. These people only have few belongings and those belongings will be destroyed. Children will die in these fires, and it happened. Most of the parents are working as domestic workers. They go in the morning leaving the house at 05:00 or 06:00 and come back in the evening at 19:00. Some of these children are left alone.

So, I would like to reiterate the point that was already reiterated by Honourable members in this august House. I also want to come to the point whereby under 12(6) it says that: "if the service of the local authority is combined with an ambulance service of that local authority, all income accruing to an old expenditure incurred by such local authority in regard to its ambulance services with the exception of expenditure incurred for the payment of salaries to members of its service who are also members of its ambulance service were not be taken into account for the purpose of a subsidy contemplated in Section 2(3)". One of the Honourable members just a few

minutes ago spoke about subsidies. I think it was Honourable !Gobs. The local authorities do not receive subsidies anymore, and it is good that we also highlight it. Regional Councils are not mentioned but somewhere, I have also read that the same applies what is in the Local Authorities and Regional Councils Act, that in villages where there are no local authorities, regional councils will act. So, it is maybe because of that Act that is not highlighted but it is important that we raise the fact that we need to work together and that we also raise the fact that in our budget we have to combine to ensure.

What is also important is what Honourable Shangheta has just said and that is "training". It doesn't help to have something beautiful and the people are not trained on how to use the service. I am very disappointed if you go to the Heroes Acre today. The Heroes Acre is the most historic monument where we have our heroes and heroines laid to rest. Beautiful one out of a million in the world, but the maintenance is not done. I am happy that we have at least a Deputy Minister here of Works, Transport and Communication. I would like to tell you Comrade Deputy Minister, we have sent people there because we feel proud of this monument but if you go where the restaurant is, rubbish is lying around. It looks like a place that somebody has absconded and is not staying there anymore. This place is a national pride and should be well maintained. Everybody is paying when they go there, so what happen to this money? That money is for a certain purpose, it is to keep the standard up and not only to be cleaned and made nice when there is a hero or heroine that has to be laid to rest

or when it is a national day that we go there.

The principle of this Bill is to ensure that things are maintained and standardized. My concern here is, and I think Honourable Diergaardt also said that it is good if you combine these services, fire brigade and ambulance, like for instance in Rehoboth, if there is a fire breaking out or somebody is sick they have to rush to go and see those people but if it is an ambulance and a fire brigade you can use it for due purpose and you can charge from the local authorities. They can charge if it is N\$5.00 or N\$10.00 per person so that that service is maintained. So the people who stay there will also contribute. I think once they have ownership they should also have decision-making as to how far it should be. I think it is also important that together with this fire brigade service, maybe they should get a toll free number where people without money will be able to access a telephone booth and call these services with a toll free number because it is very important that you need to call out the service. It doesn't help also to have the service but you cannot access the service because of a lack of these services.

Having said that, I would also like to say I am happy that a Chief Executive Officer will be appointed, or it says under section 3. Appointment of a Fire Officer: "A local authority which has established a service as contemplated in Section 2 must appoint subject to the qualification and experience prescribed by the Minister, a person as Chief Fire Officer to be in charge of its service". I hope that with that local authority, having this Chief Fire Officer in charge within the job description of these

specific person, this person should also get the responsibility of ensuring that the equipment at all times are functional and that the places in the surrounding areas where fire can break out are also accessible.

Lastly, I wish to call on the local authority in all regions specifically in the City of Windhoek also that there should be, there are very old municipal houses and these houses have got the old electrification system that was put in years ago. Some of these things are really health hazards. They do not function properly anymore, people can get electrocuted, and they can die. These electricity boxes that are placed there outside should be inspected and there should be information sharing. Regional councillors can assist local authorities to disseminate the information of the fire hazard that is there how people should prevent them. First aid in community, what should you do if any person gets burned? Ministry of Health can assist in giving those awareness creation and first aid to community health workers that the local authority and regional councils can collectively contribute to pay for the services of these health workers in order for health workers to assist the government to do the training of this basic information. If you know that somebody got burned, the first thing that people do is to take water and throw on the person which is wrong. You should know what to do in order not to damage the skin of the person. I think these things are very important and we should not have only one service or if the information is lacking then we cannot make a success out the implementation of this Bill.

Having said that, I commend the Bill and I am very happy. It is for a good purpose and there are also penalties which are good, but I would like to reiterate that education and training as well as people's participation is very important for any of us pushing through legislation that must go in the interest of the people that in order that all citizens of this country can benefit from these services. I thank you.

**CHAIRMAN**: Thank you Honourable Mensah-Williams. Any further discussion? I now put the question that the Bill be read a second time. Any objection? Any secondment? Agreed to. The Secretary will read the Bill a second time.

SECOND READING:

**SECRETARY**: **Local Authorities Fire Brigade Services Bill [B.3 – 2006].**

**CHAIRMAN**: Honourable members, that was the order of the day. We also come to the end of the short week for you who will be driving back to the constituencies, please obey all the traffic rules. Drive safely. Don't drink and drive. Ensure that you will not indulge in unprotected sex. With these few remarks, I would request Honourable Karupu to adjourn the House.

**MR. KARUPU**: Thank you Honourable Chairman, Honourable members, I would like to echo the words by the Chairman, but it is not yet Christmas, we still need you back in this august House. Therefore, you must drive very careful and come back again next week. With that, I move that this august House stands adjourned until next week Monday, 27 November 2006 at 09:30.

**CHAIRMAN**: Is there any secondment? Any objection? Agreed to. The House stands adjourned until Monday 09:30.

**COUNCIL ADJOURNED**

## COUNCIL CHAMBER

27 NOVEMBER 2006

### WINDHOEK

The Council met pursuant to adjournment.

The Chairman took the Chair.

Prayers and Affirmation.

**CHAIRMAN:** The House is called to order. Honourable members, you are welcome after the short break of this session. I hope you went to your constituencies and you also have been blessed with rain for the Windhoek residents. Are there any petitions? Any reports of select committees? Any reports and papers? Yes, Honourable Kabula.

**MS KABULA:** Comrade Chairman, Honourable members, I would like to lay upon the table the report of the stakeholders consultation on Gender Human Rights and HIV/Aids held in Johannesburg South Africa from 27 to 29 June 2006. So I move.

**CHAIRMAN:** Honourable members, is there concurrence? Yes, Honourable member you may table your motion. Honourable Siwombe thank you very much. Any further notices of motions? Honourable members, I have an announcement to make. I have received the following message from the Speaker of the National Assembly. The National Assembly has passed and referred the following Bills to the Council:

1. Additional Appropriation Bill [B.7 – 2006];
2. Combating of the Abuse of Drugs Bill [B.4 – 2006].

3. Bio safety Bill B.5 – 2006].
4. Electoral Amendment Bill [B.6 – 2006].

In terms of Article 75(1) of the Namibian Constitution the Bills are referred to the National Council act thereupon in terms of the said Article. The Secretary shall now read the Bills for the first time.

### FIRST READING

#### **SECRETARY: Bill Number:**

1. **Additional Appropriation Bill [B.7 – 2006];**
2. **Combating of the Abuse of Drugs Bill [B.4 – 2006];**
3. **Biosafety Bill [B.5 – 2006];**
4. **Electoral Amendment Bill [B.6 – 2006].**

**CHAIRMAN:** The Secretary will read the first order of the day.

### FIRST ORDER READ:

#### **SECRETARY: Resumption of Debate on Second Reading – Financial Intelligence Bill [B.1 – 2006].**

**CHAIRMAN:** When this debate was adjourned on Wednesday, November 22 2006, the question before the Council was a motion that the Bill be now read a second time. Honourable Ndemula adjourned the debate and he now has the floor.

**MR. NDEMULA:** Thank you very much Honourable Chairman. Honourable Chairman, Honourable members of this august House, we are dealing with a very important Bill which

is definitely overdue. Finally we are almost there.

Allow me Honourable Chairman and colleagues in congratulating the Minister and their team for a job well done. I know it was not easy and a lot of work was needed in the preparation of this Bill. Keep it up anyway.

I have a lot of queries about the Bill but after consulting with the officers concerned my fears were put to rest. The principle object of the Bank under Section 5(2) is very much clear and to the point. My problem now is only with Section 8(1) and I quote: "The Governor may delegate in writing any of the powers entrusted to the Bank in terms of this Act to an officer or officers of the Bank in terms of this Section. Yes, I do agree, but who are these officers whom we are talking about? We have been propagating all along about dedicated and loyal cadres. We need people who are honest, dedicated, committed and who have the interest of this nation at heart. What did we produce for the past 15 years? To call some of the people who failed us today dedicated and loyal cadres. It is high time for us to re-evaluate our stand and produce loyal Namibians who can pull us towards our Vision and Mission of 2030. Let us get rid of the rotten apples in our society.

Honourable Chairman, Honourable members, with the composition and functions of Anti-Money Laundering Advisory Council, it is my belief that they won't fail us, but to restore our pride as a leading nation among all the respected nations. We as a country must get our priorities right and that is, to root out the dirty evil of corruption from our door steps. I don't want to delay the

passing of this very important Bill and I just want to use one quote from the report of Charles McElroy: "Power is usually recognised as an excellent short-term anti-depression". The statement contains a lot of truth because power often gives the appearance of success, but even then it is only temporary, power turn to corruption and it absolutely corrupt.

Honourable Chairman, as I have said, we have been preaching about loyal cadres, I am looking for loyal Namibians. Look today in our institutions what is happening. Some of those people who are culprits of corruption are currently our loyal caters. That is why I am appealing to our people to our nation for us to re-visit this and to look for loyal Namibians irrespective of your political affiliation.

Having said the Honourable Chairman, I support the Bill and I thank you.

**CHAIRMAN:** Thank you very much Honourable Ndemula. Any further discussions? Yes, Honourable Shangheta you may take the floor.

**MR. SHANGHETA:** Thank you very much Comrade Chairman, with the concurrence of the House, since this Bill is very important, we don't want to delay it but I want to postpone it until tomorrow.

**CHAIRMAN:** Is there secondment? Any objection? Agreed to. The Bill is then postponed until tomorrow. The Secretary will read the second order of the day.

**SECOND ORDER READ:**

**SECRETARY: Debate on Committee Stage – Local Authorities Fire Brigade Services Bill [B.3 – 2006].**

**CHAIRMAN:** It is moved that I leave the Chair. Who seconds? Any objection? Honourable Mensah-Williams, you may take the floor.

**VICE-CHAIRPERSON:** Comrade Chairman, Honourable members, I wish to object to you leaving the Chair. I wish to ask for the indulgence of the House to adjourn the debate until tomorrow and in the intervening period I intend to consult the relevant stakeholders and technical staff to move a motion for referral to a Standing Committee. So I move Comrade Chairman.

**CHAIRMAN:** Any secondment? Is there a need to divide the House or are you all in concurrence with that motion? Yes, agreed to. The Secretary will read the third order of the day.

THIRD ORDER READ:

**SECRETARY: Report: Motivation and Debate – Report on the Implementation of the Combating of Domestic Violence Act, (Act 4 of 2003), and on the effects of the Magistrates Act (Act 32 of 1944) on citizens, with particular reference to the Sale in Execution of Immovable Property.**

**CHAIRMAN:** Does the Honourable Mensah-Williams move the Report?

**VICE-CHAIRPERSON:** Yes, Comrade Chairman, I do.

**CHAIRMAN:** Who seconds? Any objection? Agreed to. Honourable

Mensah-Williams, you may table the report and you may also take the floor.

**VICE-CHAIRPERSON:** Thank you very much Comrade Chairman, Honourable members for allowing me to table this report.

I undertook a preliminary fact-finding mission as members of Parliament to execute my oversight functions and establish;

1. any difficulties in the understanding and implementation of the provisions of the combating of Domestic Violence Act (Act 4 of 2003) particularly the granting of the protection order, since violence is escalating countrywide;
2. to establish the effect of the out-dated Magistrate Act 32 of 1944 which is not in line with our Constitution to establish some facts for the possible amendment since it has the following negative effects on the citizens of our country. It provides for the sale of people's immovable properties in execution of judgement orders against default payment, and
3. also to establish Local Authority Councils and Village Councils who also follow the same procedure as other creditors since a lot of these houses are municipal houses and are sold for the arrears that people are having with village and town councils.

- a) I wanted to establish from them the number of houses which were sold by these judgement orders by them;
- b) The age groups of the owners of these houses that have been sold in execution of judgement order;
- c) The credit policies in place regarding basic service termination, for example water and electricity as well as the debt collection procedure.

The mission was undertaken by myself as the only delegate and in addition with no staff component because of a lack of funds. It took place from July 02 to August 1 2006 in the following six regions:

Erongo

Kavango

Otjozodjupa

Hardap

Karas and Omaheke region.

The visit included the following target groups: Magistrates, Prosecutors, Village and Town Councils and Women and Child Protect Unit. The importance of the aforesaid preliminary study was due to complains by various communities at different forums, for example on radio talk shows, community meetings, at outreach meetings and lobbying from some members of the community. As coordinator of the Standing Committees in the National Council, I had to establish whether there was merits for a community to be tasked to further investigate and research the issue and come up with well researched documentary proof to call for the amendment of the Act by the relevant authority for it to be in line with the Namibian Constitution and the Bill of Human Rights as well as to ensure that

we no longer have an Act like the Magistrates Act 32 of 1944, which is applied without judicial oversight. We have oversight over the judiciary also. Unfortunately in the execution of this Act the judiciary do not have oversight. It is clearly done by a Clerk of Court and not by a Magistrate. That is why I am saying there is no judicial oversight.

Now, I have divided the report into two parts because it is two different Standing Committees dealing with this. The first one is on the Domestic Violence Act and these will now obviously be issues for concerns to the Committee on Gender Youth and Information. The other one is the Magistrates Act 32 of 1944 which will be the Standing Committee of Legal and Constitutional Affairs concern. For that reason, I have divided it into two parts.

On Domestic Violence Act:

The information of what Domestic Violence Act is as I found was not very clear to some of the different stakeholders and therefore the application of the Act was differently applied in some instances. For example, most of the community members were confused according to what the Act is and the issue of:

1. Divorce
2. Maintenance
3. Adultery complaints etc.

They wanted to use the Act for purposes of obtaining one of the aforementioned three issues or they wanted to use it sometimes as a measure to obtain a divorce, maintenance or to punish somebody for adultery. Therefore, since most of these people do not understand,

it shows that there was a lack of information.

Since victims of abuses fall in the trap of being smooth talked into the withdrawal of these cases, it became a non-granted statistic and is left at it by some institutions, while other Women and Child Protection Units continued with the charge on behalf of the State. So, the application was done differently in different circumstances. Reasons given to this applicant's withdrawal of applications for protection order is also given as financial dependency of the applicant on the defendant.

Some Magistrates also have difficulty in granting temporary eviction orders to the defendant from the common house since he/she doesn't have a place to stay or a bed to sleep on since everything he/she owns is in the common house that the Magistrate has to ask this person to vacate temporary. Some Magistrates felt that this was unfair.

Some Magistrates become marriage counsellors and have to direct victims since there is a lack of counsellors or responsible institutions for marriage counselling and people needed a shoulder to cry on. Sometimes cases are either not well investigated by the police due to a lack of resources; or the victims is found not to be reliable, or the prosecutor or the clerk filed the application but for months it was not attended to and a temporary order therefore was not granted and places the lives of victims at risk.

In one such instance a lady who was a victim left her job, her baby and fled the town out of fear of her life while she applied for a temporary protection order.

When I visited; needless to say months after this temporary order was not yet granted. Therefore, the lady could not yet return to come back to her baby. Because of a lack of manpower and vehicles police sometimes fall short of delivering these temporary orders in time. Most community leaders and family members were also not aware that they could apply for a temporary protection order on behalf of a victim if they see that the life of this victim or of his/her children is in danger.

Some regions started with dissemination of information of the Act which is a positive development. Some applicants of temporary orders do not turn up at court to defend the application and therefore it cannot be granted. The Women and Child Protection Unit sometimes find it difficult to find alleged perpetrators in order to obtain his/her side of the story. I also observed that some of the members of the Women and Child Protection Unit became the Magistrates by deciding whether the case have merit or whether people should try and reconcile, which is totally out of the question.

Another reason for the delay of applications for the temporary protection order was given that people are discouraged because the staff at magistrates' offices are over loaded and understaffed and the paperwork to finalize an application for the Magistrates approval or disapproval is volumes and time consuming. Alcohol abuse was sited as the biggest contributing factor to violent behaviour. Financial and emotional abuse seems not to be taken very seriously as well as the threats of people's lives. It seems only physical abuse is taken as a valid form of

abuse in most instances. Some Women and Child Protection Units issue a notice to attend an inquiry to the accused whilst other do not issue such a request.

The importance attached to the issue of Domestic Violence and the priority at certain magistrate offices depend on the personal conviction of the individual dealing with the issue it appears. There is a lack of moral support for the applicant throughout the process because of a shortage of manpower, for instance you have two to three members for an entire region who have to deal with case dockets, social problems, marital problems, boy-friend/girlfriend relationship, rape, domestic violence, family disputes, children who refuse to attend schools, all at once. For the whole region there are only two to three members. It seems that a confusion exist between the police force in general who feel that domestic violence should be dealt with by those handful of police officers attached to the Women and Child Protection Units. They therefore do not cooperate in rendering assistance to these units and it creates unnecessary delays in the serving of these temporary protection orders which could result in a loss of lives as well as being a cost cutting measure.

Since the need for legal representation for the applicant is mostly overlooked and the complainants are informed that just like in maintenance cases the prosecutor will represent them, whilst the accused is represented by his or her own legal representative. Most of the victims feel that they are victimised in courts and the lawyers of these accusers make them look as if they were liars and using legal to find the slightest mistake in the statement in order for them to find

the clients innocent. Applicants feel that a lot need to be for them to receive their right to legal representation from the state so that their lawyers can equally also ask questions to the accused.

The Act makes provision for a formal warning to be issued against the accused and can be a deterrent for the accused to refrain from violence before a temporary order could be obtained. However some lawyers on behalf of their clients who receive formal warnings write to the police to inform them that his/her client decided to challenge the warning. Now, this in itself is an indication of two things that either these lawyers want to simply make money, or they are ignorant with the provisions within the new Act that provides for this.

Few temporary protection orders were granted in these regions, e.g. over a period of 2 years in some instances between 2004 and 2006 only 10 applications were received in total. In 2004 3 applications were received in some regions, 6 in 2005 and 1 in 2006. While the applications were sometimes doubled, but others were not granted because of the judgement the magistrate made or the withdrawal of such cases. Contrary to this, the number of cases reported in this region of violence is very high than the number of applications made. That is an indication of either ignorance or lack of information or education.

I have recommendations that therefore the issue should be referred to the Committee on Gender, Youth and Information to establish how best this dissemination of information regarding this Act could be hastened by all stakeholders. Magistrates, prosecutors

and police need to be educated on the sensitivity and damage of these abuses as well as the definition of different types of abuses and the urgency of these applications. The law society of Namibia need to educate the legal practitioners on the different types of legal instruments agreed to national and international as well as what type of abuses are constituting domestic violence or violence at their homes. The issues of volunteers need to be looked into to be trained to assist the Women and Child Protection Units' people as well as the clerk of court in their moral support, counselling and taking down of affidavit in an empathetic manner because of a lack of human resources of the responsible line ministries. The youth could play a vital role here.

Then, shelters for abused women and children could be an issue that could be looked into by civil society organizations to assist government in sheltering these victims from immediate danger and counselling against healing and/or pain of the abusers as well as rebuilding the trust of the victims in fellow human being. For churches to also play a role in marriage counselling as well as relationship counselling, conflict resolution and rebuilding of love and trust relationship. The Committee of Gender, Youth and Information could be tasked to further investigate and come up with more recommendations to be forwarded to the relevant institution to ensure better implementation of the said Act.

#### Magistrates Act 32 of 1944

This Act impoverishes the already vulnerable and poor people. It provides for the abuse of human rights and dignity

and respect of our people as stipulated in Article 95(e) of the Namibian Constitution. It allows the have to obtain these immovable properties at the very minimum amount and rend it out to the same community at absorbent prices or sell it for huge amount. Once the person who occupied a house for many years and paid up to the time when he or she could no longer afford for one reason or the other loose his or her money paid for all those years. The person is humiliated or the family is humiliated by the eviction, homelessness by the entire family and it increase the burden on the municipalities and regional councils and these people still has to pay the outstanding amount which is short of the full amount that they owe.

A lot of senior citizens are affected by this action and a lot of lawyers and messengers of the court enrich themselves at the expense of these poor people. Many people in society became homeless due to the fact that this Act does not provide for them as in the case of maintenance the opportunity to appear in front of a magistrate to explain the reason for failure to pay arrears on any account. The Clerk of the Court is empowered to issue on behalf of the court these judgement orders if an applicant prove the person failed to pay the debt after committing to do so irrespective of the change in circumstances. I just don't here the case which is against the principle of justice that both sides of the story will be heard before a member of the judiciary will make a fair ruling.

I have a case that comes to mind now, it is a case that happened last year in the Hardap Region whereby a lady called Tuwaleni owed N\$128.00 to a local

butchery and could not pay, hence for, because of this Act a judgement in execution was granted against her immovable property by the Clerk of the Court for a small amount of N\$128.00. This is one case in question to prove that the people with privy to information are the lawyers of creditors, the messengers of the court and the personnel in these offices. This point was proven to be true in all regions I visited.

In some instances prosecutors informed me that half of the formal black suburb are owned by these categories of people who buy these houses and then rent them out to black people in these suburbs because the majority of these people are white and will not even ever go and stay in those suburbs but they have the economic power to purchase these properties.

The other benefit these people have is that the auction process can be abused due to a lack of rules since the most important rule is that the highest bidder obtains the property and these are normally friends who agree even if the process is open. The person in charge of the auction process can be selective in acknowledging his or her friends to settle the deal in favour of the privileged.

Another case which was reported to me with evidential proof by a community member who approached me at the magistrate's court in Omaheke Region was that of a messenger of the court who attached livestock of this individual for auctioneering to recover the costs that this person was indebted for. The messenger of the court physically collected the amount of 39 small livestock from the person and signed for it. I have the proof where the messenger

of the court signed for receiving 39 small livestock. The messenger of the court ordered these livestock before it could be auctioned the next week.

Now, the question here comes, how come it was put on private property? Does the municipality not have any place for the things that should be auctioned for purposes of this replace and not on people's private property? The time that it was advertised in the news paper, because when you auction you have to advertise. Only 34 livestock were advertised to be sold, not the 39 that he signed for. The question is what happened to the 5 livestock of this person that the messenger of the court signed for receiving? Where did they disappear too? It means, that amount of money is not paid to the debtor of this person. It went into the pocket of the messenger of the court. Is this fair? Is it just? This is only but one of the cases that I am highlighting for the Committee to have a look into and there is proof of that.

Some circumstances can occur, a person lost his or her job and cannot continue paying for the house or accounts anymore, or the bread winner of the house died and then maybe only a pensioner left, a widower or a widow and maybe cannot afford to pay the agreed amount. Such a person normally does not get the opportunity to appear in front of a magistrate because of this both sides of the coin are not tossed and both sides are not listened to. Mistakes can happen. When we members of parliament declare, we declare our liabilities and our efforts. When of my liabilities I declared with the banking institutions and I am paying that liability and I have documentary proof even

when the Bank agree that I can repay this amount because I closed the account at desk. But it is saying that I am not paying but I am standing with a proof that even gives the date as late as end of the month. The letter of agreement was 31 October when the amount I should pay was agreed. The amount I should pay was paid, I have the documentary proof. I am just giving an example because we talk about things that we should proof that these things happen. Now it is said I am not paying. How am I not paying if I have proof that I am paid? Now, if I was somebody who knows the law or fight for my rights or for my name or whatever, what would happen? In a case like this, if it was somebody else, because of a mistake of somebody in an institution because they have done a mistake, this person could have lost a house. But if this appeared in front of a magistrate and the magistrate could ascertain both sides of the story the magistrate would have had the proof and this type of thing would not happen.

Normally, when such things happens the dignity of people is tarnished because these things are placed. To make a cross-reference, when somebody hears a rumour of you, they place it on the front page. When you contradict that is not true, you give the proof that it is not true. It is placed, the media is there, and it is always placed at the back. So, people believe what they first see and this is not fair. A question that comes to my mind also to make a cross-reference with your indulgence Comrade Chairman, Honourable members, is the issue of the Right Honourable Prime Minister that is featuring our media.

Now, let me say this and I am saying it because the Right Honourable Prime

Minister is a person of integrity that I respect as an individual. Let me start there. Not to say it just because he is Swapo, no. I respect his integrity as individual because he is a person through all the years who has proven to the Namibian society that he is not corrupt, who could drive in a yellow bus to the North when he goes on private missions, who could travel without even now as Prime Minister many body guards and personnel to serve him. I am using this to state the fact.

This Right Honourable Prime Minister is requested to serve as a patron of Swapo Party Regional Office. There is nothing wrong with it, he is a member of Swapo, and he can become a patron. These letters that are said he has written, he has not written them in his capacity as Right Honourable Prime Minister. He has written them in his capacity as Nahas Angula an individual, member of Swapo party who was given the task to be the patron.

However, him being a Prime Minister of a country you cannot remove his title, but it is not right that his title is abused for people to create the wrong impression. He signed these letters in his personal capacity as the patron. He made it very clear and the media was there at the event when he first refused to sign this letter and he asked “will these letters not create confusion since I am the Prime Minister?” He was given the assurance that you are not doing it in that capacity, you are doing it in the capacity as the patron of this institution. It is only then that he agreed. He made it clear by saying “please people note that I am doing this on behalf of being a patron”. That part is not taken, only the part that

he signed the letter and that he is the Prime Minister.

It is also depended on the institutions whether they wanted to or not. In Khomas Regional Council where I am a member we received the letter and from our pockets we have paid this money. So, it depends on a personal conviction and what you do. You cannot decide for a person how to do it.

I am trying to say with wrong information and that is my cross-reference and I am using the Right Honourable Prime Minister because he is a person with integrity and I feel it is not right how he is being treated by some media. I am using it to say that if something was done wrong, it is only one side of the story that was put there. The other side is not put there so that you can defend yourself. You can loose everything. In this case, if a person is owing for certain circumstances and could not pay and the debtor (person where you took the account from) does not want to understand your circumstances, this person just go to the clerk and say: "this person has said yes I owed" but now that person does not want to pay. Now, if I am a messenger of the court and I come to Honourable Hakaye's house, 'sorry for using you as an example Honourable Hakaye', and Honourable Hakaye now owes Honourable Shangheta for instance and Honourable Hakaye fails to pay, but when he borrowed the money from Honourable Shangheta he signed that I am taking N\$2000.00 from you. Now Honourable Shangheta goes to his lawyer and say Honourable Hakaye owes me but he failed to pay. Therefore, because of the Act that says if a person don't pay when he owes you can take his

property. Please, go and get my money, sell whatever you can. Now, if I am a messenger of the court I now come to Honourable Hakaye's house, I see there are nice chairs, he owes N\$2000.00 and this chair is worth N\$1000.00, I see there is a nice table worth N\$2000.00, now I decide this house is nice, let me rather put up the house for that amount. I will say that he does not have other things that are good enough to be sold for that amount of money. I will now attach his house to be sold for that amount of money. Why, because of conflict of interest. Now as a messenger of court I want to buy this house, I saw it is a good house. So, when the auction comes I go and buy the house of Honourable Hakaye living him homeless paying the N\$2000.00 to Honourable Shangheta, paying N\$1000.00 maybe to the lawyer for administrative fees. So, I bought the house for N\$3 000.00. Yet this person paid the house for years. Is it fair? I am giving an example to make it very clear of what I am referring to. So, I am sorry for using the Honourable members as examples but it was just clarify the fact.

If a magistrate doesn't have oversight over the case, this person will not be treated fairly in all circumstances. There was a case like that in South Africa. This Act is still reading the South African Magistrate's Act 32 of 1944. However, South Africa has amended the Act because of their Constitution. In Namibia we have not yet amended the Act. Somebody took to the Constitutional Court of South Africa a case where his or her house was sold because of the same reason. The South African Constitutional Court found that the assailant appeal against the judgement of the Cape High Court for Sale and Execution of houses to settle

outstanding debts. The issue was whether a law which permits the sale in execution of people's home because they have not paid their debts therefore removing the security of tenure violate the access to adequate housing for these people.

The court found unanimously their decision that any claim based on socio-economic right must necessarily engage the right of dignity something that is enshrined in our Constitution under 95(e).

The court further found that the lack of adequate food, housing and health care is the unfortunate lots of many people in South Africa. The court further held that Section 66(1) is too broad that it permits Sale in Execution to occur without judicial intervention and even where they are unjustifiable. The fact that a permissive measure which must be invoked by the debtor, meaning you must say "yes, I owe you". "Exist" does not change the potentially unjustified execution that may occur when the process envisage by Section 66(1)(a) is initiated by creditors. So long as the possibility exist within the legislative scheme for Sales in Execution to occur in circumstances where the debtors have been unjustifiably violated. The scheme is over board. Consequently the constitutional court also held that Section 66(1)(a) was unconstitutional to the extent that is allowed for Sales in Execution in unjustifiable circumstances and without judicial intervention and that the most appropriate way to remedy the over breadth is to provide for judicial oversight at the point of Sale in Execution against the immovable property. Because of that there is reason to believe that the lack of oversight

creates abuse and the fall of people in this situation.

Other municipalities for example when it comes to the sale of houses should maybe use the good example that I found in Swakopmund. I will be short in order to allow people to ask questions.

What the municipality in Swakopmund do for instance is, they have three hundred people who are in arrears to pay the debts. What they do is, these temporary workers take the people who owe them money, who are in arrears from each family, not ten people from one family, one person from each family. These people come and work for the municipality as temporary workers. What the municipality do is they recover the debts by deducting a certain amount for their debts which means their debt is paid. They have created employment and in addition they built a relationship of trust and they strengthen the relationship that they have with the community. I think it is an example that I want to use to ask other municipalities who are not doing so to follow this good example.

The other issue is that municipality also sell houses when people owe them and their lawyers do it on their behalf. The other issue that I want to give is the issue of garnishee orders. A garnishee is an attachment. If you owe somebody money and you are not paying them back, that somebody will come to your job and say "take down this amount this person owe me and deduct it from their salary. Now, if I am married in community of property, my husband loose his job. It was his account, because of our marriage they have the right to come to my employer irrespective that it is not my debts, but they come to my

employer to deduct this amount from my salary that actually belongs to my husband.

Let me make it categorically clear, it is right that people should pay their accounts. We cannot be irresponsible but it is also not right to abuse the situation, if a husband or a man cannot pay for his child, you have the right to go to the magistrate and say I have lost my job for six months therefore I am unable to pay. Can I be excused until the time that I start a new job? I have applied, here is the evidence, when I start I will even pay the backdated amount. Then it is fair. What I am saying is, and that is why all of us when we buy a house or a car, when you go to the bank they say you must draw up a balance sheet. They want to know your income, you must bring your payslip, and you must put up a balance sheet. They want to see how much money you get and the money you are giving out. According to what you have left there is only certain percentage of that amount of money that you can use for debts because they must allow you to have a living. They must allow you to eat and to take care of your families to pay for school fees etc.

In the case of this garnishee order, there is no indication that even at court the person get a chance to say "I am not able to pay this amount because my salary is only X amount". It is just granted and deducted. There is a case worth proof that I was given by one of the people in the Omaheke region. This lady earns N\$5000.00 more or less as salary. Her husband was a builder and had some debts with institutions. He lost his job and she is the only breadwinner currently. All his debts are placed with garnishee orders on her salary. That

woman gets N\$200.00 after deductions of those garnishee orders. Her husband is not working and she must pay school fees for the children, they must eat. Is it human? Is it fair? Can something be done that at least the amount should be reduced or something?

Honourable members of this august House, I feel that these factors will ensure that the economy of our country fail in the hands of the few privileged people. Whether it is formally advantaged or the advantaged black elite will become advantage through black economic empowerment for a selected few at the expense of the ordinary citizens.

In conclusion, I further wish to take this opportunity to thank the following institutions: Local Authorities, Magistrates, Prosecutors, Women and Child Protection Centres of these six regions for their hospitality, assistance and opening. However, I wish to recall that I fail to meet with the magistrate in the Otjozondjupa region due to the fact that the particular magistrate ignored our agreed meeting. I waited for him for more than an hour when he eventually pitched at the government office which had no indication that it was indeed a government office because no flag was displayed at this magistrate's office. He simply ignored me. This type of behaviour of one individual can tarnish the name of the judiciary as a whole. It brings to mind that injustices may appear under such a person's leadership. Because if he treats "me in a leadership position" in such a manner, I wonder how he treats poor people who attend his court room.

I would also like to thank members of the National Council under the leadership of the Chairman Comrade Kapere for your assistance in highlighting similar issues during your debate of budget speeches or during discussions of relevant or related terms.

Having said that, I hope that I have the following recommendations for this Committee to look into: I recommend therefore that the Committee on Constitutional and Legal Affairs be tasked to go and establish more on ensuring that every citizen has the right to fair and reasonable access to public facilities and services in accordance with the law and that their dignity are respected as set out in the Namibian Constitution;

- Ensuring and preventing lawyers, messengers of court and their personnel not to benefit from buying houses that are ordered to be sold by the court as an enrichment scheme at the expense of the poor;
- Requesting the Government to approach Nampower and Namwater at government institutions to subsidize a certain amount of free water and electricity to municipalities and for municipalities to subsidize the categories mentioned earlier that I heard of people who should be subsidized; pensioners, orphans and people living with disabilities.
- To look into old laws and bring them in line with the Constitution for example the Civil Law and Ordinance 18 of 1954. All these have got to do with status of owing people and taking people's properties for that.
- To look at the issue of whether it is in line with financial regulations for charging interest on interest and also

look into the issue of bond transfer fees whether it is possible to be done through another avenue for example Legal Aid.

Let me explain quickly. What I mean is, when you pay the transfer fee...

**CHAIRMAN**: Honourable member, we forgot the issue of break. Could you give your permission for us to continue or shall we first break and then come back?

**VICE-CHAIRPERSON**: Give me only two minutes Comrade Chairman.

**CHAIRMAN**: Then please continue.

**VICE-CHAIRPERSON**: What happen if you have to transfer through the Deeds Office the transfer money? But this is done through lawyers. These lawyers charge exorbitant prices for people. Can the Committee try and establish? Is there a possibility that this amount of money can be directly paid to the Receiver of Revenue or to the Deeds Office in order to cut the costs? For people who are poor it is a lot of money for them in addition to pay for transfer. Also for us who even have very good salaries; it is still a problem for us to pay those transfer costs.

The other issue is also to come up with a proposal to ensure that all Acts that are passed will have judicial oversight in order to adhere to the principle of justice to give all parties a fair chance to represent the case before judgement is issued. The issue that I stated on "interest", if you buy furniture, you pay interest. If you fail to pay the interest and somebody have an attachment, now they come and you must pay, so they again charge you interest from the lawyer and you already had that interest. I want the

Committee to establish whether you may, according to financial regulations charge interest on interest.

The last part which I will state before I conclude is to have an idea on an Act that can be instituted against economic abuse in future. To conclude I want to give a final example. Some of the magistrates, prosecutors, municipality representatives, everybody, was it once that when you buy, the Banks are ripping off people and the Committee should also investigate that. When you buy a car for the amount of N\$150 000.00 you are getting a repayment period of five years for instance, your period is over a period of five years, you pay that car within five years. When you buy a house for the same amount of N\$150 000.00 they put it over a period of 20 years, meaning for additional 15 years other than the five years they give for a car for the same amount. You will pay interest to the Banks. Is this not a rip off? So, I want the Committee to investigate this issue. Why is it that Banks decide that such an amount of money when you can pay a car, why can you also pay a house in five years for the same amount which is affordable according to your income? Is this purposefully done? Because a car is not an asset like a house, it is a moveable asset. A house is an immovable asset. So, a house is more pertinent and more important to the citizens of this country than a car. So, why is it punishable for people to want to own a house? Because they are scared and that is why people cannot afford to buy houses because of this long periods of interest that are charged.

Having said that Comrade Chairman, Honourable members, I thank you very

much for listening to me and granting the opportunity to give you the report.

**CHAIRMAN:** Yes, Honourable Mensah-Williams, thank you very much for having taken that upon yourself as a single person. Any further discussions? Yes, Honourable Chief Whip Hakaye.

**MR. HAKAYE:** Thank you very much Comrade Chairman, Honourable members, this report had been just distributed to almost every one of us. It is a very technical one covering a wide range of activities involving our nationals. I would like to request the concurrence of this august House to allow me time to deliberate and to study this report and try to make my contributions on Wednesday. Honourable members, so I move.

**CHAIRMAN:** Yes, is there secondment? Any objection? Agreed to. The debate on this report is adjourned until Wednesday. Honourable members, that was the order of the day. Is there any other discussion? Please take note of your invitation to the CPA Namibia Branch meeting at 14:00 as well as the IPU at 11:30.

I now request the Honourable Chief Whip to adjourn the House.

**MR. HAKAYE:** Thank you very much Comrade Chairman. If there is no other business, this House stands adjourned until tomorrow 09:30. So, I move.

**CHAIRMAN:** Any objection? Agreed to. The House stands adjourned until tomorrow 09:30.

**COUNCIL ADJOURNED**

## **COUNCIL CHAMBER**

### **WINDHOEK**

**28 NOVEMBER 2006**

The Council met pursuant to adjournment.

The Chairman took the Chair.

Prayers and Affirmation.

**CHAIRMAN:** The august House is called to order. Good morning members. Are there any petitions? Any reports of Select Committees? Any reports and papers? Any notices of motions. Yes, Honourable Karupu.

**MR. KARUPU:** Comrade Chairman, Honourable members, I give notice that on Thursday, November 30 2006, I will table the Report on the National Council Standing Committee on Gender, Youth and Information on the plight of Street Children and other Vulnerable persons, Phase 2 of the motion moved on 06 October 2005. So, I move.

**CHAIRMAN:** Honourable member you may table your motion. The Secretary will read the first order of the day.

FIRST ORDER READ:

**SECRETARY:** Debate on Second Reading – Additional Appropriation Bill [B.7 – 2006].

**CHAIRMAN:** Any discussions? Honourable Kankoshi, you may take the floor.

**MR. KANKOSHI:** Thank you very much Comrade Chairman, Honourable members for the floor. I rise to fully support the Additional Bill which is

under discussion of this august House. When tabling the Additional Appropriation Bill the Honourable Minister of Finance Comrade Saara Kuugongelwa-Amadhila stated and I quote: “In the past years we established a tradition of not appropriating additional funds over and above those under the main Appropriation Bill. This is intended to promote fiscal discipline and proper budget planning. This supplementary Appropriation Bill is not a departure from the tradition as it primarily aims at redistribution funds that are already appropriated to different Votes.

This is a good move in a right direction. The Bill under discussion is self explanatory and it is my hope that we pass it as soon as possible for all of the state machineries to continue functioning properly.

Comrade Chairman, Honourable members, when it comes to the rural electrification, we have experienced a problem of some localities and settlements which were wired as back as 2003 but up to this moment they are not energised. These localities and settlements in Oshikoto region are: Amirema in Omuthiya constituency, Oshitutuma in Oniipa constituency, Omulondo in Onayena constituency, Butara and the Omukumbula in Okankolo constituency, Onamishu, Evale and Elambo in Eengodi constituency, Iihongo, Oniingo and Oshiya in Onyaanya constituency.

At some of these localities and settlements there are schools which are offering classes up to Grade 10 and these schools are: Oshitutuma, Onathingwe Combine School, at Onkumbula we have

Onkumbula Combine School, at Erambo we have Erambo Combine School, at Omuthiya we have got Oshiya Combine School, at Ihongo we have Ihongo Combine School. At Amirema we have Amirema Combine School, and at Omurondo we have Omurondo Combine School.

Our Grade 10 learners write the same Junior Secondary examination countrywide be that they are in the cities or in the rural areas. The presence of this known energy wires at these localities where there are schools offering up to Grade 10 make parents and teachers think that the education of their children is not seriously taken and some goes as far as still blaming their regional councillors that they are doing nothing. Now we are approaching the rainy season and most of the power lines could pass through the omahangu fields. Our appeal to the Ministry of Mines and Energy is for the Ministry to speed up the process of energising these localities and settlements before our people there in the remote rural areas starts to cultivate their omahangu fields to fight hunger and malnutrition.

Comrade Chairman, Honourable members, mandated by the people of Oshikoto region, I am once again humbly appealing to the Ministry of Mines and Energy to consider energising those localities and at the same time maintaining the crops to recover either than for the wires to be put there as it is the case now and no cost recovery is being attained. I would also like to appeal to the Ministry responsible for rural electrification in consultation with regional councils to consider electrifying all the schools offering up to Grade 10 in the rural areas as a priority among other

priorities because nowadays most of the teachings related materials are electricity friendly and if there is no power, teaching and learning in this modern world of technology might not be effective.

Some of these schools which are offering up to Grade 10 and do not have electricity are like Ozizi Combine School in Oniipa Constituency, Erongo Combine School in Onaena Constituency, Omutse Combine school in Onyaanya constituency.

Comrade Chairman, Honourable members, the current programme of ETSIP (Education and Training Sector Improvement Programme) which have been introduced by the Ministry of Education to enhance the education and training sectors' contribution is to the attainment of strategic national development goals and to facilitate the transition to knowledge based economy as proven that it is a good programme. But I might also not alter well at schools where teaching and learning is hindered by the absence of electricity.

In conclusion Comrade Chairman, Honourable members, I would like once again to salute the Honourable Minister of Finance for tabling this Additional Appropriation Bill and express my support to the Bill and urge all the Comrades and Honourable members of this august House of Review to do the same. By so doing Comrade Chairman, Honourable members, we assure the Namibian people that with the Swapo party government under the leadership of His Excellency Comrade Hifikepunye Pohamba the President their future is secured and I thank you.

**CHAIRMAN**: Thank you Honourable Kankoshi, Honourable further discussions. Honourable Hakaye, you may take the floor.

**MR. HAKAYE**: Thank you Comrade Chairman, with the concurrence of the House, I would like to postpone the debate on this to tomorrow.

**CHAIRMAN**: Is there any objection? Any secondment? Agreed to. The Secretary will read the second order of the day.

SECOND ORDER READ:

**SECRETARY**: **Debate on Second Reading – Combating of the Abuse of Drugs Bill [B.4 – 2006].**

**CHAIRMAN**: Any discussion? Honourable Shangheta.

**MR. SHANGHETA**: Thank you very much Comrade Chairman, Honourable members. With your concurrence, this is a very important Bill and I want to say something on it. Let me postpone it until tomorrow.

**CHAIRMAN**: Is there secondment? Any objection? Agreed to. The Secretary will read the third order of the day.

THIRD ORDER READ:

**SECRETARY**: **Debate on Second Reading – Biosafety Bill [B.5 – 2006].**

**CHAIRMAN**: Any discussions? Honourable Ndemula.

**MR. NDEMULA**: Thank you Honourable Chairman, I want to postpone this Bill to tomorrow.

**CHAIRMAN**: Any secondment? Any objection? Agreed to. The Secretary will read the fourth order of the day.

FORTH ORDER READ:

**SECRETARY**: **Debate on Second Reading – Electoral Amendment Bill [B.6 – 2006].**

**CHAIRMAN**: Any discussions? Honourable Shangheta you may take the floor.

**MR. SHANGHETA**: Thank you very much Comrade Chairman. Again, this Electoral Amendment Bill is one of the important Bills. I would like to postpone it until tomorrow.

**CHAIRMAN**: Any secondment? Any objection? Agreed to. The Secretary will read the fifth order of the day.

FIFTH ORDER READ:

**SECRETARY**: **Resumption of Debate on Second Reading – Financial Intelligence Bill [B.1 – 2006].**

**CHAIRMAN**: When this debate was adjourned on Monday, November 27 2006, the question before the Council was a motion that the Bill be now read a second time. Honourable Shangheta adjourned the debate and he now has the floor.

**MR. SHANGHETA**: Thank you very much Comrade Chairman. Comrade Chairman, Honourable members, I would like to contribute to the Bill under consideration in this august House. This Bill enjoys my full support. First of all let me thank the Minister, Deputy

Minister and the entire Management team of the Ministry of Finance for the job well done by tabling this important Bill in the National Assembly.

Comrade Chairman, Honourable members, the Bill seeks to provide for the combating of money laundering and to establish an Anti-Money Laundering Advisory Council to provide the Bank of Namibia with the necessary powers to collect, access and analyze financial intelligence data which may relate to money laundering to impose certain duties on institutions and other persons that it may be used for money laundering etc.

Comrade Chairman, Honourable members, allow me to put forward my concerns such in Section 5(2)(d) which reads as follows: “Does the functions of the Bank of Namibia are to be informed, advised and cooperate with investigation authorities and intelligence services. It is not clear which investigation authority it refers to. Is it the Namibian Police or Anti-Corruption Commission?”

Comrade Chairman, Honourable members, Section 10(1) reads as follows: “The Minister must appoint members of the Council which consist of the Governor, his or her delegate and each of the following:

- (a) As Permanent Secretary of the Ministry of Finance;
- (b) Inspector General of the Namibian Police;
- (c) The Permanent Secretary of the Ministry responsible for the Trade and Industry” etc.

My question is why is the Director of Anti-Corruption Commission not a member of Anti-Money Laundering Advisory Council? To my understanding, the Director of Anti-Corruption Commission must be a member of the Anti-Money Laundering Advisory Council. This is the key office which should directly refer any criminal activity to the institution of the Inspector General of the Namibian Police Force. This scenario safe time and ensures that those criminals are not given a breath spare.

Comrade Chairman, Honourable members, one of the critical issues in money laundering is the sending of money through a certain commodity for example, if somebody bought items in a certain industry and as a result the money was given as change could be false money. Furthermore, if one uses his money to buy something and then it is detected that the money was false then you are reported to the police. How can one go about to find out who is guilty? Is it the one who gave false money or the one who received change of false money? In most cases citizens can easily fall victims of the criminals. They have no means to detect false or genuine money.

Therefore, while the Bill will go a long way to help curb money laundering we should prepare for such eventualities. I would like therefore to ask the investigating authorities to look critically into this matter and not to punish the innocent people at the end of the day. Namibia is not an Island neither was it in the past. I am therefore confident. We can learn from others how to handle some of those rootless questions.

Comrade Chairman, Honourable members, I support the Bill and I thank you.

**CHAIRMAN:** Thank you very much Honourable Shangheta. Any further discussions? I now put the question that the Bill be read a second time. Any objection? Agreed to. The Secretary will now read the Bill a second time.

**SECRETARY: Financial Intelligence Bill [B.1 – 2006].**

**CHAIRMAN:** The Secretary will read the sixth order of the day.

SIXTH ORDER READ:

**SECRETARY: Resumption of Committee Stage – Local Authorities Fire brigade Services Bill [B.3 – 2006].**

**CHAIRMAN:** Honourable members, I move that I leave the Chair. Who seconds? Any objection? I recognize Honourable Mensah-Williams. Please take the floor.

**VICE-CHAIRPERSON:** Yes, Comrade Chairman, Honourable members, I have objected yesterday, I am still objecting. I hereby move a motion without notice that the Local Authority Fire Brigades Bill [B.3 – 2006] be in terms of Rule 79 of the National Councils Standing Rules and Orders be referred to the Standing Committee on Regional Development for further scrutiny. I further move that in terms of Rule 115(b) the following shall constitute the terms of reference of the Committee.

1. The Committee shall seek background information from the response from the

Ministry of Regional and Local Government, Housing and Rural Development on the content of the Bill;

- (a) Consult with the Association of Local Authorities in Namibia (ALAN);
- (b) Consult with the Association of Regional Council (ARC); and
- (c) Receive submissions from any other interested parties or bodies.

2. The Committee shall report its findings conclusions and recommendations to the House on or before 12 December 2006. So I move Comrade Chairman.

**CHAIRMAN:** Any secondment? Any objection? Honourable member, you may table your motion. Honourable member, now you may take the floor and motivate.

**VICE-CHAIRPERSON:** Comrade Chairman, Honourable members, yesterday, I humbly objected to you leaving the Chair and asked for your indulgence and that of the House to adjourn the Committee stage on the Local Authority Fire Brigade Services Bill until today. As I promised, I have just moved a motion without notice which set out proper terms of reference and time frame for the Standing Committee. I therefore now have the honour to give reasons for the referral of this Bill.

Our Parliament consists of both the National Council and the National Assembly. The National Council has the constitutional duty to review all Bills

that are passed by the National Assembly. The Local Authority Fire Brigade Service Bill [B.3 – 2006] is currently before this august House for review. The National Council would like some clarifications on matters relating to the Bill to enable it to deal with the Bill from an informed point of view.

Furthermore, it has been established that the Association of Local Authorities in Namibia (ALAN) and the Association of Regional Council (ARC) were not consulted in the drafting of this Bill. As the representative body of various local authorities and regional councils it is essential that input is sorted. The Long Title of the Bill provides for establishment, maintenance, utilization, coordination and standardization of Fire Brigade Services by local authorities. It is thus, equally placing the responsibilities of implementing the Bill on the shoulders of the Local Authorities.

Honourable Chairman, Honourable members, it seems therefore logic that since the Local Authorities are charged with the implementation of the Bill they must be consulted in the matter. In fact the referral of the Bill to the Standing Committee on Regional Development is proper and in accordance with Rule 115 which innumerate its functions in particular Rule 115(d) that states one of the functions of the Committee as: “To liaise with bodies representing the interest of Regional Councils and Local Authorities”.

Honourable Chairman and Honourable members, it is for this reason that the Local Authorities Fire Brigade Services Bill must be referred to the Standing Committee on Regional Development to

consult and seek clarifications on matters set out in the terms of reference and report back to this august House on or before the 12 of December 2006.

I thank you very much for your attention and for the support to the motion.

**CHAIRMAN:** Thank you very much Honourable Mensah-Williams. This Report is now agreed upon that it will be referred to the Committee on Regional Development to report back to the House after their investigation on December 12 2006. I thank you.

That was the order of the day. Is there any other discussion? Honourable members, please return the Computer Training questionnaire to the Training Officer as soon as possible because that planning for the training needs to be secured. In the absence of your return of the questionnaire it will be difficult. Also as usual please support the endeavour of the Organizing Committee of the year-end party by assisting them with financial support when they come to you. I now call upon Honourable Hakaye the Chief Whip to adjourn the House.

**MR. HAKAYE:** Thank you Comrade Chairman, in the absence of any further discussion this august House stands adjourned until tomorrow Wednesday, 29 November at 09:30. So I move.

**CHAIRMAN:** Any secondment? Any objection? Agreed to. The House stands adjourned until tomorrow 09:30.

**COUNCIL ADJOURNED**

## COUNCIL CHAMBER

### WINDHOEK

29 NOVEMBER 2006

The Council met pursuant to adjournment.

The Chairman took the Chair.

Prayers and Affirmation.

**CHAIRMAN:** Good morning Honourable members. We are close to a full house this morning, welcome. Any petitions? Any reports of Select Committees? Any Reports and papers? Any notices of motions? The Secretary will read the first order of the day.

FIRST ORDER READ:

**SECRETARY:** Resumption of Debate on Second Reading – Additional Appropriation Bill [B.7 – 2006].

**CHAIRMAN:** When this debate was adjourned on Tuesday, November 28 2006, the question before the Council was a motion that the Bill be now read a second time. Honourable Hakaye adjourned the debate and he now has the floor.

**MR. HAKAYE:** Thank you very much Comrade Chairman and Honourable members of this august House, before making any contribution, permit me to register my most profound solidarity with my fellow compatriots and the world today who are celebrating their day because of their status in society. These are millions of people who are living with all kinds of disabilities and the majority of them were not mothered by their parents or their next of kin.

Comrade Chairman, Honourable members, thousands of physically and mentally challenged people are isolated and hidden from the public domain or even condemned to be cared for them by their families and their governments. Some of them were made to understand that they are not much privileged and are so much useless and only God know why they are here on earth. Today I say no, we are useful indeed and we have potential. Disabled does not exist in this world. We just do not understand the potentiality of that or this person. The world body allocated this day to such people that I first of all urge every person with all kinds of disability to;

- emerge all sorts of discriminations against them by all means available;
- urge governments of the world to introduce programmes that teach all people who are today and who will be tomorrow physically challenged and finally;
- urge all those parents and family members who make themselves guilty of harvesting people with whatever disability, side lining, hiding them and all sorts of discrimination to stop doing so with immediate effect. I mean this is a crime of the highest order against humanity. We must have self-confidence in ourselves, make a difference. Let this day be remembered as having made significant changes in the lives of those millions of sons and daughters in general and mother Africa in particular especially those whose physical being were inflicted upon them by men and woman in wars. Let this day bring the change of hearts in our governments, churches and civil organisations in our societies for a brighter future for everyone of us.

Comrade Chairman, Honourable members, coming back to business on the Additional Appropriation Bill that has been requested in order to balance the book of different ministries and government departments. This is an appropriate move in the right direction. During the time of the tabling of the main budget, members of parliament in both chambers are on record as saying that monies allocated to various ministries and departments were not enough. Right, what one could hardly understand the fact that we register ones concern the Minister of Finance will have to wake up next morning with all those adjustments to all those concerns raised. Honourable members, these are public funds that we are dealing with. We have transparency in this country. There are mechanisms today to do so and thus to properly ask for additional appropriation funds in order to redress the abnormality raised by the Honourable members and the concerned people.

Comrade Chairman, Honourable members, the time has come to inform the nation about this that through their elected representatives. I was made to understand that members of the opposition will equally own or even claim ownership of these wise undertakings. If so, comrade Chairman, why work out? Just for the sake of making headlines? No. I think the opposition in our country is failing to conduct the business and its mandate. I understand it has taken a walkout from parliament for one specific element in the additional budget. If so, what a shame? These people have proven to the nation and the world at large that they are just there for themselves and nothing more.

Comrade Chairman, we in this august House regards and views the additional appropriation fund as a sign of transparency and good governance. We believe that our government is still adhering to the principle of accountability by bringing this Bill to parliament and not through other means. It is with this in mind that we in this august House have every reason to render our unwavering support to the passing of the Additional Appropriation Bill [B.7 – 2006].

With this new interventions Comrade Chairman, Honourable members, I support the Additional Appropriation Bill and I thank you for your support.

**CHAIRMAN:** Thank you very much Honourable Hakaye. Any further discussion? Honourable Martin followed by Honourable Shangheta.

**MR. MARTIN:** Thanks very much for the floor. I am rising to fully support the Additional Appropriation Bill which is under discussion in this august House. This Bill came at the right time and is a good move in the right direction. The Bill under discussion is self-explanatory and it is my hope that we will pass it as soon as possible for all state machinery to continue to function properly.

Comrade Chairman, Honourable members of this august House, when it comes to the health facilities in the Oshana region for example, there is a dire need of renovation and upgrading of the Oshakati States hospital. This hospital is covering four regions like Oshangwena, Oshana, Omusati and part of Oshikoto region. It has been 10 years now it was planned to be completed. In

about five to seven years and ten years later only about 30 per cent of the hospital is renovated.

Comrade Chairman, the situation there is terrible. The wards are full and beyond carrying capacity. The sewerage system in the wards is very old in such that many toilets are not functioning.

Another issue I want to mention is the Ekamba clinic in Okatana constituency which is about 20Km west of Oshakati town. This clinic was built with mud bricks and is now very old and dilapidating. It is high time that the Ministry of Health and Social Services look into this issue to construct a new clinic and replace the old one to render effective health services in a hygienic environment. My special appeal is to the Committee of Regional Development to visit this clinic when visiting the Oshana region.

Another issue Comrade Chairman, Honourable members of this august House, is the Eroro area in Oukaku constituency the constituency of Comrade Deputy Minister of Mines and Energy. There is a population of about 11 000 Namibians. They have no fixed health facilities. The area has been identified as the priority for almost 10 years now and the Ministry should also look into this issue as soon as possible.

With these few remarks, Comrade Chairman, Honourable members, I support the Bill and I thank you.

**CHAIRMAN:** Thank you very much Honourable Martin. Honourable Shangheta, you may take the floor.

**MR. SHANGHETA:** Thank you very much Comrade Chairman, Honourable members, first of all let me join my colleague the Chief Whip Comrade Hakaye in congratulating and wishing good wishes to the people living with disabilities. I would like to wish them good health, a Merry Christmas and a happy New Year.

Comrade Chairman, Honourable members, the Bill under consideration in the House of Review is to appropriate supplementary amount of money to meet the financial requirements of the State during the Financial Year ending 31 March 2007.

Comrade Chairman, Honourable members, I would like to lay some of the problematic areas in our Police Force. In the Namibian Police Force there is a lack of transportation and it is a pressing problem especially in the following regions: Otjozondjupa, Omusati, Oshana, Kunene and Khomas. In most cases it is reported alone at the Namibian/Angola borders of vehicle theft. As a result most of the stolen vehicles are passing through the abovementioned borders and those vehicles are of high speed. Therefore, the money allocated to the Namibian Police Force, a provision should be made to purchase cars which are capable and fast enough to be able to chase those criminals and arrest them in the given time required. There were already about four cases reported of that nature whereby cars were stolen from Namibia and driven into Namibia due to the dilapidated cars of our Namibia Police Force. Police are not able to chase those cars and as a result those criminals manage to flee into Angola.

Comrade Chairman, Honourable members, communication network is one of the challenging aspects of the Namibia Police Force. The communication system is not up to date. Police members of the inner land cannot communicate with members who are at the borders securing the border lines and vice versa. It is even worse especially during night times when they detect suspicious movements.

Comrade Chairman, Honourable members, accommodation is one of the critical issues in the Namibian Police Force in the above said regions especially the police member who are maintaining law and order at the Namibian/Angolan borders. During the rainy season they find it difficult due to improper accommodation. Therefore, for them to perform their duties effectively they need better accommodation which can secure them against harsh weathers.

With these few remarks, Comrade Chairman, Honourable members, I support the Appropriation Bill and I thank you.

**CHAIRMAN:** Thank you Honourable Shangheta. Honourable members, I would like to notify you that we are blessed this morning by the presence of the Junior Town Council of Karasburg all the way from the far South. On behalf of the National Council, I welcome you to the Parliament of Namibia. I hope what you witness here from your leaders will inspire you to one day become good politicians. With these remarks, I recognise Honourable Namwandi to please take the floor.

**MR. NAMWANDI:** Thank you very much Comrade Chairman, Honourable

members of this august House. First of all, I would like to congratulate the Ministry of Finance, Deputy Minister and the staff of the Ministry for preparing the Additional Appropriation Bill [B.7 – 2006].

Comrade Chairman, we are from different regions and elected leaders by the grassroots people of our country particularly those in the informal settlements like Greenwell Matongo, Okuryongava, Oshitenda etc. in the Capital City of Namibia. In my region Hardap the Shiwanapenduka, Oshatotwa, Ombili, Takalania and those in rural areas like in Aranos, Stampriet, Goxas, Maltahoe, Gideon and Rehoboth.

This is a serious issue Comrade Chairman, these people are accommodated or settled in the formal settlement, but most of them are using the bushes as toilets because the system is not there, there is no money to provide necessary toilets. This is dangerous for our people as they can be affected by polio, TB and other diseases. Our appeal goes to the Ministry of Regional, Local Government, Housing and Rural Development to allocate the budget fairly to all thirteen regions.

Comrade Chairman, the Regional Councils also prepare their budget according to the needs and demands of their respective regions but the budget is always cut. The people who voted us into power are still suffering and are looking upon us to provide them with a standard budget. In the rural areas as I mentioned before, we know that these people need our attention in order to provide them with the development needed. In some rural areas cables are not connected and there is no light.

The issue of land is a problem in the municipal areas. Land has become problematic as it has been reduced especially in the urban areas. No proper urban structure is in place in settlements and villages. It means in some of the villages people are still using grass. There is no land. We need land in this country. The resettlement programme must be allocated and land be provided to landless people as soon as possible.

With these few words, Comrade Chairman, I thank you and I support the Bill.

**CHAIRMAN:** Thank you very much Honourable Namwandi. Next to take the floor is Honourable Nakwafila.

**MR. NAKWAFILA:** Thank you Comrade Chairman and Honourable members. Let me first of all congratulate Honourable Minister of Finance Comrade Saara Kuugongelwa-Amadhila for tabling this Bill and the appropriate supplementary amount of money to meet the additional financial requirements of the State during this financial year ending 31 March 2007. It is a well known fact that most of the line Ministries and Agencies of the State want to provide quality services to the citizens of this country but due to limited financial resources most of the services could not be accomplished. The tabling of this Bill is a good move in the right direction.

Comrade Chairman, our law enforcement agencies are working 24 hours around the clock to maintain law and order and to ensure that every citizen of this country is safe and secured, but because of the fact that crimes is on the

increase in both rural and urban areas we need to increase the number of police stations at various places so that these stations can render services to our people. Community members applied for quite a number of police stations to be established at various stations, but these police stations could not be established. I feel strongly that with additional financial resources made available to this Ministry some of these long awaited projects will be implemented. In Ohangwena region for example communities are still waiting for the establishment of police stations at Oshango, Oshandi, Onankulo and Epembe, just to mention a few. The Additional Appropriation Bill will be able to render services such as establishing rural rehabilitation centres, water infrastructure and to increase the salaries of government employees.

With these words, Comrade Chairman, I support the Bill and I thank you.

**CHAIRMAN:** Honourable Nakwafila, thank you very much. Next to take the floor is Honourable Kavetu.

**MS KAVETU:** Thank you Honourable Chairperson and Honourable members of this august House. I am grateful for this opportunity to share a few comments on the Appropriation Bill as tabled in this House. It is the belief of every peace loving Namibian to expect social improvement in his/her area whenever notice has been given that the National Council to debate the allocation of the appropriation. But it is also disappointing to note that not a single allocation is forth coming in your constituency or even in your region as such. We know that our resources are scares but I think it must be deployed in

the most effective manner that will enable us to achieve optimal returns. This become important when resources are scarce as is the case in our situation and additional resources to implement new activities which can only be obtained through the realization of savings through efficiently gains.

Honourable Chairperson, Honourable members, in this case we can all look forward to a budget debate that concentrate on the uses and outcomes of the funds for appropriation rather than on the amount of dollars and cents. I hope that this money as appropriated by the government to the different sectors, ministries, offices and agencies the broader public and the government will get value spent and that such expenditure will take us towards the attainment of our set development goals.

Honourable Chairperson, Honourable members, while we are debating the Appropriation Bill, let me thank the government for the improvement of our road net-work from Kamajab to Opuwo constituency by replacing the gravel road with a tarred road. It is a development in a right direction.

Honourable Chairperson, Honourable members, there is a school at a village called Otjikondavirongo far in a remote area which needs proper attention from the education sector. The school is built in an area that is compounded by the poor road conditions therefore unfavourable schooling situation exist in the area and it ultimately contribute to poor academic performance from the learners. I hope that in this appropriation Kunene region must get special attention due to underdevelopment that exists for years.

Honourable Chairperson, Honourable members, I thank you and I support the Bill under discussion.

**CHAIRMAN:** Thank you Honourable Kavetu. Next to take the floor is Honourable Ya Kasita.

**MR. YA KASITA:** Thank you Comrade Chairman, Honourable members of this august House. I have few comments to make with regard to the Additional Appropriation Bill before us. Firstly, if one compares the present figures to the previous ones that is, for example from 1997/98 versus 2006 where we normally discussed the Appropriation Bill, there are big differences when it comes to the last figures in the Bill itself. This is an indication that the government is doing well. I think the Ministries and the Agencies are doing their level best so that they are within the limit of the amount appropriated or rather asked to be appropriated in their favour. As you can remember also throughout the country if I am not wrong, let us take an example of the Ministry of Works; on accommodation. Here and there homes are being constructed, new ones for that matter. Let's say for example it is easy for us to travel from one end to another because this accommodation has been set up and I was made to believe that it is the same situation throughout the country. Therefore, the figures we are now debating here is simply balancing the books. That means during the course of budgeting one could not fully anticipate that this is the exact amount of money and surely the said money will be completed for that project. But in the process of the actual activities will end up apparently finding that the money you have is not enough that is why you have these figures. As you can see the

allocations, some are having more, some are having less and that is the indication of activities carried out by these agencies.

Of course, there is always a question as to why cut. Some of the cutting apparently is the contradiction from our own regional councils or our ministries. Why I am saying so is, if you planned for four projects and in the course of year you only carried out three and in the reminding months you are requested to send back the money that you did not utilize, next time if you ask for money, people will remember that there was a time when you send the money back. Even if previously you asked for N\$600 000.00 and now this time you are asking for N\$1 000 000.00. Instead of giving you N\$1 000 000.00 they will give you N\$500 000.00 for the reason that they know that you may not fulfil what you are saying you are going to fulfil. Sometimes people think that by not carrying out the project you are saving the government. You are not. If you are given money to spend on those activities, please take note, you must do it. Because by not using that money you are not saving the government, you are in fact undermining yourself.

Having said the Comrade Chairman, Honourable members, I rest my case and I thank you.

**CHAIRMAN:** Thank you very much Honourable Ya Kasita. Any further discussion? Honourable Mogotsi, you may take the floor.

**MR. MOGOTSI:** Comrade Chairman, I would like to postpone this discussion until Monday.

**CHAIRMAN:** Until tomorrow because Monday we will start with the Votes since we agreed.

**MR. MOGOTSI:** Okay, I will try my level best.

**CHAIRMAN:** A request for postponement to tomorrow. Any secondment? Any objection? Agreed to. The Secretary will read the second order of the day.

SECOND ORDER READ:

**SECRETARY:** Resumption of Debate on Second Reading – Combating of the Abuse of Drug Bill [B.4 – 2006].

**CHAIRMAN:** When this debate was adjourned on Tuesday, November 28 2006, the question before the Council was a motion that the Bill be now read a second time. Honourable Shangheta adjourned the debate and he now has the floor.

**MR. SHANGHETA:** Thank you very much once again, Comrade Chairman, Honourable members. I stood to contribute to the Bill under review which is combating of the abuse of drug Bill. The Bill seeks to provide for the prohibition of consuming, processing or trafficking of drugs to provide for the acts relating, equipment and chemicals useful for the manufacturing of drugs and to provide for additional powers of members of the police etc.

Honourable Chairman, Honourable members, the illicit cannabis cultivation continues to be widespread in many countries in Africa. The abuse of psychotropic substances continues to be a matter of serious concern across Africa

especially in the Central, Southern and Western part of the region. There is a strong concern that the abuse of heroin and opiates may increase in Eastern Africa since it is a major vast area.

Comrade Chairman, Honourable members, the Southern and Western parts of Africa are used as a land for cocaine consignment transport from South America mainly through Brazil and Venezuela, Cape Verde and Senegal because of their geographical locations. The illicit drug seized in Namibia was found to have been smuggled in the country mostly from South Africa while cannabis and mandrax continued to be the main drug of abuse in Namibia. A small illicit market for cocaine has developed in our country in recent years primarily as a result of spill over from transit trafficking as consignment of those substances transported from Angola to South Africa. Therefore, I would like to appeal to all SADC countries to work or put efforts together and cooperate in order to ensure that the SADC protocol on combating illicit drug strategy is realised with a purpose and aim to make southern African free from drug abuse in particular and Africa in general.

Comrade Chairman, Honourable members, Africa should unite in order to develop, implement and evaluate policies and strategies aimed at establishing a comprehensive and integrated demand reduction programmes that will include the development of community prevention, public, education and research activities so as to address the underlying causes of drug abuse. I call upon the Namibian public, private businesses and non-government sectors to give high priority

in their programmes to combat drug abuse and to report to the Namibian Police Force and other law enforcement agencies for any kind of drug abuse activities with the purpose to make Namibia free from drug abuse by year 2030.

With these few remarks, I thank you very much.

**CHAIRMAN:** Thank you very much Honourable Shangheta. Honourable Namwandi you may take the floor.

**MR. NAMWANDI:** Thank you very much Comrade Chairman, Honourable members. First of all I would like to congratulate the Honourable Minister of Safety and Security, Comrade Peter Tsheehama Tshirumbu, the Deputy Minister and the entire staff of the Ministry for having introduced this important Bill. The Bill is overdue because the nation is worried about the misuse of drugs.

Comrade Chairman, Honourable members, in my capacity as a member of this august House, the National Council and a member of the Standing Committee on Foreign Affairs, Defence and Security, I have observed on the borders of our country where one could see the threat and danger of items exported and imported into our country. The following government institutions of all the line ministries like the Ministry of Safety and Security, Ministry of Home Affairs and Immigration, Ministry of Defence and Ministry of Finance at Custom Services must have enough staff members at the border posts. Security dogs must be provided at each border post to make sure that no drug enters our country.

Staff members and members of the community should be made aware through training so that they should not carry the foreigner's properties before the properties are not checked because sometimes you carry a person's luggage particularly if there are drugs, such a person will deny knowing you. Staff members working at the borders from all ministries as mentioned earlier, their salaries must be increased and be in part with other counterparts in the neighbouring countries.

Housing and accommodation of the staff or the officials there must be improved and necessary office equipped in order to have good image at the border posts which will contribute to the tourism in our country "the Land of the Brave" that will be the attraction of the tourism sector.

I am appealing to the community to work together with the police and all law enforcement agencies to provide the necessary information on drug abuse. Sometimes you may find that some people know those who are dealing with drugs but they do not report them to the police. Please report, it is for your protection. The Swapo Government will direct its attention to drastically reducing the rate of crime in the country, particularly serious crimes like murder, rape, theft of protected resources, fraud and drug trafficking. Swapo Party Government will therefore continue with the implementation of the programmes aimed at fighting crime in order to make Namibia a safe country. The dream of the Swapo Party Government of millennium challenges is indeed the Vision 2030. Vision 2030 aimed at the peaceful and stable country. This is very

important. We want a crime and drug free country.

Comrade Chairman, with these few words, I support the Bill and I thank you.

**CHAIRMAN**: Thank you Honourable Namwandi. Honourable Katoma you may take the floor.

**MR. KATOMA**: Honourable Chairman, firstly I would like to congratulate the Congolese people for having given Kabila the mandate to be their President. I should also thank Mr. Mbemba for having agreed to the decision. Be it the wish of the Congolese people.

While commending the Minister of Safety and Security for initiating this Bill under discussion and the long awaited legislation to provide for the prohibition of the consuming, possession and trafficking of drugs as well as to provide for acts related to equipment and chemical useful for the manufacturing of drugs. I am also equally obliged to note that most of the areas and loopholes where the abuse of drugs could stick out are mostly identified and they are given quite substantial attention ranging from trafficking, importing, sales, cultivating or planting, unlawful obtaining of drugs or prescribed facilitation, interfering with seized substances and samples as well as attempting to intoxicate children to mention but a few.

The empowerment of police in this Bill once became a law will play a vital role to make sure that our police are given all necessary legal powers to deal with anything that is related to drug abuse nature. The stiff penalty to be imposed on any person who contravenes with this law subject to Section 38 of this

legislation which is: (a) “in the case of first conviction imprisonment of not less than 20 years; (b) in the case of a subsequent conviction for a period not less than 30 years without option of fine”.

The import and export of drugs into or from Namibia has also received attention as far as this proposed law is concerned. The introduction of this law is a clear testimony that Namibia does not want to be a transit of drug trafficking since we are all aware of the fact that drug abuse has got a negative impact on any given country’s economy. People get addicted in the first instance and would reduce productivity of the addicted person on the other hand. One tends to think that many of the unusual and unsympathetic behaviour and crimes that are committed by some Namibians may be the impact of drug abuse hence necessitates the need to introduce this law.

In supporting of this Bill I would like to seize this opportunity to call upon all Namibians to guard against any kind of drug abuse with the sole purpose of keeping our country and its people a drug free nation. Thank you.

**CHAIRMAN:** Thank you very much Honourable Katoma. Honourable Kankoshi you may take the floor.

**MR. KANKOSHI:** Thank you very much Comrade Chairman, Honourable members. I also rise to fully support this Bill which is under discussion in this august House. I am supporting the Bill because it provides additional power to the police to search suspected persons with reasonable grounds and belief that they are transporting, concealing, hiding or even dealing with illegal drugs.

I would like to use this opportunity to applaud the Honourable Minister of Safety and Security for introducing and tabling this important Bill at the time that the world is uniting in efforts to fight the scourge of drug abuse. Congratulations should also go to our men and women in uniform who work tirelessly day and night to detect and arrest those who tried to use our beautiful country as a transit for transporting and delivering illegal drugs.

Comrade Chairman, Honourable members, page 20 and 21 of the 2004 Swapo Party Election Manifesto clearly states and I quote: “The Swapo Party Government will direct its attention to drastically reducing the rate of crime in the country, particularly serious crimes like theft of protected resources and drug trafficking, in order to make Namibia a safe country”.

Comrade Chairman, a lot still needs to be done in order to reduce, and where possible, totally eliminate drug trafficking in our country. I am also in agreement by what was said by Comrade Namwandi that security dogs should be used at the border posts, roadblocks and international airports to re-enforce the objective of concealed and hidden illegal drugs. Members of the public should also be encouraged to assist the law enforcement unit by giving and reporting illegal drug related information and connections on time. The spirit of good cooperation between the police and members of the community should be encouraged to continue in order for us as united team to march forward to achieve common good for all members of the society. By so doing we will reach the national goals and objectives we set ourselves.

Finally Comrade Chairman, I would also like to appeal to our people there, but they should be warned not to be the so-called good Samaritans by being used to assist and carry the briefcases or bags of strangers because some of those strangers and crooks may conceal illegal drugs in their cell phones, radios or bags and they may use our ordinary and innocent citizens, as their couriers mostly when approaching roadblocks, border posts or other check points. So, the community out there should be warned not to be the good Samaritans to foreigners or strangers.

Having said that Comrade Chairman, I fully support the Bill and I would like to assure the Namibian people that with the Swapo Party Government their future is secured and I thank you.

**CHAIRMAN:** Thank you very much Honourable Kankoshi. Honourable !Gobs you may take the floor.

**MR. !GOBS:** Honourable Chairman, Honourable members, allow me to contribute to this very important Bill which is dealing with combating of the abuse of drugs. Nowadays we hear in the media about the crimes committed against innocent citizens like women and children through acts like rape, stabbing, beating etc. which are caused by using drugs as the culprits are most of the time saying they do not know what he/she has done because he/she was under the influence of alcohol or drugs. Within Namibia it is common nowadays that drugs like dagga and mandrax tablets are rightly available even to young Namibians age 12 years. As we know who are selling these drugs for income and some are getting these tablets from

the pharmacies and hospitals. These drugs are killing our people because I have seen someone smoking these mixtures of dagga and mandrax and the person became paralyzed for few seconds and doesn't know what is going on with him/her. I have also read at the back screens of two taxis here in Windhoek with the dagga leaf on it with the following words: "Daily Leaf, Legalize". Does this person want that dagga must be legalized to be smoked like cigarettes in Namibia? We will kill our nation.

Honourable Chairman, Honourable members, I will support all the mechanisms within this Bill which is dealing with combating the abuse of drugs and that stiffer sentencing be given to those who are selling drug for income because they are busy destroying the nation.

Lastly, there are some rotten apples within our police force and some of them are selling drugs (dagga) which has been confiscated to the prisoners. These officers must be brought to book and the law must give example to those officers out there by giving sentences prescribed within this Bill.

With these few words, I support the Bill and I thank you.

**CHAIRMAN:** Thank you very much Honourable !Gobs. Any further discussions? Yes, Honourable Hakaye.

**MR. HAKAYE:** Thank you very much Comrade Chairman, with the concurrence of this august House and my neighbour here, may I postpone the debate on this Bill to Monday, 4 December 2006?

**CHAIRMAN:** Any secondment? Any objection? Agreed to. We shall now go to our break until exactly 11:05.

#### COUNCIL RESUMES

**CHAIRMAN:** The august House is called to order. The Secretary will read the third order of the day.

#### THIRD ORDER READ:

**SECRETARY: Resumption of Debate on Second Reading – Biosafety Bill [B.5 – 2006].**

**CHAIRMAN:** When this debate was adjourned on Tuesday, November 28 2006, the question before the Council was a motion that the Bill be now read a secondment time. Honourable Ndemula adjourned the debate and he now has the floor. Honourable Ndemula.

**MR. NDEMULA:** Thank you very much Honourable Chairman, Honourable members of this august House, I rise to contribute briefly to this very important Bill on Biosafety [B.5 – 2006]. The Bill seeks to provide measures to regulate activities involving a research, development, production, marketing, transport, application and other use of genetically modified organisms and specified products derived from genetically modified organisms; to establish a Biosafety Council and define its powers, functions and duties and to make provision for incidental matters.

Honourable Chairman, Honourable members, we use to talk and hear about globalisation. We always thought that it was something that will never reach us

so soon, but with this Bill we tend to realize that we are part and parcel of the global village. Who amongst us has ever dreamed or thought of genetically modified products to be produced or imported in our country? In China there is a saying that goes: “May you live in interesting times”. Not too long ago we had heard of the SARS in Southeast Asia, a disease that emerged, like so many new infectious diseases, seemingly out of nowhere and even before the SARS we had avian influenza a disease that once upon a time stricken humans. Like SARS, bird flu and Ebola have challenged the public health community on a variety of fronts.

Comrade Chairman, Honourable members, as a country we need to be extra cautious about these genetically modified organisms. We must make sure that extensive research is done to combat infectious diseases. We must increase access to advance technology which means that our laboratories must be safe as possible. This Bill is highly technical but for now it only seeks to put measures in place in order to make Namibia a safe place when it comes to genetically modified products or organisms.

Section 15(e) reads: “to provide information and advice to the public in relation to the regulation of GMO’s; (f) to encourage public participation in decision-making while maintaining confidentiality of information”.

Honourable Chairman, Honourable members, not long ago Windhoek was stricken by unknown epidemic which was later diagnosed as polio. First it was not known what strike us. It is very much important for us to put measures in place because with these genetically

modified products we won't know. We may wake up one day and find half of the population gone. Having said this Honourable Chairman, I support the Bill and I thank you.

**CHAIRMAN:** Any further discussion? Honourable Hakaye you may take the floor.

**MR. HAKAYE:** Thank you Comrade Chairman, Honourable members, with the concurrence of this august House, may I move that the debate on this important Bill be deferred to Tuesday, December 6 2006 for it is a very technical Bill and I believe I will do my research over the weekend so that at least we can meaningfully debate on this Bill. Thank you very much.

**CHAIRMAN:** Who second? Any objection? Agreed to. The Secretary will read the fourth order of the day.

FOURTH ORDER READ:

**SECRETARY: Resumption of Debate on Second Reading – Electoral Amendment Bill [B.6 – 2006].**

**CHAIRMAN:** When this debate was adjourned on Tuesday, November 28 2006, the question before the Council was a motion that the Bill be now read a second time. Honourable Shangheta adjourned the debate and he now has the floor.

**MR. SHANGHETA:** Thank you very much Comrade Chairman, Honourable members, I am standing to contribute to this very important amendment Bill. Comrade Chairman, Honourable members, it has become imperative that the Electoral Act, Act 24 of 1992 is

amended to make provision that when only one political party qualifies after submission of its list of candidates or any election in a local authority, no election should take place and the candidates on the list be declared to be re-elected. The current practise of holding elections even if there is only one party it is a waste of taxpayer's money. It is also important that the Act be amended to make provision that the Electoral Commission of Namibia be mandated to supervise and conduct voters education. I understand that currently the Electoral Commission of Namibia is only conducting voter's education close to election for a simple reason that there is no budget provision for it in Vote 28. As voter's education is important, it is not provided for in this Act. Voter's education in an ideal tool to foster understanding of the electoral process and the system by the electorates and to facilitate democracy and people's participation. The Electoral Commission of Namibia should also be given credit by working so hard to improve on the current system of voting venturing into the introduction of an electronic voting machines to be used in elections to enhance speedy voting and counting process thus will in turn ensure announcement of election results in a shorter as possible time frame. It is therefore urgent that the Electoral Act be reviewed and amended to legalise Electoral Commission of Namibia to use EVM as soon as possible in the coming smaller elections and by the time national elections are conducted the electorates are acquainted with EVM.

With these few remarks Comrade Chairman, Honourable members, I support the Electoral Amendment Bill and I thank you.

**CHAIRMAN**: Any further discussion? I now put the question that the Bill be read a second time. Any objection? Agreed to. The Secretary will now read the Bill a second time.

SECOND READING:

**SECRETARY**: Electoral Amendment Bill [B.6 – 2006].

**CHAIRMAN**: The Secretary will read the fifth order of the day.

**SECRETARY**: Committee Stage – Financial Intelligence Bill [B.1 – 2006].

**CHAIRMAN**: It is moved that I leave the Chair. Who seconds? Any objection? Agreed to. The Vice-Chairperson of the Council and the Chairperson of the Committee of the whole Council will now take the Chair. Honourable Mensah-Williams please take the Chair.

**VICE-CHAIRPERSON**: The Committee of the whole Council is called to order. Honourable members, I shall now put Clause 01, 02 and 03, any discussion? Any objection? It's agreed to. I shall now put Clause 04, 05 and 06, any discussion? Any objection? It is agreed to. I shall now put Clause 07 and 08, any discussion? Yes, Honourable Sibiya, you may take the floor.

**MS SIBIYA**: Thank you Honourable Vice-Chairperson. I hereby move on Clause 07 to insert in addition to the heading of Clause 08 currently reading as "Delegation" the words "and appointment" to read as "delegation and appointment". So I move.

**VICE-CHAIRPERSON**: Thank you Honourable Sibiya. Is there secondment? Any objection? None. It is agreed to. Thank you Honourable members. Honourable Sibiya please table your amendment. I will now give the floor to Honourable Sibiya to motivate her amendment.

**MS SIBIYA**: Thank you Honourable Vice-Chairperson. Motivation for the amendment amending the heading of Clause 08, the current heading only provides for delegation of powers by the governor to an officer or employee of the Bank and no reference is made to the appointment of a person if he is in charge of the financial intelligence centre for the purpose of such a motivation. The proposed addition to the heading is initiated by the forth coming newly proposed sub-clause 4 which seeks to provide for the essential appointment of a person to be in charge of the financial intelligence centre in the manner provided there under.

**VICE-CHAIRPERSON**: Thank you very much Honourable Sibiya. You have motivated, we have agreed, so it will be taken. Are there any further discussions?

**MS SIBIYA**: Yes. Again on the same, on page 8 and Clause 08(1), delete the full stop after the word "Act" and add the following words "for a period not exceeding five (5) years and he or she may at any time vary or set aside any decisions made hereto". So I move.

**VICE-CHAIRPERSON**: Thank you Honourable Sibiya. Any objection? None. It is agreed to. Please table your motion. Thank you Honourable Sibiya. I now grant you again permission to motivate.

**MS SIBIYA:** It is my motivation for the amendment of Clause 51, the insertion of the words “or she” after “he” seeks to comply as a notion of gender equality.

**VICE-CHAIRPERSON:** Thank you very much. I don't think there can be any further discussions on that. Any further discussion on any of these clauses? I see none. Agreed with the amendment of Clause 51. I shall now put Clause 54, the Short Title and commencement, any discussion? Any objection? It is agreed to. I shall now put the Schedule, any discussion? Yes Honourable Sibiya.

**MS SIBIYA:** Thank you Comrade Chairperson, I hereby move that, Schedule 1, delete the Bank of Namibia from the list of Accountable Institutions as defined by Clause 1 and renumber the subsequent provisions of the unforeseen Schedule accordingly. So I move.

**VICE-CHAIRPERSON:** Thank you. Any secondment? Any objection? None. It is agreed to. Honourable, please table the motion. I will once again give you opportunity to motivate.

**MS SIBIYA:** Thank you Comrade Vice-Chairperson for my last motivation: Motivation for amending Schedule 1. Currently, Clause 1 defines impressive accountable institution as listed in Schedule 1 and supervisory body is listed in Schedule 2. Clause 20 and 21 provides for different powers and functions of accountable institutions whereas Clause 23 provides for the functions and obligations of supervisory bodies. The Bank of Namibia appears both as accountable institution and as supervisory body resulting in conflict in both instances. The Bank as the

administrator of the Bill in terms of Clause 2(1) will not be able to account for itself while monitoring, supervising and ensuring that other accountable institutions complies with the Bill. Moreover, the Bank of Namibia cannot finalize itself.

**VICE-CHAIRPERSON:** Thank you very much Honourable Sibiya. Any further discussions on the Schedule? No further discussions, therefore the Schedule is also agreed to. Honourable members, I want to thank you very much, that was a very good intersection in the committee of the whole Council and given our oversight function, this is what we have executed. I would therefore report that the committee of the whole Council has passed Bill [B.1 – 2006] with amendments. Thank you. Comrade Chairman, I wish to report that the Committee of the whole Council has gone through Bill [B.1 – 2006] as set forth in the accompanying copy and has agreed to with amendments.

**CHAIRMAN:** Thank you very much. The Secretary will read the sixth order of the day.

SIXTH ORDER READ:

**SECRETARY:** Resumption of Debate on Report: Report on the implementation of the Combating of Domestic Violence Act, act 4 of 2003 and on the effects of the Magistrates Act, Act 32 of 1944 on citizens with particular reference to the sale in execution of immovable property.

**CHAIRMAN:** When this debate was adjourned on Monday November, 27 2006, the question before the Council was a report by Honourable Mensah-

Williams. Honourable Hakaye adjourned the debate and he now has the floor.

**MR. HAKAYE:** Thank you Comrade Chairman once again, Honourable members, of this august House, I have not only listened most attentively to my Honourable Comrade Vice-Chairperson, but I have equally found time to go through her report. The report will mean three or four folds while it calls for the implementation of the Combating of Domestic Violence Act. The effectiveness of the Magistrates Act, No. 32 of 1944, I think that was the year our famous traditional musician was born, if you remember meme Nashima, she was born in 1944. The report talks of the unwarranted things of immovable property of the most vulnerable children who by their standing of their society render them some degree of vulnerability. The report has been set to cover a wide range of activities affecting our people countrywide. On that regard I wish to make reference on a particular situation that came through media of young poor girls who were orphaned by their dear mom. Before this lady's death she was in a process to arrange suitable accommodation for her young ones. But as her misfortune her death came earlier before realizing her dream, that is to say before she could finalize her plans. This was a very serious ordeal which these young orphans had to go through at a very early date after loosing their mother at the hands of their so-called municipal authority. In this ordeal, the matter of the whole thing was that, in one of the two parties who have vested interest was displayed. The TV overshadowed the sense of humour and remorse. Since these young poor girls' hearts were still bleeding because of the lost of their

mother, they were subjected to such humiliations.

Comrade Chairman, Honourable members, it is therefore according to me that this report did not dig deeper in the whole matter it raised especially on the part of its recommendations. During the fact finding mission the Honourable Comrade undertook upon herself the recommendations supposed to be directed to the said legal instruments in question namely the Combating of Domestic Violence Act. If it is not implemented, wrong it applies or is there some loopholes in the Act it self? One would like to see that in place. As for the Magistrates Act No. 32 of 1944, what is to be done with it? Because, if the law was not repealed as provided for by the supreme law of the land especially when that law is indirect conflict with the constitution of the land, such a law cannot go on its own. It must be either repealed or amended and this must form part of the recommendations. Otherwise, we may today find ourselves accusing the implementing agents but actually the law is saying so and nothing was done about it.

Lastly Comrade Chairperson, Honourable members, it would be more proper for the mover of this report to formally work out some kind of modalities to refer parts of this report to relevant standing committees for a course of action if it was so necessitated. Finally, I would like to thank the Vice-Chair for having taken courage to singlehandedly handle more than two bulls by its horns. Next time Honourable bulls are such dangerous creatures that require more hands. With these few remarks, I support the Honourable and I thank you.

**CHAIRMAN:** Thank you very much. Any further discussions? Does Honourable Mensah-Williams wish to reply?

**VICE-CHAIRPERSON:** Yes, Comrade Chairman, let me thank but before I do so, also congratulate Honourable Chief Whip for making time although he is celebrating today his day of people living with disability. Let me also take this opportunity to thank him for doing so because in the report I also highlighted the vulnerability as one of those people who are suffering are those people exactly living with disabilities. Let me also seek the opportunity to thank all those who are living with disabilities that they are so courageous to stand and to fight for their rights which some of us are suppose to support them and are failing. We apologise if we fail but be rest assured we will work on it and we will ensure that your rights will be included in the Bill of Rights of everybody else and the people will not look at you differently. You are just differently able. You are not disabled.

Having said that I also want to thank the National Council as I stated in my report for assistance and also for contributing, because during your contributions you also highlighted some of these issues and these issues gave me a foot to stand on in addition to what came out in community meetings. The reason why I started looking into these issues was to see if indeed there is a problem, I didn't just want to come and say I hear that there are such problems please can we refer this to a committee. I wanted to make sure that problems do exist in reality and I found out that they do exist and therefore in my report I have

recommended that the fore-mentioned committees, the Committee on Gender, Information and Youth be tasked with the issue of Combating of Domestic Violence Act. I have stated in my report that I found out that there were discrepancies in the application. I found that there were some magistrates who understand that domestic violence is only physical violence whilst the Act states differently. I found that with certain Women and Child Protection Units if somebody withdraws the case because of fear or intimidation they do continue with the case on behalf of the victims whereas others don't continue with the case. I also found out that there are magistrates who even if the accused is a danger to the people in the household, they found it strange that they can just ask the person to leave the common house while the Act says that person should then leave the common house. They feel that it is not human. So, there are discrepancies, till I spoke to the people who are executing the implementation of this Act and they have highlighted some of these irregularities or some of the loopholes during the implementation. It is for this fact that I now found, since one bull handled the job that it is right that the committee be assigned with the few recommendations that I have made. That was just to find reason for tasking the committee. So, I found reasons and therefore request that this committee is tasked to go into that and then come up with proper recommendation since it will be a committee report and as they will be able to do an in-depth study rather than my fact finding mission.

The second part of the report was for the Committee on Constitutional and Legal Affairs. I spoke to the Magistrates, to the

prosecutors and to the municipalities and these are the people who gave me the information and stated that in the execution of their responsibilities they found a problem. When I spoke to the Judge President he said “unfortunately, these cases on this specific Act don’t come to us as judges or magistrates” and there is nobody in Namibia who had money so far to go to the constitutional court because this person already is in a financial problem so where will the person get money from? The court can’t change the Act; it is only when the Act will be amended that they will be in a position to be judged and to be fair to the specific person. Currently, Acts make provisions for them not to have the judiciary oversight; meaning the Act will make provision only for the clerk.

When the debtor produces a paper where the person who took the debts signed to state that I acknowledge that I owe and I will pay. Irrespective of the circumstances that change this Act gives no provision to the clerk to just grant a default judgement against the person and against immovable property. It is for this reason that in South Africa there is an example where people did take the same Act to the constitutional court and the constitutional court rules in favour of the person whose house was sold or whose house had to be sold. Therefore, to get all the proper researched documents and information, I have requested in my report that part of my report goes to the Committee on Constitutional and Legal Affairs as a committee to also go and do more in-depth studies and research and then come with proper recommendations and a possible amendment to the mentioned existing Act so that we can do this in conjunction. I also mentioned that what was highlighted by some of the

magistrates that the one on civil cases and others that I have mentioned in my report to be looked at holistically. By doing that, it will enable us to propose to the line ministry to come up with an amendment from our committee. It is with this that I have requested this House to adopt the report with the recommendations and that these two issues be send to the two relevant committees so that they come up with proper in-depth study and recommendations.

Thank you very much Comrade Chairman, Honourable members for your support.

**CHAIRMAN:** Thank you very much Honourable Mensah-Williams. I now put the question that the report be adopted. Any objection? Thank you. Honourable members, that was the order of the day. Is there any other business. I shall now call upon the Chief Whip Honourable Hakaye to adjourn the House.

**MR. HAKAYE:** Thank you Comrade Chairman. In the absence of any further discussion of business, this august House stands adjourned until tomorrow 09:30. So I move.

**CHAIRMAN:** Any objection? Agreed to. The House stands adjourned until tomorrow 09:30.

**COUNCIL ADJOURNED**

## COUNCIL CHAMBER

### WINDHOEK

30 NOVEMBER 2006

The Council met pursuant to adjournment.

The Chairman took the Chair.

Prayers and Affirmation.

**CHAIRMAN:** The House is called to order. Good morning Honourable members. Do you have any petitions? Any reports of select committees? Any reports and papers? Any notices of motions? The Secretary will read the first order of the day.

FIRST ORDER READ:

**SECRETARY: Resumption of Debate on Second Reading – Additional Appropriation Bill [B.7 – 2006].**

**CHAIRMAN:** When this debate was adjourned on Wednesday, November 29 2006, the question before the Council was a motion that the Bill be now read a second time. Honourable Mogotsi adjourned the debate and he may now take the floor.

**MR. MOGOTSI:** Thank you Honourable Chairman. Honourable Chairman, Honourable members of the National Council, I rise to contribute on the Additional Appropriation Bill. The steps and contribution by the Honourable Minister of Finance, she proposed the additional appropriation of funds more especially to the areas of medical aid is highly commendable. The health of our people or any human being cannot be compromised. The other bold step that Honourable Minister had undertaken is

on the improvement of the condition of service for public servants. It really came at the right time when we as public servants were about to fall into a vicious debt trap.

Honourable Chairman, Honourable members of this august House, currently and right now as I am speaking, there is an ongoing process of planning and budgeting for the next financial year and I think it is an opportune time for us to highlight some of the issues that I think will direct our vision for future planning and budgeting.

Honourable Chairman, members of this august House, planning financial matters on behalf of the nation is too much of a task to be left in the hands of financial advisors at the level of directorate of planning in various ministries and agencies. This means that for not getting the involvement of participation of regional matters in making some of these decision suffocates the ambitions of the community.

One of the scenario where a ministry budget for example N\$80 million for the purpose of realizing certain project and ultimately use N\$30 million of this amount while at the same time constructors and consultants in this country are sitting without jobs. This is unacceptable and against the policies of government. Responsibility of government spending for the plight of the impoverished communities is a good initiative that stimulate growth and unemployment and even employment creation, and if it is not fully implemented the future will be quite problematic.

Honourable Chairman, systems and procedures currently in use are failing government's good intentions to create jobs in time for our people. Out of the N\$15 billion budgeted for under the current financial year N\$5 billion was earmarked for development and construction. By looking at the way things are, it is doubtful whether this amount will be spent based on the following:

Project realization takes so long to accomplish from the moment when a project is initiated to contract, signing and sign handover. In an ideal situation it takes six months for example when everything goes according to plan. But then, we are not making an ideal work. For example, feasibility studies take two months, approval of recommendations, two to four months, project identification takes two to four weeks, checking of bill of quantity takes two to four weeks, tender advertisement takes two weeks, submission tender evaluation to building committees takes four weeks, ministerial tender board takes one to two weeks, ministerial tender board takes four weeks.

Honourable Chairman, Honourable members of this august House, I will therefore recommend for the next financial year that all projects and programmes identified by government should undergo feasibility study in the current financial year in order for all of them to see the light in the next financial year. Otherwise, the scenario will just repeat itself. You cannot earmark for a feasibility study the same year of implementation. Six months realize implementation and another six is not really enough to bring the process to conclusion.

Honourable members, the other issue I would like to talk about is the one of verimentation. For example verimenting huge sums of money from one vote to another sub-vote, why fermenting? What have been discussed in this august House has become law after the signature of His Excellency the President. Why fermenting? I am now asking which region out of the thirteen regions will suffer as a result of this change. Regional priorities are not necessarily national broad. Apparently national as we refer to are those deputy directors at the ministries that I referred to. Those are national leaders that are taking decisions on our behalf, not the Minister, not the Permanent Secretary. Just imagine. Remember Honourable members, budgets are public documents for all to see. High expectations are already being created by doing so. Budget laundering should be discouraged at all costs, meaning budget for a region and spending the money somewhere else. Verimentation of funds is an impression that the planning systems that are in place are poor and are failing our good intended activities. This also reflects a negative impression that financial planners came to verment in order to patch their mistakes. Terminology is removed from the victory of government. The other thing is the shelving or slowing down of programmes and projects which are budgeted for the community to suffer even further. Therefore, ministries should avoid blocking or replacing their budgets by budgeting for projects that wouldn't be able to execute in that specific financial year. By doing so they are depriving regions or ministries that are in dare need of the unspent funds. Biting a big chunk from the national

cake but not being able to chew it or swallow it for that matter. That is again what I call money laundering. It is the same thing. There is a lack of capacity in the country but it should not be used to negate the regional plans and additions, in addition make the Ministry of Finance to look unorganized. In the absence of decentralization of projects and programmes seem to be remote controlled from headquarter with total disregard of regional councils who are directly in charge of the community. Hence, these are the people who are supposed to have plans for their communities about the plan and how far their regional development is which is realize by government.

In conclusion, Honourable members, unless the long process is done away with or improved, we would be in efficiency trap. However, this trap is not favourable and is tantamount to sever the suffering of our people.

I thank you Comrade Chairman.

**CHAIRMAN:** Thank you very much Honourable Mogotsi. Any further discussion? Honourable Karupu you may take the floor.

**MR. KARUPU:** Comrade Chairman, Honourable members, I rise to contribute to the Additional Appropriation Bill under review. My contribution is limited to the developmental issues of concern in the country and in the Kavango region.

I strongly request the relevant ministry to make sure that the Additional Appropriation Bill provides resources for the incomplete capital projects such as rural electrification infrastructure in

the region as indicated by the previous speakers. These capital projects could not be completed previously due to budgetary constraints. It is also imperative that the Additional Appropriation Bill makes provision for the improvement of the conditions of service of the civil servants. As you are aware, many experienced and qualified public servants are leaving the public service to join the private sector. It is important therefore to address this situation as highlighted by the recent Cabinet review, and to retain qualified staff in the public service. The uniformed staff members in the Namibian Defence force and the Namibian Police as well as the nursing staff need particular attention. It is also my expectation that with the Additional Appropriation Bill, the long awaited police station at Ndiyona will get off the ground by the beginning of 2007.

The issue of transport provision is also a major concern in many ministries and departments such as the Ministries of Education, Health, Gender Equality and Child Welfare, Namibian Police, Namibian Defence Force and Information and Broadcasting to mention but a few. The issue of transport to enable ministries to provide efficient and effective service needs especially in the remote and rural areas of the regions.

Another issue of concern in the Kavango region Honourable members, is the maintenance of government infrastructure such as school buildings. Many of the school buildings in the Kavango region such as Martin Ndumba, Mukekete Primary School in Empungu constituency, hostel of the Rupara and Nkurenkuru in Nkurenkuru constituency, Linus Shashipapo Secondary School and

the hostel at Ndiyona Combine School in Ndiyona constituency are in a dilapidating stage. These school buildings and hostels need urgent repair to create a conducive environment for teaching and learning in the context of the ETSIP programme.

Comrade Chairman, Honourable members, the provision of potable water to the communities is also a major concern in the Kavango region. Communities at Kuururumwe and Kahukuru in Kapako constituency, Mukuvi Mashivi, Korokoko in Mbuata and Ndinyna constituencies and in the other part of the region do not have access to water services; they consume unhygienic water. I therefore request the Ministry of Agriculture and Rural Water Supply to act immediately to assist these communities that are sharing water with the animals before it is too late.

Finally the development of feeder road is important for development and provision of services to the rural areas has been emphasized by our President His Excellency the President Pohamba. The development of feeder road would also promote rural development and the fight against poverty and other developments.

I therefore, ask the Minister of Works, Transport and Communication to upgrade at least one feeder road in the Ndiyona constituency in the Kavango region to enable ministries and parastatals to provide efficient and effective services to the communities and to enable farmers in the inland of the Kavango region to have access to markets.

I thank you.

**CHAIRMAN:** I thank you very much Honourable Karupu. Any further discussions? In now put the question that the Bill be read a second time. Any objection? Agreed to. The Secretary will now read the Bill a second time.

SECOND READING:

**SECRETARY:** **Additional Appropriation Bill [B.7 – 2006].**

**CHAIRMAN:** The Secretary will read the second order of the day.

**SECRETARY:** **Committee Stage - Electoral Amendment Bill [B.6 – 2006].**

**CHAIRMAN:** It is moved that I leave the Chair. Who seconds? Any objection? Agreed. The Vice-Chairperson of the Council and the Chairperson of the whole Council will now take the floor. Honourable Mensah-Williams.

**VICE-CHAIRPERSON:** The Committee of the whole Council is called to order. Good morning Honourable members. I shall now put Clause 01, any discussion. Any objection? Agreed to. I shall now put Clause 02, any discussion? Any objection? Agreed to. Clause 03, any discussion? Any objection? Agreed to. Clause 04, the Short Title, any discussion? Any objection? It is agreed to. Honourable members, I shall report that the committee has gone through Bill [B.6 – 2006] and has agreed to it without amendments. Thank you.

Comrade Chairman, I wish to report that the Committee has gone through Bill [B.6 – 2006] as set forth in the

accompanying copy and has agreed to it without amendments.

**CHAIRMAN:** Thank you very much, it was very fast and efficient. The Secretary will read the third order of the day.

THIRD ORDER READ:

**SECRETARY:** Debate on Third Reading – Financial Intelligence Bill [B.1 – 2006].

**CHAIRMAN:** Any discussion? Honourable Hakaye.

**MR. HAKAYE:** Thank you very much Comrade Chairman, Honourable members of this august House. This piece of legislation is very important to Namibia as a country. We have made every necessary amendment we feel will help our colleagues in the financial psychology because in today's world financial institutions are the ones that are not only being around with our money but with the world's money. Governments that are not intelligent enough or do not have good proper instruments in place are the ones who suffer the most at the laundering of money.

Comrade Chairman, the internet system that is at place today needs highly qualified and trained people and put every legal instruments in place so that at least the hard currency played around with buying those who know how to go about this. I would like to direct and put more emphasis on the Bank of Namibia to place controlling authorities as it is enshrine in the Act of this land.

Comrade Chairman, in our country, those external companies that are doing business here, only has paper money that is left in the Bank the Namibian Dollar but at night it is electronically transferred out of this country to USA. You think you have money in the country but electronically the money is transformed to their home country. Other businesses especially those that are running Game Ranges etc have their own system to also send the money from here to their countries. I have also listened to our patriots on the radio phone-in programmes concerning the growing numbers of Chinese businesses. Yes, they are bringing employment, cheap material etc but at the same time there must be a mechanism in place to look and to control their operations. Some materials are very cheap like N\$10.00 or N\$20.00, material that are brought here, millions of Namibian Dollars in a form of hard currencies is leaving this country. There must be a high control and fair taxation so that at least Namibia will remain with something to benefit our nation.

Comrade Chairman, I am saying this, understand that this country also observe exploitation at the hands of our own, I don't know whether to call it national Banks or is it also international. Because equally, the rates they are charging really need to be controlled. A poor person you can give N450.00 at Standard Bank for example, will not have N\$20.00 out of it. If you keep a N\$100.00 it is automatically used in the Bank and you are not benefiting anything. You ask yourself what is my interest, what is put on my Dollar? There is nothing. I think Bank of Namibia has to take care of this. Maybe there was nothing in place, now we are pleased to pass on to them this

important Bill for the interest of the economy of our country. Otherwise, Comrade Chairman, Honourable members, this country will be a victim of international money laundering as it is today.

We need to put our House in order and it is these people who have got this country at heart so that this can be ironed out and make our own economy benefit our nationals first and then other nationals second and so on. I am not against the investments, but I am for the very friendly environment that should be created. The ground should be very level for our nationals also to play; otherwise it is those people who have millions in the Bank, after the deal that money disappears when you have already discussed the contract with a company. This cannot happen if you monitor that and the investments our companies are doing here. I suggest that intelligent should be elected to bring those people to book and follow them before entering into any kind of argument. You trap the record of that particular company. We are talking of electronic, let's make best use of that, not to the detriment our country, but to the best of our nation so that at least these people guide such companies as government companies but very greedy and the world does not take this as a joke. So all those elements that they knew, it is not known by the outside world, but they are now coming and make use of our country. Look at these Americans; they use the Dollars that are coming to our country tracing their invested millions of money. Those are stolen money or blood money so to say. What is our country to do with that money? They have nothing to do with their money in their own country and may keep our country safe. In the end

they will put our country on the red-line. We must be serious if we are trying to do business with some of those elements that are not wanted even in their own countries.

With these few observations Comrade Chairman, I support the Bill and I thank you.

**CHAIRMAN:** Thank you very much Honourable Chief Whip Hakaye. Any further discussions? I now put the question that the Bill be read a third time. Any objections? Agreed to. The Secretary will now read the Bill a third time.

#### THIRD READING

**SECRETARY:** **Financial Intelligence Bill [B.1 – 2006].**

**CHAIRMAN:** The Secretary will now read the fourth order of the day.

#### FOURTH ORDER READ:

**SECRETARY:** **Report: Motivation and Debate – The Report of the National Council Standing Committee on Gender, Youth and Information on the Plight of Street Children and Other Vulnerable Persons, Phase 2 of the4 Motion passed on 06 October 2005.**

**CHAIRMAN:** Does the Honourable Karupu move the Report.

**MR. KARUPU:** Yes, Comrade Chairman.

**CHAIRMAN:** Who seconds the Report? Any objection? Agreed to. Honourable

Karupu, you may table the Report. Honourable Karupu now has the floor.

**MR. KARUPU:** Thank you very much Honourable Chairman, Honourable members, I rise to briefly give this august House insight on the study our committee undertook regarding the plight of street children and other vulnerable persons. The magnitude of the problem of street children in Namibian cities, towns and settlements has been on the increase and warrants a study. The number of unsupervised children in urban and suburban in Namibia is growing rapidly, and the policies that are adopted to address the problem seem to be inadequate, unrealistic and address symptoms of the problem rather than the essential causes. Most policies tend to harass street children instead of assisting them. The feeling that the Committee has is that poverty, social policies that generate inequality, structural adjustment, and policies adopted to address economic ills, and socially instigated domestic violence, and the HIV/Aids epidemic are manufacturing street children.

The street children are a product of social, economic and political processes, they are mostly in need of assistance in Namibia but they are the least assisted. Street children, children living on the street, children of the street, at risk minors, homeless children, marginalized and vulnerable children, whatever we decide to call them, the phenomenon of the dirty little boy or girl on the street corner with the appearance of poverty and the hands held in a plea for bread money, is one of the realities of our country. It is one of the realities of Africa. It is, however, one of the realities no country with scarce resources can

afford to be indifferent to. These children need support, urgently and immediately. Even if they are ignored, no country will collapse or disintegrate. However, the longer the problem is overlooked, the greater the effect on the economy of the country.

It is evident from the study that the problem of the rapidly increasing rate of street children in Namibia has to be understood within the context of the political and social economy. At the centre of this political and social economy are the dynamics of social change, poverty, underdevelopment, domestic violence and the HIV/Aids epidemic. The present reality of unemployed youth and children living in situations of powerlessness and despair in Namibia is symptomatic of the larger problem of poverty, dependency and underdevelopment.

Although there are other factors that push children into the streets such as poor parent-child communication, harassment, abuse and other forms domestic strife that contributes to the collapse of family structures it is evident from this study that poverty is an essential and underlying cause of street children. What emerged from the responses in which children favours street life over home life is that kinship ties and the roles played by the extended family are currently undergoing a dramatic increase in the level of poverty, coupled with a high degree of unemployment due to unequal distribution of wealth.

It would be a responsible and reasonable assumption therefore that the alleviation of poverty and other social economic inequalities would be the final remedy

for the problem. This is not to say that other strategies and interventions should not be developed as they may be seen as preparatory measures for the final remedial phase.

The high incidence of jobless youths correlates closely with the poverty of underdevelopment, unemployment, poverty-level incomes of parents and extended families who continue to live in an environment of this permanent crisis. The continual pressures and hardships experienced by distressed families create a cycle of poverty.

Some children drop out of school and, like their fathers, take on low paying jobs or casual employment at a very vulnerable age. Daughters, like their mothers, drop out of school, get married or cohabit with boyfriends, and at a tender age become mothers themselves. The children of these young mothers are likely to repeat the pattern.

The orphans too suffer the same consequences. With the rapidly increasing rate of the HIV/Aids epidemic, parents and guardians are likely to continue dying. Some orphans being their lives by losing their parents first. Then they move to their relatives, and when their relatives die the children shift to new guardians. Generally, the lives of these children shift from one family to the other. Their lives end up being influenced by fragmented paths of socializations, and this causes many problems in their cognitive and physical development.

To improve the welfare of children and orphans, long-term policy-oriented strategies must aggressively address the larger socio-economic issues. These

large issues must include effective strategies of poverty alleviation, expansion of social services, community awareness and responsibility, and emphasis on children's right through appropriate legislation.

In its commitment to improve the lives of OVC, including any other marginalized children in Namibia; the government should introduce measures which are intended to ensure that all Namibian children who are orphaned or vulnerable are enabled to achieve their full potential. Furthermore, these measures should seek to support and protect the rights of OVC in the areas of children survival, child development, child protection and child participation. Thus ensuring that orphans and vulnerable children have their basic survival needs met and rights fulfilled; support orphans and all vulnerable children to develop to their potential, protect them from all forms of abuse, exploitation and discrimination; ensure the full and meaningful participation of children in all matters affecting their lives; and mainstream OVC and street children issues and concerns into Government policies in collaboration with all stakeholders.

Comrade Chairman, Honourable members of this august House, I thank you for your attention.

**CHAIRMAN:** Thank you very much Honourable Karupu. Any further discussion? Honourable Vice-Chairperson.

**VICE-CHAIRPERSON:** Comrade Chairman, Honourable members, with the indulgence of the House, I would like to defer the debate on this very

important report until Monday to enable us to go through and enable us to come up with possible questions and seek clarifications as set in the recommendations. So I move Comrade Chairman.

**CHAIRMAN**: Is there any secondment? Any objection? Agreed to. Honourable members, that was the order of the day. Are there any further discussions? Just remember that tomorrow is December 1<sup>st</sup> the World Aids Day. Honourable members, we agreed in our respective communities to try to be exemplary in our actions that we combat the disease. We should take leadership in our community endeavours to combat the disease or to take action that would improve the understanding of your community when it comes to HIV/Aids related issues. Honourable members, is there a member who would like to say something on that? Vice-Chairperson please take the floor.

**VICE-CHAIRPERSON**: Just in short Honourable Chairman, I would like to call on the Honourable members who will be around in the North to join His Excellency the President and also people living positively with HIV/Aids. Rironga Eparu is having an event and all of us are invited to walk for the positive living of HIV. Let us join the mass. We are all affected even if we are not infected. We are all affected. So, with us being leaders let us join the mass at 06:00 Saturday morning to walk for HIV/Aids so that all of us can live positive. Thank you very much Comrade Chairman.

**CHAIRMAN**: Thank you. Honourable Hakaye, you may adjourn the House.

**MR. HAKAYE**: Thank you very much Comrades, on that note and before I officially pronounce myself for the adjournment, I would also like to wish Honourable members who are travelling back to their home constituencies, drive safely and drive within the law. I am traditionally trained person, for the heads or families who are not trained, I require the whole region.

Comrades with these few, I stand to adjourn this House until Monday, December 04 2006 at 09:30. So I move.

**CHAIRMAN**: Any objection? Agreed to. The House stands adjourned until Monday, December 04 at 09:30.

**COUNCIL ADJOURNED**

## **COUNCIL CHAMBER**

### **WINDHOEK**

**04 DECEMBER 2006**

The Council met pursuant to adjournment.

The Chairman took the Chair.

Prayers and Affirmation.

**CHAIRMAN:** The august House called to order. Good morning Honourable members. Are there any petitions? Any reports of select committees? Any reports and papers? Any notices of motions? The Secretary will read the first order of the day. Yes, Honourable Mensah-Williams.

**VICE-CHAIRPERSON:** I am very sorry Comrade Chairman, Honourable members, the Chief Whip just called before we resumed, he is on his way, he was just locked up in a building and therefore requested that if there is anything for him I should postpone it or I should take charges. Honourable Hakaye moves a motion that on December 04 2006 today, that on Tuesday, December 05 2006, he shall move that the Report of National Council Standing Committee on Foreign Affairs, Defence and Security on its visit to Hardap, Karas and Omaheke region from March 13 – 18, 2006.

**CHAIRMAN:** Yes, Honourable members, can you please table the motion. Any further notices of motions? The Secretary will read the first order of the day.

**FIRST ORDER READ:**

**SECRETARY:** Committee Stage – Additional Appropriation Bill [B.7 – 2006].

**CHAIRMAN:** It is moved that I leave the Chair. Who seconds. Any objection? Agreed to. The Honourable Vice-Chairperson of the Council and the Chairperson of the Committee of the whole House will now take the Chair.

**VICE-CHAIRPERSON:** Good morning Honourable members, the Committee of the whole Council is called to order. Before we review our responsibility, can I just highlight to Honourable members that on the order paper it is indicated that we shall go through Votes 01 – 05, not meaning in the precise numerical order of 1, 2, 3, 4, 5, meaning the first five Votes on our Additional Appropriation Bill. As we are aware with Additional Appropriation Bill it is not all ministries or institutions who requests for additional funding.

Having have that clarification, I would now call for our discussions on Votes 01, Office of the President – N\$524 000.00. Any discussion? Any objection? The Vote is agreed to. I shall now put Vote 03, National Assembly – N\$1 187 000.00, any discussion? Any objection? The Vote is agreed to. I shall now put Vote 05, Home Affairs and Immigration – N\$686 000.00, any discussion? Any objection? The Vote is agreed to. I shall now put Vote 06, Police – N\$53 205 000.00, any discussions? Any objection? The Vote is agreed to. I shall now put the last Vote for today, Vote 07, Foreign Affairs – N\$ 20 631 000.00, any discussions? Any objection? The Vote is agreed to. Honourable members, I shall report progress and seek leave to sit again. Honourable Chairman, I wish to

report progress and seek leave to sit again.

**CHAIRMAN:** Leave is granted. You may sit Honourable member. The Secretary will read the second order of the day.

SECOND ORDER READ:

**SECRETARY:** Resumption of Debate on Second Reading – Combating of the Abuse of Drug Bill [B.4 – 2006].

**CHAIRMAN:** When this debate was adjourned on Wednesday, November 29 2006, the question before the Council was a motion that the Bill be now read a second time. Honourable Hakaye adjourned the debate and he now has the floor.

**VICE-CHAIRPERSON:** Comrade Chairman, Honourable members, on behalf of Comrade Hakaye who as I indicated to you is on his way, have requested me on his behalf to ask for the indulgence of the House. He is still busy. There are some of the institutions who feel like the judiciary who has requested the National Council to assist them in granting them the opportunity to explain to them the problems that they foresee with the implementation of this Bill. Therefore, I would like to take this opportunity on behalf of Honourable Hakaye to postpone this debate until tomorrow when he can come back with complete terms of reference for a possible referring to a committee to enable us to grant opportunity to listen to the concerns of these specific groups of people, the judiciary on the combating of drugs. Not that they are against it. There is a loophole that they see and they need to highlight and ask the National

Council. In order for us to also get clarity, I wish to on behalf of Honourable Hakaye defer the debate on this until tomorrow morning.

**CHAIRMAN:** Thank you very much. Is there any secondment? Any objection? It is agreed to. The Secretary will read the third order of the day.

THIRD ORDER READ:

**SECRETARY:** Debate on Third Reading – Electoral Amendment Bill [B.-6 – 2006].

**CHAIRMAN:** Is there any discussion? Honourable Mensah-Williams can you take the floor.

**VICE-CHAIRPERSON:** Comrade Chairman, Honourable members, its not a big discussion, just to say that it is very good that if you see any fault in any of our Acts that we need to amend and that is our responsibility and that is our oversight function. I want to take the opportunity to thank the Directorate of Elections for doing the market strategy by bringing their machines, the new electronic version to us as members of Parliament since we are the law makers to ensure that we are happy and that what they want to sell to the community is worthwhile. They have indeed displayed to us how the machines operate. We found it to be a very good instrument course, although we were a bit worried about the employment creation, but no country is stagnant in its development we are all striving to move forward by implementing Electronic systems. We know how long it takes for people to count during elections and so forth. Now if these machines will enable us to move forward faster and to show

that small as we are, we are a country to be reckoned with because we are making progress on our development as well as on the technological front. Having said that, I support the amendments and I want to take the opportunity on behalf of all of us to thank the Directorate of Electorate for a job well done. Thank you for listening.

**CHAIRMAN:** Thank you Honourable Mensah-Williams. I now put the question that the Bill be now read a third time. Any objection? Agreed to. The Secretary will read the Bill a third time.

THIRD READING:

**SECRETARY:** Electoral Amendment Bill [B.6 – 2006].

**CHAIRMAN:** The Secretary will read the fourth order of the day.

FOURTH ORDER READ:

**SECRETARY:** Resumption of Debate on Report – The Report of the National Council Standing Committee on Gender Youth and Information on the plight of Street Children and Other Vulnerable Persons, Phase 2 of the Motion of passed on October 6 2005.

**CHAIRMAN:** When this debate was adjourned on Thursday, November 30 2006, the question before the Council was a report by Honourable Karupu. Honourable Mensah-Williams adjourned the debate and she now has the floor.

**VICE-CHAIRPERSON:** Thank you very much Comrade Chairman, Honourable members. Let me take this opportunity to thank the Committee for a

job well done irrespective of the time constrains as they have indicated in their report, but they really came up with good information after the research that they have done.

Then I am happy that they have also visited one of the African countries which of course the cultural dimensions are very close to that of the Namibian society, that they have financial proposals indicated in their report which is very good. I am happy to know that this committee in its recommendations has made concrete proposals and that I would also like to call on all stakeholders to take the report of the committee, look at the recommendations and try and find ways and means how they can. After reading the report you can interact with the different stakeholders to ensure that you come up with a constructive plan of action that we can also contribute to. You don't always need to contribute in terms of financial resources. You can also contribute in terms of human capacity.

Honourable members of this august House can also assist in their regions assist in any plan of action to combat the increase of street children in our society by giving themselves the responsibility of becoming volunteers in the fight against the increase of street kids. I have made it my duty and I wish to avail also this report as well as the report on the Girl-Child that was approved by the General Assembly of the United Nation so that we can also equip ourselves with the information. One of the reports which I will give to the research department to make copies for Honourable members is that of the progress report on the prevention of armed conflict by the Secretary-General

of 18 July 2006. The other one of 06 July 2006 is in-depth study on all forms of violence against women and children by the Secretary-General. Why I am highlighting this report specifically and one on conflict is, sometimes the street children also comes from a situation like now in the Democratic Republic of the Congo, now that war is over, these soldiers have to be demobilized. They have to be educated; they have to get training to become productive citizens instead of them roaming around the streets and then become street children. This is a cross-reference I am making therefore important.

In our case, we also have a lot of orphans, I am making cross-references because in Namibia we had a liberation struggle and there are many children who are orphans not because of HIV and Aids only but also because of the war in our country. These situations also are contributing factors to the increase of the number of street children in our society. Poverty is another. In this report there is a lot of information that also called for us members of the legislation to ensure that we are abrades of the international commitment. Our States or even other Parliamentarians are making and to ensure that we create the environment by instituting policies and laws and to enable these people to have a better life.

I would like to quote one of the sections of the Secretary-General's Report on the In-depth Study and also Violence against Women and Children on page 101: "The intersection of multiple forms of discrimination; the intersection of male dominant with race, ethnicity, age, religion, culture, language, sexual orientation, migrant and refugee status and disability as well as vulnerable

children frequently termed intersexuality operates at many levels in relation to violence against women and children. Multiple discrimination takes the form of violence that a woman and child experiences makes some women and children more likely to be targeted for certain forms of violence because they have left social status than other women in the society`. Perpetrators know such women and children have fewer options for seeking assistance or reporting. I am highlighting this part of the report to indicate that people who abuse street children and vulnerable children and people in our society also use these discriminating factors because they know that these people do not have somebody who supports them, somebody who will fight against any form of abuse against these them. It is not only for street children, it is also for other vulnerable persons. What does this show us? This shows us that we as legislators need to attract an enabling environment because if the children of any of the Honourable members here present in this august House are abused we will be able to deal with the perpetrators because we have the support system in place. We can go to women and child protection unit. We can go to the doctor, get the report and this could be adhered to. However, for these street children and vulnerable people in our society, there is no one who will do this on their behalf. Other people who want to abuse children in our society of vulnerable persons know that they discriminate also against these people because they know. Even if I sodomize this street kid, even if I rape this child or even if I try and do any harm to the street child, nobody will speak out because this child does not have

anybody. That is how this child is in the street. That is the perception they have.

I read through the whole report and found it very interesting and I found the recommendations very worthy, but I want the committee after its final recommendations to also try and look for recommendations in the future to ask the Committee on Constitution and Legal Affairs to look into the recommendations to establish a law to protect these street children and vulnerable people. Some people in the past when I spoke on commercial sex workers, there was a misconception on what I said. Let me be very clear. If somebody for instance is selling her body on the street as a commercial sex worker, I said that these people come from our society. We cannot turn our backs on them and say they are useless. We need to try and create a change so that they change from what they do to become productive citizens in contributing towards the development of our country. We need to protect them because currently there is only a law that prohibits these people from selling their bodies, but the person who came for a sexual favour, who buys sex from these people is cost free. The law does not make provision for this person also to be punished. That is my argument. The law needs to treat everybody equally and to be there to uplift this person. Seeing that this person is a perpetrator, the one who buys the sexual favour from this person should also be punished. It should be equally incorporated. That is what I said.

When it comes to street children and other vulnerable people, I am not saying it is a good thing for them to be on the streets, but they are not coming from nowhere. They are coming from our

society and there is no way that as leaders we can say, they want to be there, let them be there. It is our responsibility to bring them back into the main stream of society. It is not only the government alone that is responsible to rectify this, but civil society including churches and private sector; all of us have a role to play in bringing these children back. Having safe houses for them, having them back into the mainstream of society and that is why I am saying that maybe, I am not saying that a legal instrument is a tavern for the street children and this issue be stopped. But I am saying that it will create an avenue where perpetrators or offenders against these children can be punished. These children also have human rights and we have also signed the Bill on the Rights of Children and we have a Children's Status Bill in our country. We need to protect this sector of our children in our community. Therefore, I am requesting the committee with part of your recommendation to refer such a recommendation to the Committee on Legal and Constitutional Affairs to look into the possibility as you drop a lot of recommendation to try and see how we can also interact with our line ministries concerned to see how best they can come up with a policy or legislation to protect these children who are vulnerable on our streets.

Having said that, I want to once again thank the Committee for their well researched report. I thank them and be rest assured that we will always be there to support any endeavour in the interest of development for our people.

Thank you Comrade Chairman, Honourable members.

**CHAIRMAN**: Thank you very much Honourable Mensah-Williams. Honourable members, I hope you noted what was said. What is good and proper for the seller should be good and proper for the buyer. Any further discussions? Yes Honourable Chief Whip Hakaye.

**MR. HAKAYE**: Thank you Comrade Chairman, Honourable members, I perused through the report and I do not have my document with me here. Can I seek the concurrence of this august House to postpone the debate until tomorrow?

**CHAIRMAN**: Is there any secondment? Any objection? Agreed to. Honourable members, that was the order of the day. Is there any further discussion? I would call upon the Honourable Chief Whip to adjourn the House. Honourable Hakaye you may take the floor.

**MR. HAKAYE**: Thank you very much Comrade Chairman, Honourable members, before officially adjourn this second House, I would like to make use of this opportunity to put one case straight forward. According to our media people, the Parliament of the Republic of Namibia has gone on recess. I don't know what is sitting here. They owe the public an apology and properly inform them that the National Council which is a Chamber of the Parliament of the Republic of Namibia is not on recess but the National Assembly which is another Chamber of parliament of the Republic of Namibia is on recess. The other chamber is fully in business and we are here as parliamentarians as part of the Constitution of the Republic of Namibia.

Having said that Comrade Chairman, Honourable members, this august

chamber of the Namibian Parliament stands adjourned until tomorrow at 09:30. So I move.

**CHAIRMAN**: Any further discussion? Any objection? Agreed to. The House stands adjourned until tomorrow at 09:30.

### **COUNCIL ADJOURNED**

## COUNCIL CHAMBER

### WINDHOEK

**05 December 2006**

The Council met pursuant to adjournment.

Chairman took the Chair.

Prayers and Affirmation.

**CHAIRMAN:** This august House is called to order. Honourable members, you are welcome. We are close to a full house this morning. Any petitions? Any reports of Standing or Select Committee? Any reports and papers? Any notices of motions?

Honourable Chief Whip Hakaye.

**AKAYE:** Thank you very much Comrade Chairman. I hereby move a motion without notice that the proceedings on Votes 08-12 of the additional Appropriation Bill; (B.7 - 2006) be, in accordance with Rule 15 (3) of the Standing Rules and Orders of the National Council, not be interrupted if still under consideration at 13:00 hours. So I move.

**CHAIRMAN:** Thank you. You may table your motion. Any further notices of motion? The Secretary will read the first order of the day.

**SECRETARY:** **Debate on Committee Stage: Additional Appropriation Bill (B.7-2006)**

**CHAIRMAN:** It is moved that I leave the chair. Who second? Any objection? Agreed to. The Vice-Chairperson of the National Council and Chairperson of the Committee of the whole Council will

now take the chair. Honourable Mensah-Williams.

**VICE-CHAIRPERSON:** The Committee of the whole House is called to Order. Good-Morning Honourable members. Before we proceed with our Votes that we will be discussing today, I wish to draw your attention to the fact that there was an amendment from the National Assembly on different Votes. On Vote of the National Assembly Vote 03 of yesterday we have agreed to pass it with the original amount of N\$1 187 000. It has been amended and we would like to place it on record that the amount was amended by National Assembly to read as N\$3 995 000. Do I have the concurrent of the House that we are in agreement and that we correct that passing, therefore the Vote is passed with that amount. I thank you. It is agreed.

I would also like to draw your attention that for the following Votes, for purposes of clarity let me just read it out before we start. Vote 09 on Finance on the original paper you will see that it is the amount N\$83 236 000. It has been amended to correlate with the amount of N\$68 493 000 and then if you go down Vote 11 National Council, it has been the amount of N\$606 000, it has been amended to N\$3 526 000. The last Vote that was amended is Vote 17 Regional and Local Government Housing and Rural Development, it had an original amount of N\$3 50 000, it has been amended by the National Assembly in the amount of N\$12 65 000. I hope all the Honourable members are now clear. Now that I have brought your attention to the amendments we shall now proceed to our Votes of today and we will Votes 08, 09, 10, 11 & 12. It is 5 Votes on each

day. We shall therefore start and I shall put Vote 08 Defence with an allocated amount of N\$46 570 000. Any discussions? Honourable Shangheta, you may take the floor.

**MR SHANGHETA:** Thank you very much Comrade Chairperson of the whole Committee of the whole House. I have the honour to express my support for Vote 08 Defence Appropriation Bill. Firstly I would like to express my appreciation to Honourable Saara Kuugongelwa-Amadhila for reducing the budget deficit.

Honourable Chairperson, Honourable members, if a comparison is made between a country and a human body or a body of any creature. It can be seen that the tasks performed by the Defence Force is similar to the task of the defence system of a body, where the white blood cell plays a major role of protecting the body opportunistic diseases. If the immune system of a body is compromised, the body will be invaded by germs, bacteria and viruses. If no remedial actions are taken immediately this may become lethal.

Like wise our Defence Force has vital tasks which to defend our sovereignty, property and people's lives against enemies such as terrorism, insurgency, conventional attack and many others. If our capability is weakened, we may live at the mercy of our adversaries, we will endanger our sovereignty, the lives of our people and our properties. On the other hand a strong Defence Force is a credible deterrence against potential hostile forces, while a weak Defence Force makes a country a recipe for invasion.

Comrade Chairman, Honourable members, the Defence budget need to be increased in order to improve the living conditions of soldiers. The human resources are the most important resources in defence, even if you buy sophisticated equipment or weapons, if people are not motivated, they will not perform their duties effectively. It is also true that without modern weapons, the soldiers will perform below standards. Our soldiers also need modern infrastructures, such as institutions of learning, training facilities and living quarters. This is what is needed to make our soldiers ready to perform their tasks. Money should therefore, be allocated to Defence in order to address their needs. I am aware that defence is not the only priority of the Government and that we need money to grow our economy. However, this does not mean we have to neglect our Namibian Defence Force. As we advance towards Vision 2030, a defence capability is needed to ensure security and peaceful development of our people. The future is unpredictable and ones need to have a reliable capability. Defence Force is our security insurance for the future.

Some people argue that there is no threat and that spending money on our soldiers is a waste of resources. This is not true. We should remember that it takes a long time to train soldiers and it is dangerous to train during the actual threat of war.

As the old age say "*okambwa ihaka esiku limbwe*" (you cannot go to a dog breeder on a dark night to get a puppy and expect it to keep thieves a way the same night). Therefore, Comrade Vice-Chairperson, Honourable members...

**VICE-CHAIRPERSON:** I am the Chairperson of this Committee of the whole Council; you may now call me Chairperson.

**MR SHANGHETA:** Ok, therefore we have to prepare ourselves or to prepare our Namibian Defence Force to be ready for any eventuality. With this few remarks, Comrade Chairperson, Honourable members, I support Vote 08 and I thank you.

**VICE-CHAIRPERSON:** Thank you very much Honourable Shangheta. Any further discussion? No further discussion. Any objection? The Vote is agreed to. Honourable members, I shall now place the next Vote on our agenda, Vote 09 Finance with the allocated amount of N\$68 493 000. Any discussions? Any objection? The Vote is agreed to. Honourable members I shall now put the next Vote on our agenda Vote 10 Education with the allocated amount of N\$65 140 000. Any discussion? Honourable Mwilima, you may take the floor.

**MR. MWILIMA:** Thank you very much Comrade Chairperson of the Committee of the whole House, Honourable members of this august House I rise to contribute to Vote 10 additional Appropriation Bill Education. Let me thank out Government through the Ministry of Finance for seeing the need to avail resources to enable line Ministries to accomplish the much needed projects to improve the living standard of our people.

Education according to Nelson Mandela “ is the greatest weapon we have against poverty” end of quote. It is with this mind that I believe every cent we spend

towards improving our Education System is resource well-spent. What is crucial at this stage is to make sure that our valuable resources is spent on the intended activities. Hence Comrade Chairperson, Honourable members the need to have the right and qualified people placed in the right positions with love and royalty to the country is of utmost important.

This brings me to address the issue of condition of service for our teachers, the accommodation of our teachers especially in rural areas where the majority of our schools are allocated need to be considered with the seriousness it deserves.

The learning environment at some of the schools, where learners attend classes in very poor classrooms is a matter of concern. The schools of which I am aware of like in the Caprivi Region such as Isusna, Mazoba, Sachona, Nankutwe... need to be renovated. There is also the need to provide some schools with hostels for example at Masokotwani Combined School since this school at the centre for other surrounding schools with an enrolment but up until now that hostel is still in the pipeline. I am also aware of a Secondary School which is Sangwani Senior School, this school’s much needed hostel has taken a long time up until now. These are issues which need to be addressed as the future of this country lies in the young generation.

The other issue I would like to put on board is the issue of staffing norms. Comrade Chairperson, honourable members, we have a situation where you will find different grades being combined in one classroom, for me this is not healthy for the future of the education of our children. The reason

being that the school does not qualify to have more teachers because of the enrolment system. The only solution left is to combine those grades, you can imagine combining grade 4 and grade 5 in the same class. In a way I think this is not really healthy for our future. With these few words, I also want to conclude by saying in the future I would like to see the next budget to allocate more money to the Board of Education because without education, we have a problem. Thank you very much.

**VICE-CHAIRPERSON:** Thank you Honourable Mwilima. Any further discussions? Any objection? The vote is agreed to. Honourable members I shall now put the next Vote for discussions, Vote 11 National Council N\$3 526 000. Any discussions? Is your Vote, no discussions? Any objection? The Vote is agreed to. Honourable members I shall now put the last Vote for today, Vote 12 gender Equality and Child Welfare with the allocated amount of N\$1 188 000. Any discussions? Any objection? The Vote is agreed to. Honourable members I shall report progress and seek leave to sit again.

**VICE-CHAIRPERSON:** Honourable Chairman I wish to report progress and seek leave to sit again.

**CHAIRMAN:** Leave is granted Honourable Vice-Chairperson. The Secretary will read the second order of the day.

**SECRETARY:** Resumption of Debate on Second Reading- Combating of the Abuse of Drugs Bill [B.4-2006].

**CHAIRMAN:** When this debate was adjourned on Monday the 4 December

2006, the question before the Council was the motion that the Bill be now read a second time. Honourable Hakaye adjourned the debate and now has the floor. Honourable Ndemula?

**MR NDEMULA:** Comrade Chairman, I would like to object. Comrade Chairman if I move a motion without notice that the Combating of the Abuse of Drugs Bill [B.4-2006] be, in term of Rule 30 (1) (j) of the National Council Standing Rules and Order be referred to the Standing Committee of Foreign Affairs, Defence and Security for further scrutiny.

I further move that, in terms of Rule 116(d), the following shall constitute the Terms of Reference of the Committee:

The Committee shall:

a) Examine the necessity of the severe penalties provided for in Clauses 3(7) and 4(2), as read with Clause 38; and in that regard:

- (i) seek background information from the Ministry of Safety and Security on the content of the Bill;
- (ii) consult with the Chief of Lower Courts/Magistrates` Commission;
- (iii) consult with the office of the Prosecutor-General;
- (iv) consult with Law Society of Namibia; and
- (v) receive submissions from any interested persons or bodies.

- (b) Examine any other matter in respect of this Bill, as the Committee determines fit.
- (c) The Committee shall report its findings, conclusions and recommendations to the House on the 14<sup>th</sup> of February 2007. So I move.

**CHAIRMAN:** Any secondment? Any objection? Agreed to. You may table your motion Honourable member. The Secretary will read the third order of the day.

**SECRETARY: Resumption of Debate on of the National Council Standing Committee on Gender, Youth and Information on the Plight of Street and Vulnerable Persons, Phase II of the motion passed on 06 October 2005.**

**CHAIRMAN:** When this Debate was adjourned on Monday, December the 4<sup>th</sup> 2006, the question before the Council was a report by Honourable Karupu. Honourable Chief Whip Hakaye adjourned the debate and he now has the floor.

**MR HAKAYE:** Comrade Chairman thank you very much once again. I have found time to study the report although time was limited because of the many difficulties that we have gone through. However I would like to air my views on the report in front of everyone of us here in this august House and the report that took members of the Committee to the Republic of Kenya to carry out some comparison studies on the plight of street children, sex-workers. The situation is really becoming an issue of serious concern as the future of the country in us as parents.

If we as parents of today do not put our house in order, think of what will happen tomorrow's parents. This is where the bone of contention is and here is where many of us are not prepared to address the issue. Instead we opt to address the issue of street kids, orphanages and vulnerable children and persons. Here I am seeing us treating the symptoms and not the root causes of the whole problem.

Street kids for example; if one stand out there will understand as if these said kids were borne by the streets and not by human-beings.

Having visited Kenya, I was supposed to have been entertained with a very unusual natural phenomenon whereby a human-being, a lady to be more gender sensitive dumped her newly born baby and a female dog picked up the abandoned baby and took her to her kennel. This scenario Comrade Chairperson, Honourable members is a clear indication that there is something wrong with the human race. Even wild and domesticated animals care for their babies, yet we as human created what is today known as street kids.

Comrade Chairman, Honourable members one would want to know as to where are the parents responsible for these street kids. What are we doing as a society for the root cause to address the creation of street kids? Because these kids did not come into being by themselves, they are being produced by you and me. Think about tomorrow. What will our country look like and what will human nature look like if some of us are entertaining, protecting and encouraging the message to the young ones who go out there in the streets

selling out their most precious bodies. The image of God that is being sold in the streets becomes the only hope known by a child produced out of the streets.

Honourable members if we are to come out of this, we need to address the root cause. What exactly cause our young ones to go to the streets?

According to my understandings honourable Chairman, Honourable members, this is a very serious situation that needs to be addressed today and not tomorrow, so that at least the question of us approaching and try what to do about the street kids should be done as a matter of serious concern. Mechanisms and laws that cater for the production of street kids need to be put in position not only in Namibia but also in the whole of the SADC region, other regional bodies, AU and United Nations to address the issue of street kids.

Today I was listening over the radio when the Secretary General of the United Nations was equally condemning the exercises of women and young kids by UN Peace Keeping Forces. Making the people they were suppose to protect victims to rape, abuse and even on top of that some young kids who are not in the streets are taken and forced in unwanted wars. These kids are exposed to the killings of many of their nationals. What is this? What type of parents are these kids going to be when they come back to normal? As a result, Comrade Chairman, Honourable members we need to examine some of these things, so that we address the causes. Today Africa is being made destined ground for whatever, chemicals, wars so that we will not have a peace of mind to develop ourselves to create employment and schools for our children and to guide our

own kids to a better place at their age. By that I mean to be in classrooms, but if we are preserved to protect and enact laws that legalise prostitution with a cosmetic declaration that it is a sexual worker. I think our tradition in Africa for example we do not have that and we are not ready for that as far as Namibia and Africa is concerned. With these few observations Comrade Chairman, Honourable, I have raised my case. Thank you for your attention.

**CHAIRMAN:** Thank you very Honourable Hakaye. Any further discussion? Honourable Nicanor.

**MS NICANOR:** Thank you very much Honourable Chairman, Honourable members of this august House. I would like to add my voice to those who did so already, to commend the National Council Committee on gender, Youth and information for a job well done regarding the report on street children and other vulnerable persons.

Congratulations Honourable Chairperson of the Standing Committee on Gender, Youth and Information as well as all Honourable members of this Committee.

The report you have brought to this august House, covers a number of valuable information regarding the plight of this Namibian Child that find himself/herself in this very unfortunate and un-acceptable conditions, a lifestyle which have in nowadays landed such children to be referred to as ``street children``.

I hope and trust that the information contained in your report regarding the causes and other contributing factors that lead to the situation some of our Namibian children find themselves will

help Namibia as a country to address the problem facing us.

The children that are today found roaming the streets of some of our towns and other places, do come from parents and household families. They were not born in the streets.

These are needy children, forced by circumstances that landed them where they do find themselves today. They were not born by the streets. Why should they be referred to as street children?

What makes them different? What prevent them to be treated like any other vulnerable children we have in this country whether orphaned or not?

Having said all those aforementioned it is further my considered view that the problem of vulnerable children in our country needs a greater, urgent and special attention.

It is also my considered view that the battle to do away with children roaming our streets due to circumstances surrounding them ranging from socio-economic reasons, poverty, lack of financial support, lack of love and care, to mention but a few cannot be dealt without doing something about the parents, where those children are coming from. I think time has come that we do not only continue to address the symptoms but that we also do something to counsel those parents from where those children have come from and ended up in the streets, that the parents continue to maintain their responsibility over the children that they have brought on earth. I think that is also what we need to pay attention to.

Therefore to add to the recommendations of the Committee, I would like to add that a proper survey be contacted in order to attain correct figures that will help the country in planning, because even us as Regional Councillors when we do our budgeting I think time has come for us if we sit with the data on this situation of our children being in the streets to know the figures that we are faced with, so that when we are budgeting we cater for problems such as those ones. That is the reason why I would like to request the Committee to consider among their recommendations that the country should come up with a proper survey to be done regarding the number of children affected by this situation.

Having said that Honourable Chairman, Honourable members, I once again would like to congratulate the Committee and I thank you.

**CHAIRMAN:** Thank you very much Honourable Nicanor. Honourable Siwombe you may take the floor.

**MS SIWOMBE:** Thank you Comrade Chairman, Honourable members. I rise to add my voice to others who contributed to the report of the Standing Committee on Gender, Youth and Information.

I would like to congratulate the Chairman, Honourable Karupu, other Committee and the Committee Clerk Mr. Kaxuxuena for the job well done on their study visit to the Parliament of Kenya and the visit to Rundu, Grootfontein, Otjiwarongo, Rehoboth and Gobabis for public hearings on the plight of street children and other vulnerable persons.

Street children are hanging around the streets like robots, asking money from tourists and other residents of this country. I agree with one of their recommendations made by the Committee (numbered 7.6) that there is a need for all sectors of the Namibian society to focus on job creation and poverty eradication because street families have grown beyond control of the local authority.

It is now high time for concerned stakeholders to take ownership of reports of this nature from Parliamentary Committees and implement the recommendations thereof. History taught us that many reports were tabled to parliament but only a few of them were implemented. It is against this background that I am appealing to the line Ministries to allocate resources to implement such recommendations.

I now rest my case and I thank you.

**CHAIRMAN:** Thank you very much Honourable Siwombe for resting your case. Any further discussions? Does Honourable Karupu wish to reply? So you may take the floor.

**MR KARUPU:** Thank you very much Comrade Chairman, Honourable members of this august House. I rise to express our sincere appreciation especially to those who assisted us during our study and also to Honourable members of this august House for your unwavering support of the report. We are very much encouraged, despite the constraint resources and very limited time we had during this study, but with your support and encouragement, we are really very much encouraged to have

taken up any assignment given to us by this august House.

Once again, thank you very much.

**CHAIRMAN:** I now put the question that the report be adopted. Any objection? Agreed to. The Secretary will read the forth order of the day.

**SECRETARY:** **Introduction and motivation of reports. Report on National Council Standing Committee on Foreign Affairs, Defence and Security on its visit to Hardap, Karas and Omaheke Regions as from 13-18 March 2006.**

**CHAIRMAN:** Does Honourable Hakaye move the report?

**MR HAKAYE:** Yes Comrade Chairman.

**CHAIRMAN:** Any objection? Agreed to. Honourable Hakaye you now have the floor to table the report.

**MR HAKAYE:** Thank you very much Comrade Chairman, honourable members of this august House.

When I tabled the Committee report sometime last year on behalf of the Committee on Foreign Affairs, Defence and Security, I mentioned that, that report was not complete due to the fact that the Committee was only able to cover 10 regions of the 13 regions in Namibia. This was so because of the financial constraints faced by the Committee. Comrade Chairman, Honourable members, the security of the nation, maintenance of law and order, protection of properties are the focal

points within the establishment of our security forces.

The Committee managed to gather its resources together and undertook a further familiarization visits to the then remaining regions highlighted in the previous report, namely the:

- Hardap Region
- Karas Region
- Omaheke Region, respectively

Although Namibia as a country is relatively enjoying peace ever since independence, Namibia does not regard itself immune to threats particularly in the SADC family, the African continent and other parts of the world in general, (the Middle East i.e. Iraq). As a result the Committee has learned that limited contingents of our security forces has taken up AU peace keeping missions in some African countries engulfed or locked up in military conflicts such as in Liberia, Eritrea and Sudan in Dafur. It is no this very background that one need to keep in mind that the members of our security forces are charged with the international responsibilities as Namibia in a way is affected by those situations.

Apart from that, Namibia as a country is faced with a varieties of set-backs in its establishments, since independence the allocations to:

- The National Defence Forces, namely:
  - Army
  - Air-Force
  - Naval Force
- Namibian Police
  - Namibia Special Field Force

- Border Guards
- VIP Protection Units

And many more police components as well as Namibia Prisons and Correctional Service has never been given a deserving portion. Unlike in the previous dispensation where by 69-70% of that budget was allocated to the then South African Defence Force.

Today, Comrade Chairman and Honourable members, many people within and around the budget circles turn a blind eye to the allocation to the security forces pretending that in Namibia all is well, there is no security threat and that we are a peaceful country. Yes but Comrade Chairman, that peace was won with the highest price and need to be protected at all times.

Comrade Chairman, during the Committee's exchange of experiences with high ranking official of the security personnel; many issues of security concerned were raised as captured in the report before you Honourable members. It is this Committee's considered opinion that not only this august House of Parliament will pay high consideration of the report that the Committee brought to this chamber but it is our hope that the entire Government of the Republic of Namibia will do all in its power to address matters of security concerned raised in this report.

Among others the report dwelled much upon the working environment and condition of services of men/women in uniforms.

- The question of armour and arsenals of our armed forces.
- The question of training and professionalism by the way of

training academies, transport, equipments and communication.

The Committee was further disturbed by the manner in which the existing equipments are being handled. The abandonment of Kakulukaze Mungunda Patrol vessel leaves much to be desired. The report of the discovery of human remains dumped close to Lüderitz Army Base was only news to the general public and not to security personnel, particularly to the Ministry of Safety and Security. This Honourable members as you have seen what is there and the Ministry concerned were alerted of this sometimes back but their action was too reluctant and nothing was done. But when it was reported it was wrongly quoted that these discoveries were of recent. To our findings this is a product of the colonial dispensation and its believed that a number of Namibian nationals especially those who disappeared from houses, labelled as having being supporters of the terrorists are among those people that are dumped there in their hundreds. It is quiet a very big number and I don't know why we have to be reluctant, therefore Comrade Chairman, one only wonders on as to why it has taken so long to respond to the quest on that regard. The nation need to being formed about the whole issue surrounding those massive human carcasses dumped there close over the years.

On the Mariental flood Comrade Chairman, Honourable members, this seems to be a civic issue but you talk of development, you talk of peace and at the end of the day you talk of security of lives and people's properties over there. People in Mariental were rendered

vulnerability by what is preserved there as a human made flood.

Finally Comrade Chairman, Honourable members, with the hosting of the World Soccer Cup in neighbouring South Africa and the all Africa Nations Cup in Angola our Southern and Northern frontiers and point of entries becomes subjects of security concern between and among our nations. We better put our houses in order, come 2010, otherwise our country will be subjected to be a spring board of international terror and drug trafficking. Better to start preparing today as tomorrow will be too late.

Having said that Comrade Chairman, Honourable members, I have the honour to table this very important report and most sincerely not only request your unwavering support but to further urge you Honourable members to study the report and make your usual constructive contributions.

Comrade Chairman, Honourable members I thank you for you support and attention.

**CHAIRMAN:** Honourable member, we thank you too. Any further discussions? Honourable Mensah-Williams.

**VICE-CHAIRPERSON:** Thank you Comrade Chairman, Honourable members. To be fair to the Committee who have really put in lot of energy doing the investigation and coming up with this report, I think it is just fair with the indulgent of the House that we postpone the debate on the report until tomorrow to enable us to get time to peruse the report and to tell the Committee whether they have done well or not. I will be guided by the

Honourable members to postpone to Thursday. I was trying not to move for Thursday because I know of Honourable member that will have to travel but it is us that will travel, we will do our job and we will ensure that we will be able to travel on time. So therefore I move the adjournment of the House on this report until Thursday. I thank you.

**CHAIRMAN:** Any secondment? Any objection? Agreed to. Honourable members that was the order of the day. Is there any other business? Honourable Mensah-Williams and those who are members of the Committee of Standing Rules and Orders are meeting immediately after the adjournment of the House. Honourable Hakaye you may the floor to adjourn the House.

**MR HAKAYE:** Thank you Comrade Chair, this august House stand adjourned until tomorrow 9:30 sharp. So I move.

**CHAIRMAN:** Any secondment? Any objection? Agreed to. The House stand adjourned until tomorrow 9:30 sharp.

**COUNCIL ADJOURNED**

## **COUNCIL CHAMBER**

### **WINDHOEK**

**06 December 2006**

The Council met pursuant to adjournment.

Chairman took the Chair.

Prayers and Affirmation.

**CHAIRMAN:** This august House is called to order. Honourable members any petitions for this morning? Any reports of Standing or Select Committees? Any reports and papers? Any notices of motions?

Honourable Chief Whip Hakaye.

**MR HAKAYE:** Comrade Chairman, I hereby move a motion without notice that the proceedings on Votes 13-17 of the additional Appropriation Bill; (B.7 - 2006) be, in accordance with Rule 15 (3) of the Standing Rules and Orders of the National Council, not be interrupted if still under consideration at 13:00 hours. So I move.

**CHAIRMAN:** Thank you. You may table your motion Honourable member. Any further notices of motion? I recognize Honourable Mensah-Williams, you may take the floor. The Secretary will read the first order of the day.

**VICE-CHAIRPERSON:** Thank you Comrade Chairman, Honourable members. I hereby give notice that tomorrow I shall move to lay upon the table the report of the Annual Parliamentary Hearing at the United Nations Head Quarters in New York as from the 13-14 November 2006. So I move.

**CHAIRMAN:** Honourable member, you may table your motion. Any further notices of motions? The Secretary will read the first order of the day.

**SECRETARY: Debate on Committee Stage: Additional Appropriation Bill (B.7-2006)**

**CHAIRMAN:** It is moved that I leave the chair. Who second? Any objection? Agreed to. The Vice-Chairperson of the National Council and Chairperson of the Committee of the whole Council will now take the chair. Honourable Mensah-Williams, you may take the chair.

**VICE-CHAIRPERSON:** The Committee of the whole Council is called to order. Good-morning Honourable members. I shall now put Vote 13 Health and Social Services N\$22 495 000. Any discussions on this? Honourable Sibiya, you may take the floor.

**MS SIBIYA:** Thank you Honourable Chairperson of the whole House Committee of National. (INTERJECTIONS)

**VICE-CHAIRPERSON:** You are protected. I am the Chairperson of the Committee of the whole Council.

**MS SIBIYA:** Thank you for the opportunity granted in me to say a few words of this Vote of Health and Social Services. First of all I will use this opportunity to pay tribute to one of the outstanding leaders in this country, in the name of Dr Comrade Kamwi. They say `` people fail because they don't know what they want to succeed in``. In his case he succeeded because he knows what he want to achieve in health. A

health Ministry is not an easy Ministry to run and for this we appreciate what you are doing out there.

Comrade Deputy Chair, before I contribute to what I want to say. Grant me the opportunity to quote the nurses service pledge...

**VICE-CHAIRPERSON:** I am sorry to interrupt you Honourable, is your microphone on?

**MS SIBIYA:** Yes.

**VICE-CHAIRPERSON:** Ok, thank you because I could not see it from here.

**MS SIBIYA:** And it reads as follow:

*I solemnly declare that my ultimate responsibility as a nurse is to promote and safeguard the total well-being of my clients, their families and the community at large.*

*My practice will be founded on the respect for my clients' humanity, dignity and individuality.*

*I undertake to treat my clients` equally and will not allow that social, economic, political, religious and cultural differences will influence the care I render.*

*To fulfil the needs of my clients, I will endeavour to understand and address it with compassion and empathy.*

*I accept it as my duty to protect the interest of my clients and to maintain professional secrecy.*

*I will comply with all moral, legal and professional standards in the execution*

*of my duties and inspire others in achieving our shared vision.*

*Finally, I pledge to maintain the highest level of knowledge and skills and to contribute towards the development of my profession.*

Now I will quote the meaning of the lamp in the pledging of service. It seems to me that we forget, once we step down we forget what we should concentrate on t

I just want to quote the meaning of the lamp so that people can understand why we carry this lamp, because most of the people don't know, they think it is probably just for decoration.

**VICE-CHAIRPERSON:** Tell us because you the expert on this.

**MS SIBIYA:** *The lamp in your hand is the symbol of those who keep vigil over the sick.*

*It is the symbol of the philosophy nursing profession that those who nurse should be a light unto others.*

*It indicates that you are prepared to develop your profession and to practise it in the light of the sciences which are the building blocks of medical and nursing science.*

*It confirms that you are prepared to carry out your professional acts in accordance with the legal and ethical codes of your profession and that you are prepared to care for man in his uniqueness with knowledge and compassion.*

*It is the symbol that indicates that you are prepared to be following for those who need your help:*

- *The eyes of the blind who are sick*
- *The power of movement for those who cannot move*
- *The hands of those who do not have the strength to care for themselves*
- *The comforter of those who are alone and grieved*
- *The nourished of those who cannot eat*
- *The protector of those who are helpless and those who are vulnerable*
- *The mind of those who are unconscious*
- *The one who has a ward off the hazards threatening the sick*
- *The intermediary between the doctor, other members of the health and the patient*
- *The advocate of those who have health problems*

*It confirms that you as a professional nurse are prepared to submit to the discipline of your profession.*

*It serves as proof that you are prep*

*Are to serve as a role model of your profession*

*I give you the reveille of nursing:*

*“Let the oil of knowledge and of love always ensure that your lamp burns brightly”.*

This is the meaning of the lamp. End of quote.

Honourable Deputy Chair, the Ministry of Health is one of the largest Ministries, which means it demands care and

attention on a continuous basis. The ministry is one that is responsible for the healthcare and well-being of the nation. Our government is there to improve and to promote social economic development and the emphasis should focus on prevention and curative care.

Health facilities are currently experiencing shortage of nurses which is in turn putting a serious strain on the current health workers. Every sick or client needs to be attended to as an individual taking into account the patient’s cultural background and beliefs. Nursing is a calling and a profession and is given under oath.

When a person is admitted as a patient, as from their admission till their last day of discharge, the nurse is fully accountable to the patient’s life. If you are not there, who is going to be accountable for that patient? How are you going to address that patient? Taking into consideration the Medico Legal Hazards, if you are a nurse who took oath, there is no way you can leave a patient unattended, that is the reason why the off-duty of the nurses is 24 hours around the clock. That is where the over-time comes in.

There is a saying that goes “once a nurse always a nurse”, it is not hard to identify a nurse as their actions always speaks louder than words. Nurses are overloaded with work because of the aforementioned understaffing in the health facilities. This workload is one of the leading causes of frustration and depression which leads nurses to be inefficient and ineffective in the execution of their duties. Depressions also tend to demoralise and demotivate some of the nurses which can have

hazardous results on clients and patients... (INTERJECTIONS)

**VICE-CHAIRPERSON:** You are protected Honourable member.

**MS SIBIYA:** Thank you Deputy Chair.

We need more nurses and if not double the current number in order to rectify these problems. If the above is addressed, it will eradicate the occurrence of strikes, resignations, and all the above shortcomings as they will be working in more relaxed and productive environment.

Money is a good incentive for hard work but if one is overworked and under pressure in their work place all will be in vain. Money can only go that far, the main problem here is manpower. The issue of HIV and Aids also contribute to the shortage.

The country is in the midst of the HIV and Aids pandemic and the Ministry have programmes in place for the prevention of mothers to child transmission and ARV treatment to all patients with Aids related conditions. The nation is aware of the programmes and people are comfortably coming out with their status and are on treatments. People are still dying, as a nation we are having a responsibility to support, care and love those left behind.

I suggest that we have to put clear community health workers and Health Education Information Centres structures in place, to minimise the unnecessary health facilities, attendance and burden on the nurses.

If you loose those you love, you are put in a state of confusion which needs guidance and counselling in most cases and this does not mean that you are sick to go to the health facility; all you need is guidance and counselling. Some people don't where to start when they loose their love ones. Some people are illiterate and they don't know documents, I went through the same procedure, you will only learn when you loose someone that you love.

I think it is critical to share this information and I also believe that the community must be warned. There are people going around calling themselves community lawyers but they are fraudsters who prey on the vulnerable widows/widowers of the deceased with well prepared documentation tricking the poor bereaved member/members into signing their fortune or whatever little was left behind for their survival away. We have to alert the community.

Merging of different organizations will open people's minds to vigilant of criminals. Our First Lady Comrade Penhupifo Pohamba is a patron of OEWONA and also a nurse by profession. This Organization was established for widows, widowers and orphans infected and affected by HIV and Aids for comforting and empowering them in different training community projects. The First Lady made the call during the handover ceremony certificates at St. Anglican Church in Katutura where community members graduated. We don't need to fall into dubious traps of those con men if we can join this Organization where information is freely made available and your uncertainties can be attended to. Make sure that you use the opportunity.

Comrade Vice-Chairperson, with these remarks I thank you.

**VICE –CHAIRPERSON:** Thank you Honourable Sibiya. Any further discussions? Any objections? The Vote is agreed to. Honourable members we shall now go to Vote 14 Labour and Social Welfare with the allocated amount of N\$1 54 000. Any discussions? Honourable Ndjambula.

**MR NDJAMBULA:** Thank you Comrade Chair. I will be very brief. I rise to support Vote 14 and to air some of my concerns. My concern is of the United African Company which is charged with the responsibilities of old-age payments. To this end, serious attention must be given to our old age people because programmes of these companies are always changing from good to worse. The United African companies is required to improve its service delivery. Recently there were too many postponements in payments which resulted our old age people exposed to the sun and rain while waiting in open spaces to receive their pension. They sometimes wait for the whole day and around 17:00 they will be informed that payment has been postponed until further notice and that could mean one week or a month. As a result of the above-mentioned, our old age people pay high price in terms of distance. If they come at the paying point and the payment is being postponed they go back again and they have to pay for the transport. They can pay up to N\$20.00 each day they come to the paying points. This postponement can even be two or three days in a month, very heartening to see this happening.

I am therefore calling upon the United African Company to improve their services.

Another concern Comrade Chairperson, Honourable members, is that the United African Company equipment like the computers they are using to do payment, are always out of order, one wonder whether they are old or outdated. I am therefore calling on the company to buy new equipment in order to improve their services.

My last concern is the cards they are issuing to the old age people when they are receiving their money. Most of our old age people do not have these cards and it is also delaying the process. I am also calling on them to make sure that all old people are having these cards in order to ease the process of payment.

With these few concerns, I support the Vote and I thank you.

**VICE-CHAIRPERSON:** Thank you, Honourable Ndjambula. Any further discussions? Any objection? The Vote is agreed. Honourable members, we shall put Vote 15 Mines and Energy, with the allocated amount of N\$740 000. Any discussion? Any discussion? Any objection? The Vote is agreed to. I shall now put Vote 16 Justice with the allocated amount of N\$2 295 000. Any discussions? Yes, Honourable Chief Whip.

**MR. HAKAYE:** Thank you Comrade Chairperson of the Committee of the Whole House. Regarding justice in our own country Comrade, I would like to air my sentiments. It is high time that this Ministry puts its house in order. Justice is something which is very

expensive in this country, that's one thing. It is more expensive to the Government of the Republic of Namibia because many people's final judgement takes too long to be pronounced by the Lawyers or by the Prosecutors. In so doing it is the other way affecting the government because those people are kept, fed and treated by the government.

The other thing is of the other people with minor cases had broader thought as initiated by the Ministry of Safety and Security, I think it was good. But I wonder whether it has been acted on if not, what are you waiting for? It is a general concern for instance of illegal aliens that are contravening our laws. They are there and sometimes they are just not attached by the process to depot them from the country, is not coming forward. They are there and sometimes they are not criminals. Some are good people but there are also those people who come to Namibia with very bad intentions, I am not talking about those ones. I am talking about those who may not have the necessary documents, by virtue that they may have been misplaced or something and are locked up for a very long-time amongst the criminals. This is really bad as to keep such a person in prison because such a person might be a good business partner who came to Namibia. In the end it will reflect that Namibia is not a good country to do business.

Another point is that Magistrates are always not enough. Some are even going to private practitioners because they get paid more there which Magistrates in the government don't get. The majority of them are even educated at the expense of the State, but after graduation, one or

three months, she/he will start his/her own company and leave the government.

There were members of the public that were concerned with the Caprivi detainees. These are people charged with high treason, the crime that they have committed to this country is irreparable as a security threat but some patriots of our country are saying these people need to be released and that they have been detained for a long-time. If we release them for example, where are we going to keep them? They belong where they are right now, even if judgement is passed, they belong in prison and one can read into the lives that information cannot really prove them that they have committed a irreparable damage to the security and people of our country. Those that are roaming around, indicating maybe to Muyongo that there is light at the end of the tunnel, I still believe if Muyongo goes to Katima Mulilo today, he will regret of his actions, because people there believe that they are Namibians and economically they are flourishing and they live and love to be as Namibians. Please do not think about those that are from Katima and are at other ends of the country as their own country, entertaining that if Muyongo comes Katima will be dis-membered from the rest of the Namibia. This dream will never be realised.

With these few observations, Madame Chairperson, I support the appropriation added to the Justice system in our country on grounds that this Ministry is going to make changes regarding the justice system in our country. Thank you very much.

**VICE-CHAIRPERSON:** Thank you Honourable Hakaye. Any further discussions? Any objection? The Vote is agreed to. Honourable members I shall now put the last Vote for discussion for today, which we also take notice of the fact that it was amended, Regional Local Government Housing and Rural Development, with the amended amount of N\$12 65 000. Any discussions? Any objection? The Vote is agreed to. It seems Honourable members didnt want to talk on the line Ministry. Honourable members, thank you very much. I shall report progress and seek leave.

Honourable Chairperson, I wish to report progress and seek leave to sit again.

**CHAIRMAN:** Honourable Mensah-Williams, leave is granted. The Secretary will read the second order of the day.

#### SECOND ORDER READ

**SECRETARY:** Resumption of Debate on second Reading: Biosafety Bill (B.5 – 2006).

**CHAIRMAN:** When this Debate was adjourned on Wednesday, November 29, the question before the Council was motion that the Bill be now read the second time. Honourable Hakaye adjourned the debate and he now may take the floor.

**MR. HAKAYE:** Comrade Chairman, Honourable members of this august House. I rise to make my humble contribution to this technical but very important piece of Legislation. It is a very important Bill as far as modern technology is concerned.

When it comes to modern technology on genetically modified organism matters, technology would mean a lot in today's world. As a least developing country within the Sub-Saharan Africa, a tropical semi desert country, Namibia need to move some steps ahead in developing her Bio-technological know-how in order to march new development challenges.

Biotechnology is only very good when it is being used and employed in the best use of the country, its population, in other words for the best use of fauna and flora, it can be worst if ill-handled not only to a particular country but the region and to mother nature worldwide.

We have had many incidents of this nature imitating from miss-handling, un-patriotic or un-ethical use of genetically modified organism and products by some countries. We have equally witnessed the abusing of some countries (technically smaller countries by giant countries knowing precisely the danger involved in such a move. However they are quite aware of the fact that their recipient country do not take cognisant of the damage involved and that such country does snot have any legal instrument in place to help itself out of danger.

It is thus against this background that I would like to register my unwavering support to the government of the Republic in general and to the Ministry of Education for having come up with this very important piece of legislation.

This kind of piece of legislation does not only protect Namibia, her environment and her fauna and flora, but its territorial waters both at sea bay and under ground waters.

Comrade Chairman, this Bill when signed into a law will compel all those who would be engaged in Biotech and those who are already dealing with the genetic modified organisms and related products. Their activities will be regulated within the provision of the law. It serves the law as a messenger of peace and nova technology because, Comrade Chairman, Honourable members, as alluded earlier on, the modern world is carried up or down by new technology; by the touch of a button the world can go in flame or any other forms.

Comrade Chairman, we recently have heard the abuse of our territorial waters being contaminated by unruly and unscrupulous foreign vessels. We have heard of the possible negative impact of our under ground waters and environment respectively. This Council that the Bill is seeking will be there as a watch dog to take care of some of these many but genuine concerns to be put to rest once and for all and that the nation should be rest assured of the danger.

Comrade Chairman, I used to be a worried person when travelling to Europe and America. Before a plane touch ground on any European air terminals a mid air spray is contacted not taking into account whether there is someone on the plane who is allergic to the spraying but I never saw it done on the reversal side. Europeans and Americans come to Africa almost every day and we never subject them to all this in humane or humiliating alts. The question is here Comrade Chairman and Honourable members, it is the European aeroplanes that are contaminated with some kind of radiations with nuclear substance and this may not only be

limited to the aircrafts, restaurants, hotels, bars and some areas to be discovered in the long run. Look at what happened in London and I am sure Honourables members you know, I am not at all interested in their espionage sagas, all I am interested in is the security of African nationals who live in those countries and are already sidelined and those of our countries who might be victims to the European spying networking. Something must be done there.

To ascertain ourselves on whether or not our countries were not being used for the purpose of the returns of the early 1980s star wars. Africa should be awakened and put in place such bodies like the Biosafety Council of Namibia and equip it with necessary skills and expertise. The administration of this Bill therefore involves some more players such as Health, Agriculture, Security, Justice and many more who may come in such as migration officials at points of entries to be fully equipped with the necessary equipment because Bio Chemicals can be electronically transmitted from one point to another.

Comrade Chairman, it is a very important piece of legislation that we all need to support to make our country safe. With these observations Comrade Chairman, I support the Bill and I thank you.

**CHAIRMAN:** Thank you very much Comrade Hakaye. Any further discussions? I recognise Honourable Kankoshi, you may take the floor.

**MR. KANKOSHI:** Thank very much Comrade Chairman, Honourable members. I rise to support the Biosafety Bill, which is currently under discussion

in this august House of Review. First and foremost I would like to congratulate the Honourable Minister of Education Comrade Nangolo Mbumba for tabling this very important Bill which will regulate the activities imports and exports of all genetically modified organisms. When tabling this Bill the Honourable Minister stated that and I quote *“over centuries and decades technology has changed the way human beings live, communicate and operate. In the modern biotechnology techniques are used to transfer genes between or within species”*.

Comrade Chairman, Honourable members, by introducing, tabling and passing this Bill, the Namibian Government is adhering to the principles outlined on Cartagena Protocol on Biosafety as Namibia is a party the Convention and Protocol. Many institutions and guidelines are already in place in Namibia like the Genetically Modified Organisms Testing, Training and Research Laboratory which is based in the University of Namibia Chemistry Department and the 1999 National Policy Document enabling the safe use of Biotechnology. What is left is for us to speed up the passing of this Bill to be enacted into a Law so that Biosafety Council should be established to start functioning as per Section 15 of this Bill and advice the responsible Minister accordingly.

Comrade Chairman, Honourable members, Namibia as part and parcel of the global world should have mechanisms in place that prevents and reducing the risks for economy, human and animal health and environment, as national vision for the use of modern biotechnology, which is clearly outlined

in the Namibian’s policy on the safe use of biotechnology.

Bursaries should be made available to those who excel in Biology and Science related subjects in order for us to mould, breed and train our own Namibian nationals. It will be in line with 2004 SWAPO Party Election Manifesto page 29 which states;

*“ The quality of education will continue to be improved with a view to meeting the demand of the labour market and enhancing the use and application of technology and industrialization. It is this knowledgeable, proud, self respecting and dignified nation”*.

Our learners and students, mostly those at Primary schools must be encouraged to pursue their studies in Biotechnology related field, so that they can explore further and discover the undiscovered.

Comrade Chairman, Honourable members, some of us enjoy the taste of traditional chickens and it is my hope that the genetically modified organisms technology will not spread and affect our traditional chickens, as these chickens are more tastier than the *braai packs* in the supermarkets.

Having raised those observations, Comrade Chairman, Honourable members, I support the Bill and I would like to ensure the Namibian people that with the SWAPO Party government, their future is secured.

I thank you.

**CHAIRMAN:** Thank you very much Comrade Kankoshi. Any further discussions? There being none, the Bill

is now referred to Committee Stage. Any objection? Agreed to. Honourable members that was the order of the day. I now call upon Honourable Hakaye the Chief Whip to adjourn the House.

**MR. HAKAYE**: Thank you Comrade Chairman, in the absence of any further discussion this august House stands adjourned until tomorrow Thursday, 07 December at 09:30. So I move.

**CHAIRMAN**: Any secondment? Any objection? Agreed to. The House stands adjourned until tomorrow 09:30.

**COUNCIL ADJOURNED**

## COUNCIL CHAMBER

07 DECEMBER 2006

### WINDHOEK

The Council met pursuant to adjournment.

The Chairman took the Chair.

Prayers and Affirmation.

**CHAIRMAN**: The august House is called to order. Honourable members I welcome you. Do you have any petitions? Any reports of select committees? Yes, Honourable Mensah-Williams.

**VICE-CHAIRPERSON**: Yes, Comrade Chairman, Honourable members, I gave notice yesterday. I lay upon the table the Report of the Namibian Inter-parliamentary Group to held annual parliamentary hearing in New York the USA from 10 – 13 November 2006.

**CHAIRMAN**: Can you table the Report Honourable member. Any further reports and papers? Any notices of motions? Honourable Hakaye, please take the floor.

**MR. HAKAYE**: Thank you Comrade Chairman, I hereby move a motion without notice that the proceedings on Vote 18 – 22 of the Appropriation Bill [B.7 – 2006] be in accordance of Rule 15(3) of the Standing Rules and Orders of the National Council not be interrupted if still under consideration at 13:00. So I move.

**CHAIRMAN**: Honourable Chief Whip please table the motion. The Secretary will read the first order of the day.

FIRST ORDER READ:

**SECRETARY**: Debate on Committee Stage – Additional Appropriation Bill [B.7 – 2006].

**CHAIRMAN**: It is moved that I leave the Chair. Who seconds. Any objection? Agreed to. The Vice-Chairperson of the Council and the Chairperson of the committee of the whole Council will now take the Chair. Honourable Mensah-Williams, please take the Chair.

**VICE-CHAIRPERSON**: The committee of the whole Council is called to order. Good morning Honourable members. This is our next division on the Additional Appropriation Bill from Votes 18, 19, 20, 21 and 22, and next week the rest. Then the Deputy Chairperson of the committee of the whole Council will chair as from Tuesday in my absence. Having said that, I shall now put Vote 18, Environment and Tourism, N\$9 663 000.00. Any discussion? Yes, Honourable Shangheta, you may take the floor.

**MR. SHANGHETA**: Thank you very much Comrade Chairperson. I rise to contribute to the Vote under review in this august House.

Comrade Chairperson, Honourable members, the Ministry of Environment and Tourism is responsible for maintaining the infrastructure in our national parks and to make sure that the recreational areas are at a required standard that will ensure maximum benefit for tourists. Its functions and services are to strictly enforce the law and regulations and maintain tourists control in a fair and decent manner.

Comrade Chairperson, Honourable members, I would like to register one of

my biggest concern towards the Etosha National Park. One wonders as to whether this national park is maintained properly with the purpose to protect the lives of people against the dangerous wild animals such as lions and elephants just to mention but a few.

Comrade Chairperson, Honourable member, the damage causing animals as I have mentioned early on specifically lions have a negative impact on particularly the following commercial farms: Derna, Vrede, Olifantspoor, Streben etc. all these farms mentioned above are to be found in Otavi Constituency. The movement of those animals in those commercial farmlands has become a serious concern and poses a direct threat to livestock and public livelihoods.

Comrade Chairperson, Honourable members, as we are talking now, one person have already been victimized by a lion at the farm called Olifantspoor. This person mentioned above was admitted at Otjiwarongo hospital. Currently I am not sure as to whether he is still there or not. Apart from the person who is seriously injured by a lion, the owner of Derna farm by name Mr. A. N. Shigwedha on 14 November 2006, have already lost 15 cattle, 2 goats and 1 donkey all the cattle and 1 goat were killed by the lions who are still believed to be roaming around in the vicinity of the farms mentioned above. Those lions are definitely believed to hail from Etosha National Park which is just close to those commercial farms.

I understand these cases were reported in several occasions if not many times to the Ministry concern but nothing has been done up to now to address the situation.

Comrade Chairperson, Honourable members, being a Regional Councilor of

the Constituency I would like to appeal to the Ministry of Environment and Tourism to re-look critically into this matter as a matter of urgency, either to upgrade the existing Etosha National Park fence or to erect a new fence opposite the already existing fence, because prevention is better than cure.

With these few observation and concerns, I support Vote 18 and I thank you.

**VICE-CHAIRPERSON:** Thank you very much Honourable Shangheta. Honourable !Gobs you may now take the floor.

**MR. !GOBS:** Honourable Chairperson, Honourable members of this august House, now is the time for the Additional Appropriation Bill that the Ministry of Environment and Tourism has to look at the plight of the people in Kunene region most especially in Khorixas constituency about the elephants that are threatening the lives of the people because the number of the elephants are increasing daily but the ministry is doing nothing. The conservancies are only given one elephant on quarter for the trophy hunters. Nowadays elephants are coming to the houses of the people in search for water if they don't get water at the dam because currently the area is faced with water problems at some farms. Maybe we can adopt the approach of wait and see. We have to wait until someone has been killed or injured by an elephant. The elephants are really damaging the properties of farmers and also damaging the infrastructure like water tanks, dams, engines etc.

Honourable Chairperson, Honourable members, I would like to appeal the ministry to consult with the conservancy

management and other stakeholders so that they can discuss how to solve this problem of elephants damaging the infrastructure and threatening the lives of the people.

Lastly, while we are waiting for the Women Wildlife Conflict Policy from the ministry, elephants will kill someone. Let the ministry act quickly on this serious problem. With these few words, I support Vote 18 and I thank you.

**VICE-CHAIRPERSON:** Thank you Honourable !Gobs. The Honourable members are surprised. Don't you know that anything that is wrong is given to being a female? It is never a male, it is always a female. Any further discussion on this Vote? Any objection? The Vote is agreed to. Honourable members, I shall now put Vote 19, Trade and Industry – N\$559 000.00. Any discussion? Any objection? The Vote is agreed to. Honourable members, I shall now put Vote 20, Agriculture, Water and Forestry – N\$6 000 3000.00. Any discussion?

Yes, Honourable !Gobs, please take the floor.

**MR. !GOBS:** Honourable Chairperson, allow me to contribute on this Additional Appropriation on Vote 20 of Ministry of Agriculture, Water and Forestry. I want to concentrate mostly on the directorate of Rural Water Supply operations within the region I am coming from.

Honourable members, it is touching when you are told by the farmers how their animals are dying while crying because of lack of water at most of the farms in the region. The farmers are coming to complain about the broken engine, windmills and pipe falling into the wheels or no water at all but they are just informed that all trucks are broken

and that the maintenance team cannot go out, there are no funds to pay for S&T and overtime which is maintenance fees, or they must go and report at Opuwo as the entire operations of the region are run from Opuwo which has proven are not working because there are backlogs of complaints by farmers which are not attended by the farm member. In the past, two to three years back, the office in Khorixas was fully operational with control officer with his own budget and everything was fine. All of the sudden the bosses sitting at night with air-con offices who do not know, feel and see the problems of the farmers to take decisions, but all operations of the region has been done from Opuwo which has proven to have failed. For the past two to three years the farmers in that area are complaining but nothing is happening that some people have already lost lots of their animals due to the water problem. At some farms water has been tested and found not suitable for human consumption and the directorate was supplying those farmers with portable water which unhygienic.

Honourable Chairman, Honourable members, with this Additional Appropriation, I would like to inform the Ministry to re-look into this situation, all operations done at Opuwo for the smooth running administration that Khorixas office get again the status that it was having in the past so that we assist properly the rural people if they come with their problems. Only then we can talk about bringing government closer to the people. I am hopping that my request will be attended. I support the Vote and I thank you.

**VICE-CHAIRPERSON:** Thank you Honourable !Gobs. Honourable Chief Whip, you may take the floor.

**MR. HAKAYE:** Thank you very much Madam Chairperson, I also rise to make my contribution on this very important Vote. Like I said at the very beginning that Additional Appropriation funds are being requested to update and balance the books of line ministries and departments. The Ministry of Agriculture needs to do more. I was made to understand that during this Additional Appropriation funds as specific reference is going to be put in emphasis on for this ministry to prepare for unforeseen emergency situations like wildfires, floods and so forth.

In my home region Comrade Chairperson, this year we experienced a very serious wildfire that almost if not at all wiped out the whole grazing area that was in the region. The Honourable Minister went there for sight seeing and other relevant people with expertise. My surprise, nothing tangible was made where advise that we may create with our counterparts in Oshana and Oshikoto to allow police to list our animals down there, but it must be the whole of the region. In Kunene region, my colleague was just speaking right now regarding the flood they are facing, they could not be accommodated there. I failed therefore to understand that this was the right time. The Ministry was going to make tangible recommendation and even ask the government to seek immediately to address some of these issues.

In Mariental as I am speaking here Comrade Chairperson and Honourable members, the effect of the man-made flood is still felt there. It is man-made because someone opens water into the community and the town. The dam has been excavated, rain never came again but the town was flooded. Because of this, potential investors not only those

that prepared to come and invest there, but those that were there have left the place and ought not to come again unless this was taken care of.

The report according to the information on the ground, I wonder whether the agriculture people do have it, it is that the special committee that was appointed, the report will be ready by 2007. What does this suppose to mean? People there, even markets or shops that are selling food to these people are not prepared or ready to open. Where do you think these people are going to feed themselves? This is the situation the Ministry should look into. There can't be any good excuse on air that can qualify the ministry, not just to look into these very serious issues. The other time when I mentioned this issue, nothing that can qualify someone to say the nature or the rain are to be blamed. We have everyone in Namibia, Doctors etc, what are they talking about? The PS is a Doctor, the "whoever" is Doctor but, what they are doing is not qualifying them to be Doctors. Otherwise, they should have anticipated. Even a lay person can understand things. Something must be done over there that my poor doctors are not able to do. Therefore, Comrade Chairperson, Honourable members, we do in this august House want to see proper work done so that at least when supporting the allocation of the appropriation fund that has been requested, there must be a backing background so that at least the nation know. We do not just want to say when people are talking then people are sort of deciding, but there are certain issues that need to be re-checked so that at least this ministry should act according to its professionalism. If someone is not able to do the work, he or she must just say so in order for something else to be done.

With these few observations Comrade Chairperson, I support the Vote and I believe my sentiments will be taken up so that at least they will do something at the natural calamity that is facing the nation in future. Thank you very much.

**VICE-CHAIRPERSON:** Thank you Comrade Chief Whip. Any further discussions? Any objection? The Vote is agreed to. Honourable members, I shall now put Vote 21, Prisons and Correctional Services – N\$11 528 000.00. Any discussion? Any objection? The Vote is agreed to. Honourable members, I shall now put the last Vote for today. Vote 22, Fisheries and Marine Resources – N\$1 116 000.00. Any discussion? Yes, the Deputy Minister of Fisheries have requested to say something. Honourable Deputy Minister you may take the floor.

**MR. NGUVAUVA:** Thank you very much Honourable Chairperson, Honourable members of this august House I would like to motivate and to give a brief explanation on the additional budget of the Ministry of Fisheries and Marine Resources.

The original total allocation for 2006/07 Financial Year was at N\$109 352 000.00 and the additional budget at N\$1.1 million for the current financial year and brings the new total allocation to N\$110.4 million representing an increase of one per cent to be allocated for the improvement in employees' benefits. The additional amount of N\$1.7 million is to be allocated between service benefit improvement to the tune of N\$920 867 and professionalization and re-alignment constituting an amount of N\$195 744. Service Benefit Improvements – 2006/07 financial year:

The Service Bonus for Managers is to be introduced at the amount of N\$171 854 during the current financial year. An amount to N\$34 560 represents an adjustment in kilometer rates for managers and professionals. The current economic reality warrants an upward adjustment in housing benefits. The revised House Owners' Scheme for Staff Members (HOSSM) therefore requires an additional N\$450 758 for the current financial year, while the introduction of the new housing allowance scheme requires an amount of N\$241 495. The adjustment in the Housing Allowance for Political Office Bearers represents an amount of N\$22 200, bringing the total for Service Benefit Improvements to N\$920 867 as indicated above.

**Professionalization and re-alignment:**

The professionalization of personnel officers will require an additional amount of N\$45 579 during the current financial year, whereas that of accountants will require N\$130 265. The up-grading of specialists necessitates an additional amount of N\$16 134. The total amount for professionalization and re-alignment thus stands at N\$195 744 for the current financial year.

**Aquaculture Sector:**

It is now high time for everyone to know that the Government of the Republic of Namibia will continue to promote the role of Aquaculture to enhance food security, reduce poverty, generate employment, improve rural livelihoods and increase investment. Allow me also to admit that we are experiencing some problems here and there more especially at the beginning but we are ready to rectify that and to improve Aquaculture Sector to the better as times goes on. The development of this brand new sector will require substantial capital and technical expertise and challenges also to

financial institutions to embark in funding aquaculture projects.

**(a) Marine Aquaculture**

During 2005, the water quality programme as part of the pilot-monitoring programme was expanded to include sampling a new Marine-Culture farm at Henties Bay. The production of oysters increased to six million with new entrants eager to join this lucrative sector.

**(b) Inland Freshwater Aquaculture**

At Hardap Freshwater Fish Institute in Hardap Region and Onavivi Inland Aquaculture Centre in Omusati Regions, fingerlings are produced at a large scale to meet the demand of ever increasing small-scale fish farmers. The Hardap Freshwater Fish instate has been supplying fingerlings to marginalize Communities in the Omaheke, Karas and Hardap Regions while the Onavivi Centre distributed fingerlings to close to 200 small scale fish farmers in the four north western regions.

Currently we are having aquaculture initiatives in Omusati and Kavango Regions like the establishment of Epalela Fish Farm and Kamutjonga Research and Training Centres respectively. The Centre will be involved in research, fingerlings production and act as an information Centre for both inland and aquaculture, while Epalela Fish Farm will mainly focus on fingerlings production in Oshikoto, Omusati, Ohangwena and Oshana regions.

In the Karas and Hardap Regions, several sites with aquaculture potential have been indentified with the aim of enhancing food security as I said earlier. In order to provide advice to small-scale fish on various aspects of fish farming, the in-service training of extension

officers in the ministry is an ongoing activity.

Finally, our Ministry has assisted Communities in the harvesting of fish from dams in their regions, and we will continue to do so as you experienced that we were assisting the community last week to harvest at Karovo Fish Farm in Kavango Region and tomorrow we are going to harvest at Kalimbeza Fish Farm in Caprivi Region, and I am inviting the Honourable members from Caprivi Region to join us tomorrow at Kalimbeza and to buy fish.

With these remarks, I recommend to the Honourable members of this august House to support Vote 22, and I thank you.

**VICE-CHAIRPERSON:** Thank you Honourable Deputy Minister. Any further discussion? Any objection? The Vote is agreed to. Honourable members, I shall report progress and seek leave to sit again. Honourable Chairman, I report progress and seek leave to sit again.

**CHAIRMAN:** Thank you Honourable Mensah-Williams. Leave is granted, you may take your sit. Honourable members, the House will now break for tea.

## COUNCIL RESUMES

**CHAIRMAN:** Welcome back. I hope you have enjoyed your tea. The Secretary will now read the second order of the day.

**SECOND ORDER READ:**

**SECRETARY:** **Debate on Committee Stage – Biosafety Bill [B.5 – 2006].**

**CHAIRMAN:** It is moved that I leave the Chair. Who seconds? Any objection? No objection. It's agreed to. The Vice-

Chairperson of the National Council and the Chairperson of the whole House committee will now take the chair. Honourable Mensah-Williams please take the chair.

**VICE-CHAIRPERSON:** Honourable members, the Committee of the whole House is called to order. Honourable members, I shall now put Clauses 01, 02, 03 and 04, any discussion? Any objection? It's agreed to. I shall now put Clauses 05, 06, 07, 08 09, 10 and 11, any discussion? Any objection? It's agreed to. I shall now put Clauses 12, 13, 14 and 15, any discussion? Any objection? It's agreed to. I shall now put Clauses 16, 17, 18, 19 20, 21, 22, 23 and 24, any discussion? Any objection? It's agreed to. I shall now put Clauses 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34, any discussions? Any objection? It's agreed to. I shall now put Clauses 35, 36, 37, 38, 39, 40 and 41, any discussion? Any objection? It's agreed to. I shall now put Clauses 42, 43, 44, 45, 46 and 47, any discussion? Any objection? It's agreed to. I shall now put Clauses 48, 49, 50 and 51 any discussion? Any objection? It's agreed to. I shall now put Clauses 52 and 53, any discussion? Any objection. I shall now put the Title, any discussion? Any objection? It's agreed to. Honourable members, I shall report that the Committee has gone through Bill [B.5 – 2006] and agreed to it without amendments.

Honourable Chairman, I would like to report that the Committee has gone through Bill [B.5 – 2006] as set forth in the accompanying copy and has agreed to it without amendments.

**CHAIRMAN:** Thank you. The Secretary will read the third order of the day.

THIRD ORDER READ:

**SECRETARY:** Resumption of Debate on Report: The Report of the National Council Standing Committee on Foreign Affairs, Defence and Security on its visit to Hardap, Karas and Omaheke Regions as from 13 – 18 March 2006.

**CHAIRMAN:** When this debate was adjourned on Tuesday, December 5 2006, the question before the Council was a Report by Honourable Hakaye, Honourable Mensah-Williams postponed the debate and she now has the floor. Honourable Mensah-Williams.

**VICE-CHAIRPERSON:** Thank you Comrade Chairman, Honourable members, I will not be very long. Let me take this opportunity to thank the committee for a very well research document after the visit that they came up with, with very good recommendations. I am in agreement with the committee. Also earlier again the Chief Whip who is the chairperson of this committee reiterated that the devastating floods in Mariental have a negative impact on the lives of not only the people staying there but on the whole country. Also, definitely on the work and the execution of their responsibilities of both the ministry and the police forces. I am also happy that the committee has highlighted it so that something could be done about the situation.

When there is a flood situation it also places the security of people at risk in many aspects. So the police will have extra job to do to control and to see that people are saved. If somebody drowns which we normally don't pray for, they have to settle with that. If people have to vacate, it is the police and the military

who have to assist people. I think that since in the Prime Minister's office they also assist with emergency, the Deputy Prime Minister reported when she attended the National International Conference on emergencies in countries that we have to be ready and that we have to put measures in place in order to cope with these emergencies. I am sure that I would ask the Honourable Chairperson of the committee that we ensure that a copy of this report also be send therefore to the Prime Minister's office in order for them to take cognitions of the fact that the committee has highlighted which is very valuable.

I am also in agreement under the Recommendation 5.3 that the committee recommends the establishment of a military academy in Namibia. We need a military academy and if I can in addition to what the committee found also reiterate, we are a member of the United Nations and we have assigned or subscribed Resolution 13/25 and Resolution 1325 in the Security Council was started in Windhoek. It came from the Windhoek Declaration and it went to the United Nations. In that Resolution it states that "States", because we are contributing States to the forces "who are peacekeeping forces, will ensure that women are included in the peacekeeping missions". In addition that the military and police personnel be trained on gender issues and gender aspects. We have also heard recently in the news that many of these soldiers and police forces who are there for peacekeeping are abusing being there instead of them protecting the people; they are abusing women and children in particular.

In this military academy, one of the issues that I would like to highlight for the committee to make it stronger is that we have a commitment; we have to

adhere to the commitment. This can be one of the issues in addition to your recommendations that can be added so that this military academy can ensure that our people are indeed praying on all the aspects as we commit ourselves and our government commit internationally as well.

Further to that, I would also like to state that there is also the Ombudsperson's report on the state of the prisons and police cells that was in the news in last week if I am not mistaken. This reiterates what the committee has found that the situation on the ground is really falling. It is not good for human beings to live in some of these conditions. We know they have offended, we know that they are guilty of something that is why they are there. But still we also have a Bill on Human Rights. These people are still Namibian citizens, they are still people, they are not animals and therefore they should be protected. It is the same like the Chief Whip who is the Chairperson of the committee has highlighted to us the issue of a mother who dumped her baby and a female dog picked this baby and dragged it to her place where she takes care of this child. It shows you, even animals have got that feeling of caretaking. We as human being should also have the same feeling and caring. We have to care for people even though they are in prisons or they are in police holding cells. Because even if you are in a police holding cells, it means that you are not yet found guilty but you are a suspect. But irrespective of that, these are citizens and need to be taken care of. The same with the police, if somebody did not sleep well that person cannot be expected the next day to defend the security of all of us. It is just not fair. I am very happy that your report Comrade Hakaye is also

supplemented by the report of the Ombudsperson in the Republic of Namibia. It is I think the right time so that it did cement each other.

Then I agree with you on 6.6 on the issue of misconduct charges and any other complaints against police members that it be thoroughly investigated and brought to civic closure so that the moral of the concerned members is not negatively affected. In addition I want to urge that if such a member is found guilty that rotten apple as fast as possible be removed from the rest of the well behaved and service oriented police or military personnel.

We did one or two. In each profession you get the good and the bad. Amongst women you get the good and the bad, amongst men you get the good and the bad. In each country you get the good and the bad. You also get the good and the bad politicians, you get the good and bad nurses, you get the good and the bad shebeen owners, you get the good and the bad media practitioners, anybody in each profession, doctors and whatever, even teachers you get the good and the bad. So you also get in the police and the military. Now, if these misconduct charges are not speedily taken care of to be thoroughly investigated as the committee is saying, some of these people can get away with murders.

Now there is definitely a problem in the investigation not only of cases in general but also when it comes to misconduct charges. I have a very practical example to make a cross-reference to. Five months ago in Mariental in the Hardap region where the Honourable Fidel and myself comes from (Namas from the South), if you touch a Nama, you touched me. I was at my mother's house and there was NFA soccer at a local soccer stadium and there were these

youngsters obviously high school children. At that place they were drinking and so on and they came and they parked. We sat there and all of a sudden we had a gunshot. Human nature, instead of hiding, we all ran to where the gunshot came from. When we went outside we found these kids running and two police officers and one was shooting. I was saying "my good Lord, there are people around here, there are cars and it is just next to the Swapo office where we are staying". I ran out and I said to the police officers, please don't shoot. Why are you shooting, there are people here, you can't shoot in an area where people are staying. And these are kids, even if they are drunk. You don't have the right to just shoot like that, what if you hurt anybody? They just ignored me and one police officer started to smack one child there. We were all there as witnesses and I was stunned. I looked at him, and you know what was funny, the mother of that child was just close by and she asked "why are you hitting my child, I am the mother here". He didn't answer the mother. I said, officer, you have a responsibility to answer the mother, she is the guardian of that child and the child is a minor. If he has done something wrong, the police station is just here, why don't you go to the police station and inform us. You don't have the right to beat somebody. He ignored me as if I was not even there, as if there was a dog standing in front of him. They walked to the police station and I decided to also get in my vehicle and drive to the police station to go and find out if there is no senior or what is going on. When we reached the police station, inside the police station one of the kids, obviously they were intoxicated. One of the kids said, "you don't have the right to beat us because I

am not yet 18 years of age, I am still in my parents care. If you will lock me up here at least you must tell me for what because I know my rights and you must inform my parents so that they come here. You can't just beat us and lock us up here`. One policeman inside there was very angry, but now I was standing at the counter. I was just an onlooker, not saying a word, just watching. Then it started, "you whatever, whatever" what I cannot repeat in this respectable House. The kids were now beaten and I was standing there and thought, should I interfere so that he can stop beating the child or will he not maybe also beat me if I go interfere? I was very stunned to actually witness such a thing which I only hear from people and these things are actually happening in front of me. You don't know what to do. I was so surprised that I am standing in a police office and the police officer is beating these children and another one even came and joined in, even kicking the child and they were pulled from there and the vulgar language that was used. When such things happen, everybody will just say the police is bad, the military is bad and not these specific people.

They went to lock these kids up. I asked the lady behind the counter. You always say we take sides of ladies. Listen, there was one lady and I said to her, officer, can I see the person in charge please. She said to me: "No you must wait, he is busy. He is first going to lock this people up. You must wait until he comes back". I said, how long will I wait? And I surprised myself with my cool, and I said again how long will I have to wait? "No I don't know how long but you must just wait". Then I said, "Okay, this is why members are saying our faces should be in these police offices and

places so that people know and at least behave if there is a leader. I am from Marietal and there is nobody in Mariental who does not know me. I was born and brought up there. If somebody asks where our house is, anybody will tell you where our house is. I was so surprised. They locked this kid up and the mother was standing there and asked me, and other mothers heard and came. They said: "You see Honourable, see what these people are doing. This is what they are doing, this is how they behave but nobody listen to us". I said, can you please go and ask who the person in charge is. The police officer asked: can I help you"? I said "yes Sir, let me introduce myself. My name is Margret Mensah-Williams. I am a Regional Councilor. I also happen to be a Member of Parliament, the Vice-Chairperson of the National Council and what is your name Sir? "So and so", but it is as if I didn't say what I said. Now I am telling you that so that you follow. I then said to the parents of these kids who were just locked up and beaten here. Then the police officer said, "yes, but you don't understand, these kids don't listen. We have to beat them". I said, I don't have a problem, I am not interfering in your job, and I just want to know. These parents here want to know, what happened, why these kids are locked up. He said: "Ya, they should teach their children better manners. They are rude that is why we locked them up". I said, okay, fine. Can you tell me how long will the kids be locked up. He said: "Until they are sober or until tomorrow".

I went to the car, I stood outside and said thank you very much. Then others came. Some kids were put in the van and others were locked up. Those ones came and took these ones out of the van and bla-bla-bla again inside there. I said, can

you tell the parents what time they will go out. He said again, we can't tell you. I spoke to them and said, which language will I use? English is the official language if I am not mistaken. I am speaking English to you, how come nobody answers me here? Then they were just quiet. I was a non-person standing in front of them. I said fine, and I said to the parents what I want you to do is, those ones whose kids are locked up, go and press charge at the disciplinary side because definitely nobody who was in charge as senior person was given to me, only the person who was in charge of the station. Then I came back and called the inspector general and laid my complain. I informed him and he was very upset and he said, they will come and take statements from the parents. Last week one police officer called me and he said "in connection with this, we want your statement, when can we have an appointment". I gave the appointment of Tuesday afternoon, 15:00. Tuesday afternoon I waited in my office from 15:00 until 17:00. No police officer came and there was no phone call. Which means this is now the sixth month going to the seventh month and nothing happened.

I gave you this information to show you that what the committee said is 100 per cent correct. I had first hand experience. That case is still in the air. December is here, it will pass, January will pass and nothing will happen. Those police who are guilty are still there. They are still on duty and they can even kill somebody. Therefore, I agree that something needs to be done urgently on this. The Immigration Act should also be amended on national documents and the private agencies. I am 100 per cent in agreement because these private agencies dealing

with the national documents are making money and people are paying, whereas the government is putting money like machines that were just acquired to make these documents to go through very fast. People still think it is because of those people also not because of the government assistance.

I agree and then I have a question on 7.7, the Committee recommend that the ministry to consider closing Holweg at entry points. I am a Namibian but I don't know where Holweg is. I don't know where in the South it is so that I have an idea of where the border post is called Holweg so that I also know next time know what the name is.

Thank you very much Comrade Chairman, Honourable members, I support the report and the recommendations.

**CHAIRMAN:** Thank you very much Honourable Mensah-Williams. Any further discussions? Yes, Honourable Ndemula you may take the floor.

**MR. NDEMULA:** Thank you very much Honourable Chairman, if there is nobody else, I would like to postpone the report.

**CHAIRMAN:** Any secondment? Any objection? Agreed to. Honourable members, that was the order of the day. Is there any other business? In the absence of any other business, let me call upon Honourable Chief Whip Hakaye to adjourn the House.

**MR. HAKAYE:** Comrade Chairman, Honourable members, I believe that the majority of our honourable members are traveling back to their home regions for commitments. I therefore would like to use this opportunity to wish them a safe

journey and please Honourable members, those of you who are going there for business make sure you reach home and your families. With these words, this august House stands adjourned until Tuesday at 09:30. I so move.

**CHAIRMAN**: Any objection? Agreed to. The House stands adjourned until next Tuesday 09:30 sharp.

**COUNCIL ADJOURNED**

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## **COUNCIL CHAMBER**

### **WINDHOEK**

**12 DECEMBER 2006**

The Council met pursuant to adjournment.

The Chairman took the Chair.  
Prayers and Affirmation.

**CHAIRMAN**: The august House is called to order. Good morning Honourable members. Welcome back from your constituencies. Do you have any petitions? Any reports of select committees? Any reports and papers? Yes, I recognize Honourable Nakwafila.

**MR. NAKWAFILA**: Thank you Comrade Chairman, I give notice that tomorrow on Wednesday, December 13 2006, I shall move the Report of Standing Committee on Public Accounts and Economy.

**CHAIRMAN**: Honourable members, is that under “any reports and papers?”

**MR. NAKWAFILA**: No.

**CHAIRMAN**: Thank you Comrade. Any notices of motions? Yes, you may take the floor now.

**MR. NAKWAFILA**: Thank you once again Comrade Chairman. I give notice that tomorrow on Wednesday, December 13 2006, I shall move the Report on the Standing Committee on Public Accounts and Economy on its visit to the Hardap and Otjozondjupa regions from 12 - 17 March 2006 and 27 – 30 March 2006. So I move.

**CHAIRMAN**: Honourable Nakwafila you may table your motion. Any further notices of motions? Yes, Honourable Nicanor.

**MS NICANOR**: Thank you very much Comrade Chairman. I give notice that tomorrow on Wednesday, December 13 2006, I shall move that the Report on the National Council Standing Committee on Regional Development on the Public Hearing on the Local Authorities Fire Brigade Services Bill [B.3 – 2006]. So I move.

**CHAIRMAN**: You may table your motion. Honourable Diergaardt you may take the floor.

**MR. DIERGAARDT**: Thank you Comrade Chairman. I give notice that on December 12 2006, I shall move that, I wish to lay upon the table the Report of the Standing Committee on Public Accounts and Economy on the Southern African Development Community, Public Accounts Committees, Annual General Conference from 13 – 17 August 2006, held at Safari Court Hotel. So I move.

**CHAIRMAN**: Honourable members you may table your motion. Honourable Nhinda followed by the Honourable Chief Whip.

**MS NHINDA**: Thank you very much Comrade Chairman. Comrade Chairman, I wish to lay upon the table the Report of the National Council Standing Committee on Habitat for attending the Third Session of the World Urban Forum conference (WUF 2006) held in Vancouver, Canada from 19 – 23 June 2006. So I move.

**CHAIRMAN**: Thank you very much. You may table your motion. Honourable Chief Whip Hakaye you may take the floor.

**MR. HAKAYE**: Thank you Comrade Chairman, I hereby move a motion without notice that the proceedings on votes 23 – 27 of the Additional Appropriation Bill [B.7 – 2006] be in accordance with Rule 15(3) of the Standing Rules and Orders of the National Council not be interrupted if still under consideration at 13:00. So I move.

**CHAIRMAN**: Honourable member, you may table your motion. Any further notices of motions? None. The Secretary will now read the first order of the day.

FIRST ORDER READ:

**SECRETARY**: **Debate on Committee Stage – Additional Appropriation Bill [B.7 – 2006].**

**CHAIRMAN**: It is moved that I leave the chair. Who seconds? Any objection? Agreed to. The Vice-Chairperson of the Council and Chairperson of the Committee of the whole Council will now take the chair. Honourable Ndjambula you may take the chair.

**MR. NDJAMBULA**: The Committee of the whole Council is called to order. I now put Vote 23, Works – N\$3, 234 000. Any discussion? I recognize Honourable Namwandi.

**MR. NAMWANDI**: Thank you Comrade Chairman, Honourable members for giving me this opportunity to contribute to the vote under discussion. Allow me to congratulate the

Minister of Works, Transport and Communication Comrade Joel Kapanda, the Deputy Minister and the entire staff of the ministry for a job well done. They initiated two options; to auction the old government cars and materials and brought N\$17 000 000 to the government treasury. They must still continue doing this. I therefore salute them. The department of Works, under the Ministry Works, Transport and Communication is one of the important departments which initiated services to all government ministries through the provision of auxiliary services and the maintenance of capital projects.

The current situation of the government property like buildings and roads also need to be given attention under the budget as they may fall down if they do not receive renovations. The daily implementation of the capital projects after the approval is that most constituencies stay without development for 16 years now. It is important for the department of Works to implement capital projects immediately after they receive funds from particular offices. I would also appeal to the Ministry of Finance to allocate the funds through the department of Works, Transport and Communication to construct a tarred road from Mariental to the airfield near Mariental as the road is used by many people including the President of the Republic and also Founding Father of the nation when they are visiting the Hardap region. It is very important for this road to be tarred because sometimes accidents are caused by the dust.

I also request the department of Works, to allocate the local construction tenders to small and medium enterprises particularly in the regions where the

work should be done. The tiny workshops of the small enterprise tender produce must be put in place to empower the small/medium enterprise sector in getting tenders.

Comrade Chairman, Honourable members, I would like also to congratulate the department of Works for the construction of the new clinic at Slip and the police station in Gibe in the Hardap region during 2005/06 financial years. I would therefore appeal to this department to continue constructing and renovating more clinics, mortuaries, hostel schools and police stations such as Kalkrand. I am also supporting the decentralization process in maintaining technical services delivery to the settlements and villages in the Region. I therefore hope that its process will be complete during the 2006/07 financial years. I am also aware of the reconstruction of the department of Works and the efficient delivery of their services. I should support the allocation of more funds to this Vote under discussion to allow the department of Works to be able to do their job. The Line Ministry is renting private office spaces as there are no office buildings for the ministry. The ministry should build government office parks in all 13 regions to avoid the renting of private property for the use of government.

Comrade Chairman, Honourable members, I would like once again to request the department of Works to continue with the good work. Therefore, I support the Vote under discussion and I thank you.

**MR. NDJAMBULA:** Thank you Honourable Namwandi. Any further discussion? I recognize Honourable

Deputy Minister Mogotsi. You may take the floor please.

**MR. MOGOTSI:** Honourable Chairperson of the whole House Committee, Honourable members of this august House, I consider myself privileged to stand before you today to motivate the supplementary appropriation under Vote 23 the department of Works in line with the Additional Appropriation Bill tabled two weeks ago. The additional funds required under Vote 23 will be utilized solely for the purpose of improving basic service conditions on the department bearing in mind the serious brain-drain in the public service that resulted in loss of institutional memory. This has negatively impacted and still impacts on the quality of efficient services delivery within the public service. The amount of N\$3, 234 000 will be used to improve the conditions of service within the department of Works. This allocation came at the most opportune time for the following reason:

1. It will certainly serve as a measure to reward those lawyers, hardworking, skilled and competent civil servants who remained at the service of the public despite greener pastures outside the public service. I am convinced that this action and bold steps by government for this allocation will send a positive message to these professionals that we care and appreciate the years of commitment.
2. It will also enable the ministry not only to attract but to retain the services of

critical mass of qualified and seasoned professionals such as engineers, quantity surveyors, craftsmen and fixed asset managers as a result enable the Ministry of Works, Transport and Communication to implement projects on time and ensure the maintenance of our government's physical infrastructure. I thank you.

**MR. NDJAMBULA:** Thank you Honourable Deputy Minister. Any further discussion? Any objection. Agreed to. I now put Vote 24, Transport – N\$1, 742 000. Any discussion? Honourable Deputy Minister.

**MR. MOGOTSI:** Honourable Chairperson of the whole House Committee, Honourable members of the National Council, I once again wish to appreciate this opportunity. In my capacity as Deputy Minister of Works, Transport and Communication, I want to motivate the supplementary appropriation under Vote 24, the department of transport and communication in line with the Additional Appropriation Bill tabled last week. The additional funds required under Vote 24 will equally be utilized solely for the purpose of improving basic service conditions in the department. The additional amount appropriated is N\$1, 732 000. It is a common fact that transport and communication and their related supporting infrastructure play an important role in accelerating and promoting social economic development of any country. Hence, a country might have all the natural resources at its disposal but if it does not have the physical infrastructure in form of

transportation links, either by land, air, sea and rail to support industry and the critical mass of competent professionals to enforce laws, all development efforts of government will be fruitless. I therefore believe that we will be able to not only improve the grading of certain key positions within the department in order to attract the right people within certain positions, but to be able to strengthen retention strategies within the civil servants as the watchdog of transport and communication industry it is important that the well qualified and competent mass of civil servants are in place to ensure compliance or cross all spheres of these industries. The current cut of war for example between Telecom Namibia, MTC and Powercom should be seen as a positive development as it not only encourages healthy competition among service providers but reduces prices and ensure quality service delivery to the general public. I thank you.

**MR. NDJAMBULA:** Thank you Honourable Deputy Minister. Any further discussion? Any objection? Agreed to. I shall now put Vote 25, N\$ Lands and Resettlement – N\$964 000. Any discussion? Honourable Chief Whip you may take the floor.

**MR. HAKAYE:** Thank you Comrade Vice-Chairperson of the Committee of the whole House. I just would like to reiterate the quest of the Namibian people and the nation when it comes to Lands.

Comrade Chairman, the question of land remains immovable, all the Namibian people are crying about land. The gear to move the land proves to still be hard to accommodate the landless Namibians.

As a result the Namibian people are still living in the world of the past. I am a clear or maybe fond listening of concerns of the Namibian people including the situation currently prevailing in this country of communal farms who had their way all the way from the far north to the far northeast. That one needs a very serious attention. Comrade Chairman, the landless have forced to be where they find themselves today. I however want to be quoted categorically clear that we do not need to justify some of the unjustifiable. It does not mean when we do not have land we have to go and occupy which ever land that is available without following proper channels.

Comrade Chairman, one time, a friend of asked me, why we don't advise the government that the money appropriated to this one to buy the land from Kavango region to settle those people who are there. I remember having said to him that "do you know at your level best that people in Kavango have given indication that they have adequate land that is not occupied and is it there for other purpose". It is not to buy land that is not available to other vulnerable people, to resettle other vulnerable people. Vulnerability cannot be solved by vulnerability. The land that you are talking about is the land that is illegally occupied and settled, and even one single person has that land available. It is not to justify why doesn't the government make this money that we are talking about to buy land from communal land in Kavango. That cannot be answered. The answer is to develop a mechanism, maybe to re-examine the policy we have in place, willing-seller, and willing-buyer. Does it yield positive fruits or not? Has it proven workable to

our people that do not have land or not? If not, then we have to re-look at the policy itself and address it if there are some loopholes so that at least the question of land at a given time at least was done.

The other thing around this Comrade Chairman, is that the resettlement process itself leaves much to be desired. We cannot say we resettle people by just giving them a portion of land and go. There must be some implements, the agricultural implements. Means and tools of which that person can till the land. After tilling the land a guarantee must be there to market the products so that at least to sell the products and get something out of this. If not, it bear little to contribute just to settle there yet one have got or was resettled, but one was not. On top of that there must be a training programme to train those people. They are communal people. They only know backwards kind of tilling the land. But when you are there and resettled as commercial farms, you need to be brought up so that at least you match the market and in the process you transform into commercial farm. That is supposed to be the end result.

Otherwise, Comrade Deputy Chairman, the question of land with this allocation will definitely make us think that we need to properly resettle the landless. But land cannot be used as a political time-well as some people are now trying to throw to the government back and forth, especially those that are finding themselves in the region of Kavango. All what is there the government of Namibia knew about it because this one had been there before the government of Namibia came into being. But now that the government is there, it will have to find a

way to solve this problem one of which is not to buy the land from the communal Kavango people, but to buy the land and resettle people. If those people prove to be farmers and they are claiming that they have bulk and a number of cattle, let them prepare to go and settle in farms made available to the commercial farms other than just forcing into others. There are other people that are settled properly, but they don't want to say that there are those that are properly settled, followed the correct channels. They are not threatened at all and they will never be threatened. But those who do their own things their own way stand to be blamed as well. I want to be quoted correctly like that.

With that Comrade Chairman, I support the appropriation with the observations I made to re-examine the willing-seller, willing-buyer and supported by things I have just alluded like training, implements and so on. I support the Vote and I thank you.

**MR. NDJAMBULA:** Thank you Honourable Chief Whip. Honourable Shangheta.

**MR. SHANGHETA:** Thank you very much Comrade Chairperson, Honourable members, I rise to contribute to this Vote under discussion which is the Ministry of Lands and Resettlement.

Comrade Chairperson, Honourable members, the aims and objectives of the Ministry of Lands and Resettlements are to redress the prices in the distribution of economic resources particularly land:

- to encourage people to be self-sufficient in the production of food;

- to alleviate poverty and improve living standards of all former disadvantaged Namibians.

Comrade Chairperson, Honourable members, the Ministry of Lands committed itself need to buy farms for resettlements or they need people of Namibia but it is still a slow process in finding farms through willing-sellers and willing-buyers like my Chief Whip have stated. I would like to appeal to the willing-seller that there is a long queue still that's why they have to speed up the process of willing-seller to the government for the government to be able to provide land to the landless people of Namibia. The Ministry of Lands and Resettlement is buying farms but those farms are left alone for too long before the resettlement takes place which is resulting into farms being vandalized, illegal farming, illegal hunting and waste of grazing capacity on those farms. There are not enough caretakers to guard and protect the farms. The first time those caretakers are also in danger because they do not have weapons to defend themselves against the trouble makers.

Comrade Chairperson, Honourable members, one of my concerns which I would like to bring to the attention of the Ministry of Lands and Resettlement, is that the whole settlement process after farms have been bought, demarcated gazette and advertised, it takes too long while we know that people in a queue are hungry for land. Land application forms are just a waste of government money, because you will find that application forms are being distributed or 100 applications out of one farm. Therefore, I am appealing to the ministry concerned to come up with database information for all people in need for

settlement per region or per constituency. The regional settlement policies should recommend to the Land Reform Advisory Commission who in turn shall have the bureaucracy to recommend the free or one settlement beneficiary to the Minister of Lands and Resettlement for allocation.

Comrade Chairperson, Honourable members, one of the functions of the Ministry of Lands and Resettlement is to prepare workers infrastructure before the new settlers are moved to the farm to prepare and arrange training for new settlers for them to be acquainted with necessary experience and skills in terms of farming with livestock or production and to provide advance on farming methods and markets. There should be a regular or frequent farm inspection on the settlement farms in order to prohibit or avoid overgrazing at those units given to the settlers.

Comrade Chairperson, Honourable members, I am not happy with the new structure of the Regional Resettlement Committee which is saying that few regional councilors will be members of the abovementioned committee. The regional councilors were elected directly by the people and for the people. Therefore it is better that all the regional councilors be members of the regional resettlement committees in order for them to represent the regions at their constituencies and to make sure that all Namibians who are in need of land if not all are recommended for resettlement according to their needs of land. I therefore hereby propose that that the composition of the regional resettlement should only compose the following:

1. all the regional councilors for that specific region;
2. Regional Deputy Director of the Ministry of Lands and Resettlement for that particular region.

There is no need to have many people on this committee because it is dealing with sensitive issues. I hope the councilors who were directly elected by the people and for the people are the right people to serve in this committee in order to avoid conflict of interest.

In conclusion Comrade Chairperson, Honourable members, the Regional Resettlement Committee and the Land Reform Advisory Commission should recommend people accordingly. People should be resettled according to their needs of land. Some people need only piece of land to stay on or to live on, and maybe one need ten hectares. Some people need land to live on or to cultivate or graze few livestock for maybe ten to twelve cattle and few goats but not many hectares. Some need land for livestock maybe hundred cattle. Some need land to settle on or for grazing for their livestock. That categories automatically need more hectares of land. The Ministry of Lands and Resettlement when settling people should resettle them according to their categories of needs of land.

Finally, more land is needed in Otjozondjupa region because demand is too high and supply is too low. I thank you very much.

**MR. NDJAMBULA:** Thank you Comrade Shangheta. Any further discussion? Honourable Deputy Ministry Ya Kasita please.

**MR. YA KASITA:** Thank you Comrade Chairperson. According to what the Chief Whip has said, I think it is high time for most of us as we call ourselves farmers to do just that. For 16 years now the government has been busy in an effort to allocate some piece of land to everybody for example in commercial farms. But to my best knowledge those we call farmers today on the other side of the line, that is behind the redline, apparently they do not want to take part in commercial farms for the following reasons:

To have a farm you must pay tax, you are not going to avoid things touched to the government, and by avoiding things touched to the government, definitely you have made a dishearten yourself and to the rest of the Namibians if police are reluctant to take possession of commercial farms just for those reasons. Now they opt to occupy other land where tax is not possible for example those in Kavango. They are there or they are also using other language for example using un-profound languages is already against the input of that region and that is not fair. Also, we are calling ourselves farmers but in reality, one person has got a bulk of cattle and those cattle do not belong to him alone. They belong to many different people. I don't want to mention people's names here, but however is mentioned there, the cattle he is looking after is not for him alone. If that is the situation, why can't they put what they have in their pockets together and buy a commercial farm where they can buy even a farm of 500 hectares and they can divide it among themselves so that it is enough for them rather than just putting themselves in areas where people are not even able to breath in.

With regard to what my commander said here. It is true to come up with those suggestions but at the same time we must also be realistic. How can you have the whole leadership attending a given committee just because you have been elected? Things are not working that way. This is another way of creating a different region or a second National Council itself. I think the current proposal is fine that two regional councils can be part of that committee and yes we are elected but we are within those people and those people want us to be part of that. If a given committee is only to be occupied by elected regional council and minding you, a given committee is always having numbers of those who are supposed to members to it. If you put all regional councils to be there, what about the traditional leaders, what about other professionals what about those we call farmers. Are they only going to hear from you? Why can't you also have that courage to have people listening to what you are saying through those who have elected you to represent them there? I think this is not to be encouraging.

I think the amount as allocated to the ministry is not to go and deal with new things. I like the contribution so far as heard but one would like to hear them during the appropriation budget properly. Otherwise, I thank you Comrade Chairman.

**MR. NDJAMBULA:** Thank you Honourable Ya Kasita. Any further discussion? Any objection? Agreed to. I now put Vote 26, National Planning Commission – N\$595 000. Any discussion? Any objection? Agreed to. I now put Vote 27, Youth, National

Service, Sport and Culture – N\$2, 107 000. Any discussion? Yes, Honourable Mwilima.

**MR. MWILIMA:** Thank you very much Comrade Vice-Chairperson, Honourable members of this august House, I rise in support of Vote 27, Youth, National Service, Sport and Culture with an amount of N\$2, 107 000. Indeed the youth is the future of this country and is therefore important that enough attention need to be given so that we grow up to become responsible citizens who will push this country further in terms of development in this challenging world.

Comrade Vice-Chairperson, Honourable members of this august House, the big question with the current trend is, “are we doing enough to safe our youth or is the youth doing enough to protect this country as future responsible citizens?” Today you hardly read any news paper without reading about young people involved in criminal activities, such as raping their mothers and so on. What is so disturbing is to note that some parents are even failing to control their own children. And the say goes, charity begins at home. If as parents we cannot manage our own children, what do we expect from this child? Some young people have also become very much undisciplined to such an extent that even their parents are afraid to call them to order. This is something which as a nation needs to address. Yes, the National Youth Service is good for this country; however, we need to look at the projects which are being implemented by the National Youth Service. We need a project for the National Youth Service which will produce more job creators than job seekers. Our youth must come

out of this service to face the challenges of the 21<sup>st</sup> century. I still think that these youth need to have priorities when it comes to other things like in formed forces. The youth need to have other priorities when it comes to other jobs like maybe in formed forces, we need to make sure that there are people have gone through the National Youth Service are enjoying the priority.

I am also urging Comrade Vice-Chairperson, Honourable members, to note that in my Region which is the Caprivi region, we have now managed to have a Youth Multi-Purpose Centre which I feel will go a long way in addressing some of these issues.

In conclusion, I want to say something about sports. Sport today has become not only an activity, but has become business. Some people live through sports. Therefore, one sport which I would like to look at is football in this country. We witnessed the just completed election of Kasava president where our own judge president Petrus Damaseb was one of the three candidates to lead this body. I would like to take this opportunity again to thank him for being so bold and to bring up this nation. Although he did not make it but I still wish him the best.

One thing I would also want to add is looking at the holding of 2010 world cup football in South Africa. I feel that when the 2010 world cup comes to South Africa, I would like to see our own brave warriors competing. That would be good for this nation and I know with a lot of people coming in, we as a nation fail to benefit in terms of revenue. In this case, I wish that the youth will have faith in this. I therefore call upon all the young

people in this country to take their work very seriously to participate seriously in every sport they are involved so that at the end of the day they may become shining stars in this world to represent our country at many other events. I thank you and I support the Vote.

**MR. NDJAMBULA:** Thank you Honourable members. Any further discussion? Yes, Honourable Ya Kasita.

**MR. YA KASITA:** I thank you again Comrade Chairperson, Honourable members. It appears now that everybody understands why we need to have a National Youth Service. This is so because if one takes the example of other countries especially social oriented countries that time, these people are so busy. They are disciplined and also love to work including voluntary work. In our days, in Namibia, some youth lack these values or discipline and they are working to put aside the culture through which they were brought up. We appreciate what they are doing now for example those of course who are doing it. But there are also disturbing news that some of them are either misbehaving by making use of alcohol to the extent that one can level it as abuse. And also that some of them are busy marrying each other without finding their parents. I thought maybe the Ministry should also take into account that the aspect of following what is proper through our tradition and culture should be uphold among those youth to get together there because if we loose focus in this aspect, what we expect them to do in future, definitely they will achieve it because the distance starts here where one intend to bear the family. They are now creating families there without the blessing of the families. They must not

be mislead by the so called rights. I think as we want them to be trained and to be oriented in the way as the parents want them or the country wants them. They should also understand that the importance of that doing that is because they are our leaders and we want our leaders to have good records and good records exclude those behaviours amounting to abusing of alcohol and disrespect of our culture.

You remember, recently we have amended the Act with regard to criteria for example the government should be pressed in this regard and perhaps what I would suggest to the ministry is to enlarge or extend the intakes instead of having 200 it is better for us to have 2000 or more than that. It is necessary because we must keep the youth busy. The good work as a result of the work being given to these youth they could also encourage those who are currently not part of them to have a desire and join next time. We commend the ministry and especially the government in general for coming up with this programme and require giving them support. Remember these are the people again who time and again find themselves at railways and the sooner they come to realize that the railway is running throughout the northern region and the other parts of the country, that is the good work being done by the youth and the general public who are going there for work.

Having said that Comrade Chairman, Honourable members, I thank you.

**MR. NDJAMBULA:** Thank you Comrade Ya Kasita. Comrade Hakaye you may take the floor.

**MR. HAKAYE:** Thank you Comrade Chairman, I also want to add my voice to my comrades who have spoken on the initiative made by the Government of the Republic of Namibia to at least have our youth kept busy and have their future determined through proper up-bringing.

When you look at the very beginning when this ministry was split up, National Service Sport and Culture was strategically placed under this ministry because you cannot have a disciplined youth who is not cultured. And if culture take him or her to the heights of the world of sport, that was it. Then National Youth Service is where we mould our future leaders. It works and I think it has proven itself. Initially as my comrade Deputy Minister indicated, at the very beginning it was said it was for some individuals who want to make up their armies or something. But I think the reality is there to talk and to tell that the aid is to mould the youth and to have them determine the future of this country. Out there we have the youth that are really becoming unruly. That is why I want to join my comrade that, the more we expand the number of youth to be kept busy and kept correct there, the more the future of this country is secured.

There is a saying in world sport that sport created men and women for gender sensitivity, but it's said "man" in general as human beings. **[Interjections]**. You can go and check the Bible because if you read it there is always "man". Man was made to represent human beings and this is what I have in mind, not men by gender. I am not saying male. Sport created man as it is quoted. Men, you can call them whatever background but you have the sport at heart and you have

your country at heart, you will do away with some of the irrelevant things. I have in mind the upcoming two world sport events to Southern Africa. One is the world soccer in South Africa and all Africa games in Angola. One would want to see that Namibia is strategically circled by these big events. You can go by car, if you are brave enough by foot as a youth and watch soccer in South Africa or in Angola, and even our sport fields will be beneficiary. I am turning to understand that this is just an additional appropriation, but Namibia should prepare to market herself during these events by making funds available to the sport facilities of this kind so that at least it will attract some games to take place inside Namibia if we have good facilities and if we allocated as a nation enough funds.

I would also like to enlighten the ministry concern to go together with the molding of our youths to love sport and get prepared so that at least in one way or the other they will find themselves in the mainstream of the sport world. You will be sick these games are going to take place in one of our soccer fields here in Namibia. I do not want to rule out this and I just want to highlight so that at least the nation can digest on it to benefit economically and politically if you want so that at least Namibia will also be seen by many people that next time when the Namibia decide to stand to host one of these events, at least someone out there knows our country, its hospitality. I therefore on that would like to urge the ministry to start at least knocking on the doors of some colleagues for funds at least someone can make his or her homework to make Namibia flourish and a sport sponsoring knowing that we are surrounded by

Angola and South Africa. The mindset of the youth should be directed on that.

On that, I think as Comrade Ya Kasita indicated here that other irrelevant things are talking place in the training centres. If that happens, I think I cannot rule that out, it will in the end deceive the purpose of creating the National Youth Centres. We are building the youth to be future leaders, but if they involve themselves in indiscipline activities, definitely we cannot run out of that plan if it happen to come.

Having said that Comrade Vice-Chairperson, Honourable members, I support the Vote and I thank you.

**MR. NDJAMBULA:** Any further discussion? Any objection? Agreed to. Honourable members, I shall report progress and ask leave to sit again.

**MR. NDJAMBULA:** Honourable Chairman, I wish to report progress and ask leave to sit again.

**CHAIRMAN:** Honourable members, your leave to sit again is granted. Thank you very much. It is now time for a break. Would you have the concurrence to continue or would you like to enjoy your break? Continue? Thank you very much. Agreed to.

**MR. HAKAYE:** Coming to 3.0 Honourable Ndemula who is the mover and maybe taking advantage of the tea break and preparing to come at that time. He is not in the House. I rather advise that, why don't we just take the break and then allow him? Maybe he is busy.

**CHAIRMAN:** Any agreement? Agreed to. We will now have break until 11:05.

## COUNCIL RESUMES

**CHAIRMAN:** Welcome back Honourable members. We can now resume our duties. We are a little bit delayed. But don't mind we will deduct them from another tea break. The Secretary will read the second order of the day.

SECOND ORDER READ:

**SECRETARY:** Debate on Third Reading – Biosafety Bill [B.5 – 2006].

**CHAIRMAN:** Honourable Chief Whip Hakaye, you may take the floor.

**MR. HAKAYE:** Thank you very much Comrade Chairman, Honourable members, I just have to make some small contributions on this very important piece of legislation.

Comrade Chairman, I would like to accept the briefing rendered to this august House by officials from the Ministry Education and the information brought forward which help us a great deal. I further would like to register that some of the important documents such as this should also be made available to Honourable members, especially on an issue like Bio-Technology. To one of the briefings I had in my constituency is for instance: "In November 1999 the Ministry of Higher Education, Training and Employment Creation, now Ministry of Education tabled the national policy document enabling the safe use of Bio-Technology in Namibia in Cabinet". Cabinet unanimously passed this nation policy document. In this national policy document it is stated that the Ministry responsible for Research, Science and Technology if the national competent

authority for Bio-Technology and biosafety usage in Namibia. Are these documents to most members especially because politics change each five or six years, and each time new Honourable members are coming to parliament or political mainstream, they need to be equipped with this, because Comrade Chairman, in today's world like it reads here that Bio-Technology is a new and fast moving technology and had cross-cutting impact in such areas as agriculture, trade, health, ethic, productive citizens, environment, good security, animal husbandry and others. The Ministry responsible for Science and Technology is well placed to manage this cross-cutting technology through the directorate of Research, Science and Technology be in consultation with other relevant institutions based on coordinated approach. I said this must therefore include international and regional bodies and institutions with relevant expertise. I am saying this because members especially politicians have to be acquainted with this information so that at least in other forums where some questions of this kind come about, at least members will respond based on the policy of the country not just to respond on issues like this out of the blue. Because there is a policy document which every one of us will have to have knowledge about. Equally, this does not only affect a given country especially those people and expertise in a country like ours which is dealing with BMOs need to be closely monitored because when the environment is polluted another country is may be affected. Then the government of that country such as ours will be taken to task. He will be caught unaware if we are not aware of what is taking place in our own country and equally our own

national because some of these chemicals can pollute and contaminate even underground waters.

Like I said our foreign fisheries that are in our national waters, sometimes it is reported they come with hake in our water, these are the people if not monitored can contaminate our water and it goes on to the international waters but it can be traced that it is coming from Namibia. As a result our marine and water resources will be affected and will course a damage and sometimes we will need to put mechanism in place to bring them to task and to book so that nothing will come out of Namibia undetected.

With those few observations, Comrade Chairman, Honourable members, I raise my case and I support this Bill. Thank you very much.

**CHAIRMAN:** Thank you Honourable Hakaye. Any further discussion? I now put the question that the Bill be now read a third time. Any objection? Agreed to. The Secretary will read the Bill a third time.

THIRD READING

**SECRETARY:** Biosafety Bill [B.5 – 2006].

**CHAIRMAN:** The Secretary will read the third order of the day.

THIRD ORDER READ:

**SECRETARY:** Resumption of Debate on Report: Report of the National Council Standing Committee on Foreign Affairs, Defence and Security on its visit to Hardap, Karas and Omaheke Regions as from 13 – 18 March 2006.

**CHAIRMAN:** When this debate was adjourned on Thursday, December 7, 2006, the question before the Council was a report by Honourable Hakaye. Honourable. Honourable Ndemula adjourned the debate and he now has the floor.

**MR. NDEMULA:** Thank you very much Honourable Chairman. I would like to pass this to anyone who wants to contribute now. I am not in a position to do it right now. Otherwise I will refer it to a different date.

**CHAIRMAN:** Is there any other member who would like to contribute? Yes, Honourable Katoma.

**MR. KATOMA:** Thank you very much Honourable Chairman, Honourable members of this august House. First and foremost let me thank the committee members under the leadership of Honourable Hakaye for the efforts they have invested for coming up with this informative report. In the same vein I would also wish to thank all the stakeholders who avail themselves to meet the committee and gave this information. The report highlighted a number of issues that were raised by different stakeholders as threat to the fulfillment of their noble duties which is to provide security and defending services to the country, some of which may have negative impact.

1. Issues like termination of fueling government vehicles including police and the NDF by filling stations due to the fact that government takes too long to settle the account on time.

2. The insufficiency of uniforms which to some extent forces the members to go on duty with their civilian clothes.
3. The lack of thoroughly supervision/inspection of newly constructed government infrastructure at the department of Works which results in a situation whereby infrastructure that were built after four to five years are falling apart because the material used are of poor quality.

Honourable members and Honourable Chairman, these are some of the issues that one would like to see being given serious attention by our accounting officers if we are to ensure that our safety and security as well as law and order is maintained.

Another disturbing issue Honourable Chairman, Honourable members, is the issue of farm owners who erected their farm fence adjacent to the internal borders living no space alongside the border to which security forces are supposed to pass through when they are doing the patrol. These farmers do not give their cooperation to either give their farms get ease to the security personnel to have access to pass through. This kind of behavior is not good since we do not want to leave any stone unturned when it comes to the security matters.

With those few observations I thank you once again.

**CHAIRMAN:** Thank you very much Honourable Katoma. Any further discussions? Honourable Namwandi you may take the floor.

**MR. NAMWANDI:** Thank you very much Comrade Chairman, Honourable members, it is my honour and pleasure to congratulate the committee of Foreign Affairs, Defence and Security of which I am a member under the chairmanship of Comrade Jonny Hakaye for visiting the following regions: Hardap, Karas and Omaheke.

I would also like to thank the members of the standing committee and all those who welcome and assisted during the visits as well as the regions and institutions. Indeed it is very difficult to imagine that the committee visits have been successful without assistance. It is the few institutions and individuals who made efforts to meet the committee.

Comrade Chairman, Honourable members, the Standing Committee on Foreign Affairs, Defence and Security is one of the standing committees established under Rules 108 of the Standing Rules and Orders. One of the functions of the committee as stipulated under Rule 116 is to bear with the ministries and organizations within Foreign Affairs, Home Affairs, Police, Ministry of Works, Transport and Communication, Defence and Security matters.

Furthermore Comrade Chairman, Honourable members, according to my own observation during the visits, it was clear that decentralization of national documents did not take place. The management of the regional office of the Ministry of Home Affairs and Immigration did not take it to the regional level. All the applications concerning the issuing of the emergency travel documents, work permits, visas, passports and other important documents

are sent to Windhoek for processing while the great demand are in the regions. The working conditions of the public servants at the border post which the committee visited are poor. There are no quality houses for public servants at the border posts. The remuneration of the police and defense force members are of a major concern. These members are also underpaid and provide poor services to the public. Transport problem is also a major concern for the Namibian police to work effectively and delay delivery of necessary services of the general public.

Foreigners are sometimes paying thousands of Namibian dollars to the immigration officers to export their goods without paying the import duties to the Namibian government. The government is losing out the revenue due to this situation at the border post. The conditions of prisons and police cells are also not in good condition.

Comrade Chairman, Honourable members, the living conditions of the police officers, immigration and civic affairs are not up to the acceptable standard and therefore need to be upgraded to the level of the entire public service. The barracks are totally beyond repair as it was neglected by South Africa. Therefore, as we apply for the Namibian uniform it is needed to build houses for them as soon as possible to avoid the staying under hygienic conditions. Married couples are staying with single people and it is unacceptable.

Comrade Chairman, Honourable members, I can mention some issues with which we are proud of. In Angola at the time of UNITA, the Namibian Defence Forces were helping our

neighboring brothers and sisters. In Kavango at the time of UNITA, the bandits were killing our people and taking their belongings. Our Namibian Defence and Police were always not afraid to control the situation.

Comrade Chairman, Honourable members, Namibians are against our own law, saying that there is no need for the force to be increased. They are saying that we need only 1000 members in the Namibian Defence Force. In my own view, Namibia is also part and parcel of the United Nations. We are contradicting ourselves if we say we need only 1000, the remaining will only be 400 soldiers in this country and they cannot meet the requirements.

Comrade Chairman, Honourable members, even now, our people are there in Liberia and they are doing an excellent job and we are proud for them. Therefore, we also need to make them proud and salute them. We also need to give them piece of land for resettlement as our war veterans to settle themselves with their families to enjoy the fruit of a free independent Namibia. I also request the Namibian Government to require more war veterans to assist with the sight where the ammunition were built and to identify more sights to make sure that the government does not conduct foreign expense as we are loosing a lot of money in paying foreign companies.

I am also supporting the recommendations made by the Standing Committee of Foreign Affairs, Defence and Security. I therefore request this august House to look into this matter as a matter of urgency. I thank you.

**CHAIRMAN**: I thank you very much Honourable Namwandi. Any further discussion? Honourable Hakaye do you wish to take the floor?

**MR. HAKAYE**: Thank you very much Comrade Chairman, Honourable members, first of all my appreciation to those comrades who rendered their support and recognized the report of the committee and who had time to read through the report and added weight on issues raised by the committee.

Further, the committee has registered the grievances men and women in uniform has raised and advised the government on a course of action. They believe that they are eager and had sacrificed to maintain high and maximum security to the people and their properties. Not only that, Namibian Defence Forces and Namibian police has earn itself a good reputation on all missions being that of the United Nations, being that of AU throughout the world and name of Namibia or the Namibian flag had been raised high within the limit of the resources allocated to them. It is on that ground that they need to see that this august House air grievances not only for the sake of topic but for the purpose of taking action towards that. I would like therefore to echo one in the report that says: "The Namibian police officials have registered their concern that security forces are not regarded as a major role players in the development of the country. When one looks at the budget allocation, to illustrate more about the unavailability of resources, the officials have indicated that sometimes they spent sleepless night thinking on as how the work manage to conduct crime investigations, how to get transport to reach the scene of crime and so on.

The Namibian police officials further stated that without security, peace and stability in the country no one could talk about development of any kind. It is true Comrade Chairman, that all other investors and potential investors will find Namibia more desirable if their economy is protected and guaranteed security. And security can always be there when everything necessary for it is put in place. It is against this background that I have also detected that this very report because time was not on our side and it had a lot of typing errors, but the committee still need to go through and maybe provide this august House with a very revised one at a later stage not necessarily to come back to this House, but as we are going to correct it we will provide you with the corrected one.

I think Comrade Chairman, in the same vein we definitely would want to still complete our task, this committee also given an indication that there is a situation in Gam and Tsumkwe that warrant the presence of this committee in a near future.

With that few remarks, I thank the august House for your support and I support this report which is no longer a report of the Standing Committee of Defence and Security but the report of the National Council as a whole. Thank you very much.

**CHAIRMAN:** Thank you Honourable Hakaye for your intervention, but we made it the report of the National Council by me putting the question that the report be adopted and immediately it is adopted your correction will later not render any change. I now put the question that the report be adopted. Any objection? Agreed to. Honourable members, that was the order of the day.

Is there any other business? There being none. I now call upon the Chief Whip to adjourn the House.

**MR. HAKAYE:** Thank you Comrade Chairman, this august House stands adjourned until tomorrow at 09:30. So I move.

**CHAIRMAN:** Any secondment? Any objection? Agreed to. The House stands adjourned until tomorrow at 09:30.

**COUNCIL ADJOURNED**



Comrade Chairman, Honourable members, it is against this background that I am appealing to the Electoral Commission together with all stakeholders to dispatch delimitation team to some regions in order to re-demarcate some constituencies. Constituencies like Okahenge, Ndiyona in the Okavango region are very big and need to be divided into two constituencies. This will also simplify the work of the councilors to monitor activities in the constituency due to the vastness of these constituencies some people are left behind from receiving government services. For instance the distance from the nearest clinic is about 150 up to 200 Km, the same with schools. By re-demarcate some of mega constituencies it will allow the government to bring the services closer to the people which is in line with the decentralization policies. I now request the Electoral Commission to consider this possibility and advise the Kavango regional council appropriately in this regard.

With these few words, I thank you very much and now rest my case.

**MR. NDJAMBULA:** Thank you Honourable. Any further discussion? Any objection? Agreed to. I now put Vote 29, Information and Broadcasting - N\$774 000. Any discussion? Any objection? Agreed to. I shall now report the Bill without amendment. Comrade Chairman, the Committee has gone through the Bill [B.7 – 2006] as set forth in the accompanying copy and agreed to it without amendments.

**CHAIRMAN:** Thank you Honourable Vice-Chairperson of the Committee of

the whole House. The Secretary will read the second order of the day.

**SECRETARY: Report: Motivational debate - Report of the National Council Standing Committee on Public Accounts and Economy on its visit to the Hardap and the Otjozondjupa region from 12 - 17 March 2006 and from 27 - 30 March 2006.**

**CHAIRMAN:** Does Honourable Nakwafila move the Report?

**MR. NAKWAFILA:** Yes, Comrade Chairman.

**CHAIRMAN:** Who seconds? Any objection? Agreed to. Honourable Nakwafila please table the report. Honourable Nakwafila you may now take the floor and motivate.

**MR. NAKWAFILA:** Thank you Comrade Chairman, Honourable members. Let me use this opportunity to table the Committee report on its familiarization visit to the Hardap and Otjozondjupa regions. The visit to the above mentioned regions was necessary for the Committee to know the operations of institutions falling under its ambit. During the visit to both regions it was observed that most local authority visited got similar problems or challenges in the provision of adequate services to the communities as they have not got sufficient funds. The Committee also learned that the revenue has dropped drastically at some towns and villages as their main source of income mainly electricity has been outsourced to regional electricity distributors.

Honourable Chairman, Honourable members, it can be mentioned that the Build Together Programme at some local authorities is working very well while others have problems such as incomplete houses etc. Thus, constant monitoring and evaluation from the Ministry of Regional, Local Government, Housing and Rural Development are needed in this regard so that the funds allocated are used only for the programme.

Furthermore, the Committee has to thank those in the private sector within the two regions that are working hard to uplift the economy of the country while there is still room for improvement for others that are little bit behind. Nevertheless, the Committee will follow-up on recommendations made in order to determine what action have been taken. I therefore move that this august House adopted the report. I thank you.

**CHAIRMAN:** Thank you very much Honourable Nakwafila. Any discussions? Honourable Chief Whip Hakaye you might take the floor.

**MR. HAKAYE:** Thank you very much Comrade Chairman, Honourable member of this august House. I would like to congratulate the Committee for having come up with a very informative report. I have gone through it partially maybe not much and I have discovered that in most cases raised in this report there is always a problem that of most communities pay for the services rendered by either villages or town councils including Mariental town. Reasons sighted are not really convincing enough especially in bigger towns like Mariental as an example. Go at least in the communities out there, they are demanding services to be made

available to them so that at least it looks like they are in a town and there is a difference between outside town and living in a town. But I do not think there is much education carried out to make our communities understand that these services that we are demanding are there and can only be there if we honour our commitments by doing for the service rendered. If we are not doing that, services will disappear and the face of the town will look different. Equally, if one examine much deeper, though maybe not reflected in this report directly, but it includes some of the people that are employed even some that are employed by those village or town councils. These are the people that are drawing their salaries from the same body but they are not making use of those salaries to pay and honour their commitment. Or how do you expect a person out there to commit herself/himself when sometimes one is hardly earning a salary?

Another situation for example Comrade Chairman, in Kalkrand it is said here that it is a town village that is consist of 256 households. Looking into that number one will definitely find the difficulty of how many people out of that number are working, but they are in a town, they need services like water for example as it is highlighted here. Some mechanisms should be devised whenever we are trying to put up a town council or village council or something like that so that at least the viability of it should be taken into account. I am not saying water can not be there, that may be done in the policy of rural water supply. Although rural water supply equally is also about to lose its initial purpose of providing water to the communities especially communities like those ones in

Kalkrand. These communities sometimes when you go there might have quiet good numbers of herds of sheep, goats, and they need to give water to those animals. As it is with my people there you hardly go to a house so to say, maybe you sell some of your herds so that you generate some money and you make sure you meet your water tariff. It is always difficult for this people to honor and to start with something. If you get rid of two or three goats to get money you can pay for your water and provide money to the government in order to generate other money.

All I am trying to say Honourable Chairman is that, maybe we need to deeply study this report as it reflects the situation on the ground and the ministry concern try to devise a mechanism out of it so that at least you address some of the burning issues on the ground and make people understand, also the political leadership there should carry out certain campaigns to make people understand. For instance the northern areas people are saying “no there’s no development, we are not seeing what the councilors are doing”. But when the introduction of the township is coming, “Yes we seating in our own houses, we have been here for several years, for hundred years, my grandfather is there, my what...” But these are the people that need to have a town. One wonders as to where the town is going to be put. Shall it be put in the air so that these people see development? You do not want to see development and at the same time you pave the way for development. Whenever you asked to pave the way for development, your own sons or yourself want a townhouse or a house with toilets, but when it is said your mahangu field should be removed, then you are

not the local head to the community out there. I think an awareness campaign should be carried out to make people know what they want. If you want development you have to take the risk for the development to come. If you do not want, please do not demand it.

Thank you very much with that Comrade Chairman, I support the report and I believe some of these concerns will be taken care of. Thank you.

**CHAIRMAN:** Thank you very much Honourable Hakaye. Any further discussion? Honourable Ya Kasita.

**MR. YA KASITA:** Thank you Comrade Chairman, you put a question whether there is any further discussion, but I did not stand to discuss but rather to ask questions but maybe this can also be regarded as a discussion.

Having heard the report of the committee there was a regard to electricity outset to regional electricity distribution. My question is did the community tell you that, they only told you this or maybe they put questions with regard to the outsourcing and if a question was put in that line what was the answer? I would like to hear if there is any answer to such a question.

**CHAIRMAN:** Thank you very much. Any further discussion? Questions? There being none, does the Honourable Nakwafila wish to reply. Honourable member you may take the floor.

**MR. NAKWAFILA:** Yes, I can do part of it and other members of the committee especially Comrade Diergaardt can also add. The concern was raised by various community

councils and they felt that the money which was generated from electricity could be used to assist the council members to pay or to render some services. When these electricity services were outsourced, they felt strongly that it was not a good move. When I come to the question as to whether we have supplied them with answers. The fact of the matter is that a decision was taken by the Ministry then the Ministry felt that for the sufficient and effective service delivery be it Nored could give quality services to the communities instead of entrusting these services to the village or town councils. I hope that the Comrade will add more. Thank you.

**MR. CHAIRMAN:** Yes, Honourable Diergagardt you complement the chairperson.

**MR. DIERGAGARDT:** Yes, thank you Comrade Chairman. The biggest problem of the town councils and village councils is that of cash flow. The electricity at the moment is bringing money on the daily basis. Now, it is outsourced. What will happen now? It is only water left and people are afraid that they may not be able to pay salaries and to bring services to the people. That is the biggest problem there.

**CHAIRMAN:** Thank you very much Honourable Diergagardt. I now put the question that the report be adopted. Any objection? There is no objection. Agreed to. The Secretary will read the third order of the day.

**SECRETARY: Report: Motivation and Debate - Report of the National Council Standing Committee on the Regional Development on the public**

### **Hearing on the Local Authorities Fire Brigade Services Bill [B.3 – 2006].**

**CHAIRMAN:** Yes, can Honourable Nicanor move the report?

**MS. NICANOR:** Yes, Comrade Chairman, I shall so move.

**CHAIRMAN:** You second the report? Any objection? Agreed to. Honourable Nicanor you may table the report. Honourable Nicanor now has the floor.

**MS. NICANOR:** Thank you Honourable Chairman, Honourable members of this august House, before coming to the motivation of the report it is very important to thank on behalf of the Committee on Regional Development and Reports the Ministry of Local and Regional Government Housing and Rural Development and the Association of Local Authority in Namibia (ALAN) for sharing information and views with the Committee on the contents of the Bill.

The purpose of the Bill as contained in the long title is to provide for the establishment, maintenance, utilization, co-ordination and federalization of Fire Brigade Services by Local Authorities. However, the terms of references of the Committee were specifically as follow:

- a) to give background information from the responsible Ministry of Regional and Local Government Housing and Rural Development on the content of the Bill;
- b) to consult with the Association of Local Authority in Namibia (ALAN);
- c) to consult with the Association of Regional Councils (ARC);

- d) to receive submissions from any other interested persons or bodies on the Bill.; and
- e) to report back its findings, conclusions and recommendations to the House on or before 12 December 2006.

Comrade Chairman, Honourable members, the Committee only had the opportunity to interact with the responsible Ministry of Regional and Local Government Housing and Rural Development and the Association of Local Authorities in Namibia on 04 December 2006. Unfortunately neither the Association of Regional Council nor the public at large made any oral or written submissions before the Committee. The Committee observed but because of the short period required to report back to the House, the representative of the Ministry and ALAN respectively were not well prepared thus effecting quality of their presentation and their stipulation of concerns is brought under the attention of the Committee. Notwithstanding however this observation, the Committee was table to form an opinion on whether or not the amendments needed to the Bill.

Concerns rose before the Committee were among others, establishment and maintenance of full-time or part-time fire brigade services. The appointment of fire brigade reserves force members on a temporarily bases. The known differentiation between the words “fees” and “levy” in what manner the Chief Fire Officer would be appointed etc,

These were some of the concerns that were raised before the Public Hearing. Dear Honourable Chairman, Honourable

members, after carefully listening to the concerns and fully applying its mind to such concerns the Committee was not persuaded that the Bill must be amended. The Committee is satisfied that the current provisions of the Bill sufficiently address those concerns alluded to. For example by allowing each Local Authority to decide whether to maintain a part-time or a full-time fire brigade service gives the authority the choice to decide on such an exercise based on each resources both materially, human and financially which is available. Similarly the appointment of reserved force member on a temporarily bases is a cause saving major towards the Local Authority.

Comrade Chairman, Honourable members, it was also made known to the Committee that several regions were supplied with fire fighting equipment by the responsible Ministry of Regional Local Government and Housing and Rural Development. Regions mentioned were Omusati, Oshana, Kavango and they Caprivi that were supplied with fire fighting equipment. It is the view of the Committee that other regions should also be resourced with such equipment because they also can face familiar challenges when emergencies occur. The need for supplying such equipment was really something that the Committee has put emphasis on. We can recall the devastating incidences that occurred in regions like Omusati where huge areas and a number of constituencies were affected. I think I can recall constituencies such as Okahao, Otsandi, Otamanzi, Onesi, Caprivi regions as my brother here has just demanded. This calls for the Regional Councils to be in position to be able to address these situations whenever they occur.

Honourable Chairman, Honourable members, as I indicated elsewhere the Committee is also of the view that the house should confirm the Bill without any amendments in terms of Article 75(3) of the constitution; the report was submitted to the Ministry of Regional Government Housing and Rural Development to take the necessary measures to address the concerns raised herein. In particular the ministry should consult all stakeholders with regard to future Bills in order to ensure a transparent process. It is within the best interest of the Regional Councils to proactively initiate agreements with local authority power brigade services to render fire extinguishing services in Local Authorities or in locality falling outside the local authority areas of jurisdiction such as the villages, farms, settlement etc.

Lastly, the Regional Council should conduct awareness campaign and training exercises among local communities to enable them to deal with fire and minor emergency situations. Here the Committee is of the opinion that at times when these fire eruptions occur, everyone would run around applying whatever method in order to extinguish the fire, but we thought if training can be provided to our communities as to methodologies that can be applied ways and manners in order to curb the fire to spread over a very large area unlike if the people have the necessary skills how to extinguish the fire in cases where there are no fire brigade services in the vicinities. We thought it could help the nation to address this problem of fire fighting.

Honourable Chairman, Honourable members, I wish to once again thank the

House for have given me the opportunity to highlight some aspects within the report and I am hopeful that the House will give its approval to the recommendations contained in this report. I thank you.

**CHAIRMAN:** Dear Honourable Nicanor, thank you for that Report of the Committee on Regional Development. Any interventions? Honourable Ya Kasita you may take the floor.

**MR. YA KASITA:** Thank you again Comrade Chairman, colleague, I was supposed to follow closely but my Chief Whip was disturbing. I did not follow anything. [laughter]. I have a question, did I hear you well when you said that some of the questions or maybe the questions of the Committee itself were of the opinion of part-time fire brigade of something? I am not sure whether I have heard of something like that.

**CHAIRMAN:** Any further intervention, discussion? Yes Honourable Chief Whip.

**MR. HAKAYE:** Comrade Chairman, this report was just distributed to House and for us to do justice to it we need to go through it and make valuable observations and contribution also taking recognition that Honourable Nguvauva who was also having an interest on is not be here today. I would want to invite the concurrence of this august House to postpone the debate on this to tomorrow.

**CHAIRMAN:** Dear Honourable Chief Whip, your previous guideline for this Committee to be ordered to report today was so that the next final and final discussion would take place the next day. What would happen if you postpone

to the next day...? Tomorrow we will take all three stages.

**MR. HAKAYE:** Alright, with that information Comrade Chairman, I still will have to contribute when the report is adopted and maybe make cross-references as well. So I withdraw the postponement for tomorrow on that. Thank you.

**CHAIRMAN:** Does the Honourable Nicanor wish to reply?

**MS NICANOR:** Yes Comrade Chairman, Honourable members of this august House I would like to answer the question from Honourable Ya Kasita regarding the part-time issue of the fire brigade services. Yes, this was from the side of the Committee and as to why the responsible ministry would feel that Local Authority can provide the fire brigade services on part-time basis and the respond from the ministry was that some of the Local Authority in Namibia may not have the necessary capacity whether human resources or financial to be able to maintain full-time fire brigade services. Hence, it was then provided for in the Bill that the Local Authorities can either have it on full-time or part-time basis. I hope I have answered your question but any other member can perhaps add. There being no other addition I would then also like to further thank the House for giving us their support for this very important piece of legislation to be approved. I would also on behalf of the entire membership of this Committee and our support staff members thank the House once more. I thank you.

**CHAIRMAN:** Thank you very much Honourable Nicanor. I now put the

question that the report to be adopted. Any objection? There being no objection. It is agreed to. Honourable members, that was the order of the day. Is there any other business? There being none. I shall now call on Honourable Chief Whip Hakaye to adjourn the House.

**MR. HAKAYE:** Comrade Chairman, in the absence of any other business, before adjourning, I just want to remind the Honourable members, that immediately after the chamber the arrangement is put forward for the Honourable members to go on a site visit to the new States house. I suppose arrangements have been done and we all can go as arranged.

**CHAIRMAN:** Chief Whip, for your information it is 11:45.

**MR. HAKAYE:** Thank you very much. 11:45 Honourable members, we shall all gather for that trip. Having said that this august House stand adjourned until tomorrow at 09:30. So I move.

**CHAIRMAN:** Any objection? Agreed to. The House stands adjourned until tomorrow 09:30 sharp.

**COUNCIL ADJOURNED**

## COUNCIL CHAMBER

### WINDHOEK

14 DECEMBER 2006

The Council met pursuant to adjournment.

The Chairman took the Chair.  
Prayers and Affirmation.

**CHAIRMAN**: The august House is called to order. Honourable members good morning to you. Welcome here Comrades and friends. Are there any petitions? Any reports of select committees? Any reports and papers? Yes, Honourable Diergaardt you may take the floor.

**MR. DIERGAARDT**: Thank you Comrade Chairman. I wish to lay upon the table the summary report of the Namibian delegation to the Conference of the Association of Public Accounts Committee of South Africa (APAC) held in Bloemfontein South Africa from 7 – 10 October 2006. So I move.

**CHAIRMAN**: Please table your motion. Any further notices of motions? Yes Honourable Hakaye.

**MR. HAKAYE**: Comrade Chairman, I hereby move a motion without notice that this august House should in terms of Rule 75 of the Standing Rules and Orders debate on the remaining stages i.e. Committee Stage and Third Reading on the Local Authority Fire Brigade Service Bill [B.3 – 2006] on this same day, 14 December 2006. So, I move.

**CHAIRMAN**: Thank you Honourable member, you may table your motion. Any further notices motions? There

being none, the Secretary will read the first order of the day.

FIRST ORDER READ:

**SECRETARY**: **Debate on Committee Stage – Local Authorities Fire Brigade Services Bill [B.3 – 2006]**.

**CHAIRMAN**: It is moved that I leave the Chair. Who second? Any objection? Agreed to. The Vice-Chairperson of the Committee of the whole Council will now take the Chair. Honourable Ndjambula please take the Chair.

**MR. NDJAMBULA**: The Committee of the whole Council is called to order. The Committee of the whole House has to consider the Local Authorities Fire Brigade Services Bill. I put Clause 01 and 02, any discussion? Any objection? Agreed to. I now put Clause 03, 04, 05, 06 and 07, any discussion? Any objection? Agreed to. I shall put Clause 08, 09 and 10, any discussion? Any objection? Agreed to. I shall put Clauses 11 and 12, any discussion? Any objection? Agreed to. I shall put Clauses 13, 13, 14, 15 and 16, any discussion? Any objection? Agreed to. I shall put Clauses 17 and 18, any discussion? Any objection? Agreed to. I shall put Clauses 19 and 20, any discussion? Any objection? Agreed to. I shall put Clauses 21, 22, 23 and 24, any discussion? Any objection? Agreed to. I shall put Clauses 25, 26, 27, 28, 29 and 30, any discussion? Any objection? Agreed to. I shall put Clause 31 and 32, any discussion? Any objection? Agreed to. I put the Short Title, any discussion? Any objection? Agreed to. Honourable members, I shall now report progress. Honourable Chairman, the Committee has gone through the Bill [B.3 – 2006] as set forth

in the accompanying copy and agreed to it without amendments.

**CHAIRMAN:** Thank you very much Honourable Vice-Chairperson of the Committee of the whole House. You may take your seat. The Secretary will read the second order of the day.

SECOND ORDER READ:

**SECRETARY:** Debate on Third Reading – Local Authorities Fire Brigade Services Bill [B.3 – 2006].

**CHAIRMAN:** Any discussion? There being no discussion, I now put the question that the Bill be read a third time. Any objection? Agreed to. The Secretary will read the Bill a third time.

THIRD READING

**SECRETARY:** Local Authorities Fire Brigade Services Bill [B.3 – 2006].

**CHAIRMAN:** The Secretary will read the third order of the day.

THIRD ORDER READ:

**SECRETARY:** Debate on Third Reading – Additional Appropriation Bill [B.7 – 2006].

**CHAIRMAN:** Any discussions? I recognize Honourable Nhinda. You may take the floor.

**MS NHINDA:** Thank you very much Honourable Chairman for the opportunity that you granted to me. Honourable Chairman, Honourable members of this august House, many things are done and completed, thus is fulfilled because of finance. That is why

I am comfortable with this additional Appropriation Bill even though more money or finances are needed to satisfy the expectations of the nation.

Comrade Chairman, Honourable members, people in our constituencies are crying and demand for portable water, electricity, roads and houses. They also need lands. These are the most desires of the nation. The Honourable Minister of Finance needs to consider this in her main budget. Honourable Councilors are always blamed as if they do not want to provide these needs to the nation. All of us are aware that Councilors do not work with money. Ministries responsible for water, electricity and the roads should be given more money for the development sake in the rural areas. I also would like to appeal to the Regional Council and the Ministry to consider the priorities from the constituencies to convince the nation or the community members that their needs are fulfilled or being looked at.

Honourable Chairman, Honourable members, let me congratulate the Ministry of Information and Broadcasting for their positive initiation they took for the TV holder to pay N\$204.00 and elderly an amount of N\$60.00. This is a good move. By so doing they have assisted their fellow Namibians who were unable to pay their outstanding fees, and again they have got their statistics and they have encouraged people to keep on paying their TV licenses for the years to come.

Honourable Chairman, Honourable members, I would like to appeal to the Minister of Agriculture, Water and Forestry to follow the good example of NBC and write off a certain amount from the community cover the debts in order for them to open the water taps which are currently closed. By this, they

will save the government infrastructure like water containers which are now damaged by such because it does not have water at all. I hope it will work. I would further like to appeal to the nation not to damage the infrastructure like Pick and phone telephones, electricity poles, road signs and other infrastructure. These are our own property as a nation.

Honourable Chairman, Honourable members, my third point, which is a terrible thing is that of a boy having sex with a horse. He was caught red-handed according to the media. This is a terrible thing. Is this man going to marry? Marrying who, to marry a woman or maybe horse? If he is marrying then he will marry a woman but it will be like today it is the woman's turn, tomorrow it is the horse turn. This is terrible. What is it Honourable Chairman? This kind of situation is not allowed in Namibia. If it is going on like this Comrade Chairman, we are expecting an unidentified disease in this country. Already, we have HIV and Aids pandemic, are we still looking for another disease which is incurable?

Honourable Chairman, Honourable members, I would like to warn our young generation especially the youth to be serious.

**CHAIRMAN:** On a point of order.

**MR. YA KASITA:** I would like to pose a question to the Honourable member.

**CHAIRMAN:** Would you sustain a question Honourable?

**MS NHINDA:** Yes.

**CHAIRMAN:** Please put your question Honourable Ya Kasita.

**MR. YA KASITA:** Thank you Comrade Chairman, Honourable members, I agree with the Honourable member that people should not sexually turn to animals like that notwithstanding that, may I know whether the Honourable member wants to suggest polygamy marriage here in Namibia. Is that okay to avoid such incidences?

**CHAIRMAN:** Please proceed Honourable Nhinda.

**MS NHINDA:** Thank you Honourable Chairman, polygamy in Namibia with horses and goats? I am talking about a man having sex with a goat or a horse. I am not talking about polygamy. If a man wants to marry many wives, he is allowed to do so, but not with a horse.

I think these kinds of situations are not allowed in Namibia. If it is going on like this Comrade Chairman, we are expecting unidentified diseases in Namibia. To avoid this we need to do something.

Honourable Chairman, Honourable members, I would like to warn our young generation especially the youth to be serious with their human dignity and also with their own lives. God has put up a procedure to be followed which is unchangeable; that is, you die and it is finished, but not buried then die later. I am referring to the lady who buried her baby why he was still alive. I totally condemn what was done by this lady. Hopefully, the entire nation also condemns this action. What is the matter Comrade Chairman, Honourable members, this is sin over sin on earth. Even though we are all sinners, this one is a very terrible one. Don't kill.

**HONOURABLE MEMBER:** Do not judge.

**MS NHINDA:** No, I am not judging. I said we are all sinners. Don't kill is one of God's commandments. But remember, killing takes revenge. One of the days you will also be killed. As a nation we need to have campaigns to fight this sodomy, Satanism and devil activities which are done in this country. If we allow this to be continued, then we will lose our human dignity and the blessings from God. Let us be serious with this.

Lastly, Comrade Chairman, Honourable members, I wish you all a Merry Christmas and a Prosperous New Year. I thank you Honourable Chairman.

**CHAIRMAN:** Thank you very much Honourable Nhinda. Any further discussions? Honourable Chief Whip Hakaye, you may take the floor.

**MR. HAKAYE:** Thank you very much Comrade Chairman, Honourable members, I would like to express my feelings about the Additional Appropriation Bill that the Minister of Finance has proposed to balance the books of the Namibian government at different ministries and departments. This, as I said earlier is a clear testimony of a certain amount of accountability and the responsibility the parliament has towards the nation and the use of the public funds.

One may think there can be any other way around to avoid or limit the Additional Appropriation Bill to the House of Parliament which is not fair enough. But I would like to ask the nation out there to be serious with the observation of the implementation of the accountability of public funds.

On that note Comrade Chairman, Honourable members, this goes in

history as having a meaning to the government of Namibia unlike the prophets of doom that always criticizing the African governments that African governments are not able to run public funds.

Comrade Chairman, I was equally impressed as I am speaking here as a happy person by having been taken to the new State house that we have appropriated funds for this country to have a State house of its own like any other nation in the world. That drew a lot of criticism especially from the circles of the opposition. Comrade Chairman, if I was part of the present office in Namibia, I should have not waste time charged for I am to be blamed because I was part of the system that robbed this country a State house, having learned from the people that are carrying this project. In America, they are the ones who manage the other office, democracy and they still call their State house "White House", despite the fact that this White House is blood stained all over it. It is no longer a White House because it is full of blood from different nations around the world. Iraq is bleeding today because of the White House. It is spending billions of dollars today, but to those advocates of doom or democracy, that is not the wish of public funds. Who on earth can understand the government that is taking public money out of the country to sustain unwanted wars in a different country? Not only to Iraq, but Afghanistan and other nations all these nations have the American finger on them. The Namibians in particular never criticized these actions taken by America. When are they going to criticize this? Now everyone especially the media is crying crocodile tears. And as it is today, this country will be proud of what we have done and for our

children and grandchildren will be proud to say that our parents who had the honour of having this country in their hands have done something that people of this country are proud of.

Having said this Comrade Chairman, Honourable members, I support the Additional Appropriation Bill and I thank you for all that we have contributed in this House, I thank you.

**CHAIRMAN:** Thank you Honourable Chief Whip. I recognize the hand of Honourable Deputy Minister Ya Kasita.

**MR. YA KASITA:** Thank you Comrade Chairman, Honourable members, now that we have approved the Additional Appropriation Bill, I am urging you Honourable members, let us go and make sure that the money we have requested for is put to good use. We must by all means avoid that somebody else within our establishment having taken that money for his own use. I do not want to use the words “good use” because I may be accomplishing to that one as well. It is better to avoid that one. Let’s try and finish the projects that are not yet completed. The Regional Council staff or Chief Regional Office must inform us for us to know that the money appropriated for these purposes is put at use appropriated for.

The third is that, I think it is high time that we demand the presence of either all of us or one third of us as regional councillors of given regional councils to be present at hearings. Because before the budget is completely compiled for tabling, normally, they are plan it and the Minister of Finance should be called to a hearing at least for you to hear whether a given project that you have asked for us is included or not included. Let’s try to encourage the regional offices at least to

be included in a given submission to least include either two given establishments so that we are in line with what is being budgeted for. Otherwise this trend of always being told money is not there results in a given project not to be carried out. That is one thing I want us to take recognition of.

We should also be well informed that most regions perhaps mine included are not receiving monthly financial report as supposed to. We are left behind. Therefore our regional offices must always inform us that at present within our commitment are at this level to have been utilized. I am not trying to decide for you to go and speak to those people. What I am trying to say is that let us try and fight for our own rights because the regional council has requested us to know every step of the way with regard to the usage of money. We are talking of regions because money is appropriated by parliament as we are doing it now and they must also follow how it is going to be used. If we do that, maybe it will also avoid the overspending. Meanwhile you as the councillors may not know whether that is the case or not. Either you must not approve the budget or the addition of the budget while we do not know what is happening within the appropriation. Having said that Comrade Chairman, Honourable members, I support the Bill. Thank you very much.

**CHAIRMAN:** Thank you. Any further contributions? There being none. I now put the question that the Bill be read a third time. Any objection? Agreed to. The Secretary will read the Bill a third time.

THIRD READING:

**SECRETARY:** **Additional Appropriation Bill [B.7 – 2006].**

**CHAIRMAN:** Honourable members, that was the order of the day. Is there any other business? I would offer you the opportunity to wish one another greetings before I give the floor to Honourable Chief Whip to adjourn the House. Thank you very much colleagues, that is a sign or symbol of love, unity and commitment to one another. I wish you all the best for the Christmas season. Let it be blessed and the year 2007 as well. Come back rested, fresh and committed so that we can work hard and commit ourselves to the activities of the House. When we give the floor to the Chief Whip to adjourn the House that will symbolize the closing of Parliament because the Upper House of Parliament will also be in recess; meaning that both Houses will then be in recess. Honourable Chief Whip you may take the floor and adjourn the House until the 13<sup>th</sup> of February 2007.

**MR. HAKAYE:** Thank you very much Comrade Chairman, Honourable members of this august House. Now that this Chamber of Namibian parliament is officially closing, we now have the honour to report to the public out there and members of the media that from today the Parliament of the Republic of Namibia is officially closed up to the 13<sup>th</sup> of February 2007 when the Parliament of the Republic of Namibia will be officially opened by His Excellency the President of the Republic of Namibia. Having indicated that, I would like to wish Honourable members a merry Christmas and a happy New Year. On that ground I now formally move that this august House stands adjourned until February 13, 2007. So I move.

**CHAIRMAN:** Any secondment? Any objection? Agreed to. The House stands adjourned until next year, February 13 2007, 09:30. Please don't forget the CPA Branch meeting.

**COUNCIL ADJOURNED**

## COUNCIL CHAMBER

### WINDHOEK

14 FEBRUARY 2007

The Council met pursuant to adjournment.

The Chairman took the Chair.

Prayers and Affirmation.

**CHAIRMAN:** The august House is called to order. Honourable members, you are welcome after the long break. Yesterday was the official opening of Parliament. I would like to thank you for having attended in big numbers. That is the testimony that you understand and support the function of Parliament. Thank you very much. I also notice that there are few members wearing black and white. Remember that this is the day. There is no red except from Erongo. This day is only meant for message exchange and gifts exchange to and from one faithful partner and spouses. Not the other issues. Thank you very much. Having said that, let us go to the official order of the day. Are there any petitions? Any reports of Select committees? Any reports and papers? Any notices of motions? Honourable Hakaye you may take the floor.

**MR. HAKAYE:** Thank you Comrade Chairman, Honourable members, I give notice that tomorrow on Thursday, February 15 2007, I shall move that the Report of the National Council Standing Committee on Foreign Affairs, Defence and Security on the Public Hearing of the Combating of the Abuse of Drug Bill [B.4 – 2006]. So I move.

**CHAIRMAN:** Honourable Chief Whip, you may table your motion. Any further notices of motions? Honourable members, that was the order of the day. Is there any other business? If there is none, I shall now call upon the Honourable Chief Whip Hakaye to adjourn the House.

**MR. HAKAYE:** Thank you very much Comrade Chairman. Let me also join Comrade Chairman by welcoming all Honourable members back to business from a recess of about two months and wishing you good spirit, health and hard working as we all have been re-juvenated and encouraged by the President of the Republic of Namibia that we should perform what the people out there would want to see us doing. It is against this background that for example the motion that I tabled this morning is concerning the Public Hearing that my Committee has conducted. We have a lot of submissions and I think the Report will be ready. I urge all Honourable members to make use of that, just to read because the input that is there is what the people in this country expressed when it comes to the Bill as a process of democracy in this country.

I am also wondering if the NBC was not aware of the National Council resumption, because the announcement made yesterday at the joined session of Parliament only referred to one House that was said to go and sit at 14:30. So, the existence of the other House was not recognized, although I must say from the bottom of my heart that I was very much pleased that all members of the National Council were present.

And that is the order of the day, and for that it is on its own a rewarding to the

process of democracy and what we have when it comes to the office of the Parliament, notwithstanding that most of us are very much engaged in our home constituencies but were able to make it.

Thank you very much Comrades. Having said that, I move that this august House stands adjourned until tomorrow 09:30.

**CHAIRMAN:** Thank you very much. Any secondment? Any objection? Agreed to. The House stands adjourned until tomorrow 09:30.

**COUNCIL ADJOURNED**

## COUNCIL CHAMBER

### WINDHOEK

15 FEBRUARY 2007

The Council took pursuant to adjournment.

The Chairman took the Chair.

Prayers and Affirmation.

**CHAIRMAN:** Good morning Honourable members. The House is called to order. Any petitions? Any reports of select committees? Any reports and papers? Any notices of motions? The Secretary will read the order of the day.

FIRST ORDER READ:

**SECRETARY:** Report: Motivation and Debate – The Report of the National Council Standing Committee on Foreign Affairs, Defence and Security on the Public Hearing on the Combating of the Abuse of Drug Bill.

**CHAIRMAN:** Does the Honourable Hakaye move the Report?

**MR. HAKAYE:** Yes Comrade Chairman.

**CHAIRMAN:** Who seconds? Any objection? Agreed to. Honourable Hakaye you may table the Report. Honourable Chief Whip you may now take the floor.

**MR. HAKAYE:** Thank you Comrade Chairman, Honourable members of the National Council. As I indicated yesterday that today 15 February 2007, I shall table the Report of the National Council Standing Committee on Foreign

Affairs, Defence and Security which I just moved some few minutes ago so as to fulfil the mandate of the august House as assigned to this Committee on December 05 2006. Among others Comrade Chairman, Honourable members, the Committee was charged or assigned to conduct Public Hearings and solicit public input on the above referred piece of legislation namely the Combating of the Abuse of Drug Bill with specifically or particular reference to Section 3(7) and Section 7(2) and/or as related to Section 38(1)(2). The Committee has done just that.

Public Hearings were conducted as from 05 – 07 February 2007 right here at the premises of the National Council or Parliament Building as the Committee was not able to go out to regions due to time pressure and financial constrains. I believe Comrade Chairman, Honourable members, you may agree with me that the Committee was robbed of valuable information and potential submissions from potential interest groups and personalities. I was however very much please with the manner in which the advert of the Hearing was published in various media throughout the length and breadth of the country. The result of the conduct of the Hearing was made possible.

In the same vain Comrade Chairman, Honourable members, I would like to register the appreciation of the invitations sent out to different institutions and organisation who most of them responded positive to our request. Many of such institutions and organisations made their submissions well in advance and have helped the Committee a great deal in understanding the Sections of the Bill in particular. It

must be noted here that the principle of the Bill especially Section 3(7), Section 4(2) and Section 38(1) and (2) was to a large extent not well understood.

One can imagine how the Committee was bombarded with all sorts of questions instead of answering those questions put up by the Council. However, Comrade Chairman, Honourable members, I want to make it categorically clear to this august House that the entire exercise was well undertaken. We met as I termed during the hearing different members of Parliament with different calibre. The whole issue of the severe punishment, longer sentences without an option of fine has made certain people in some quarters to associate the proposed law with the draconian laws of the then South African laws. Some people argued that such laws if passed in its current form will have far reaching consequences that will raise eyebrows of all Namibian people. Why is it not the case with the rapists who are daily raping our minors and our senior citizens? Murderers are walking in the streets again after short sentences or even on bail. What is really happening or what is going to happen after this Bill has become a law?

“Some accused the government for doing nothing about alcohol abuse which is claimed to be behind every scene of crime, be it reckless driving, organized crimes like armed robbery. Why only look at drug abuse?”, they questioned. The Committee was again however blessed to have almost throughout the Hearing the Rastafarian community who themselves said they live on the sacred leaf called Ganja (marijuana) or dagga. For the Rastafarian that is not a drug, it

is a herb and therefore must not be criminalized or cannot be listed among the drugs undesirable, dangerous or otherwise. Rastafarians advised the Committee to make use of that platform in order to influence the government to remove marijuana from the list of drugs and decriminalize it to an extent that the stuff be legalized in Namibia. That was more of their concern as against the sentence or the condition attached. Rastafarians from their part however distance themselves from other man made drugs they claimed and ask for defeating penalties for those who make themselves guilty in dealing or abuse of such substances in Namibia but not Ganja.

Comrade Chairman, Honourable members, the Committee did not receive any other drug user and include their sentiments like those who use or abuse cocaine etc so that we comprise their side as we have that of the Rastafarians.

The Committee was further slapped in the face by having its invitation turned down by the sponsoring Ministry. This was indeed a blow not only to the National Council Standing Committee but to the entire House as a whole. As a result many pertinent questions of concern may not be fully answered by the Committee.

Comrade Chairman, Honourable members, the National Council would like to comment the valuable contributions made to the Committee by different persons with necessary expertise and skills among others the Office of the Ombudsman, Nampol Drug Law Enforcement Unit, Ministry of Finance that is, Custom and Excise Division, Magistrate Commission or

Lower Court, UNAM Faculty of Law, Namibia Society or Composer Office of Music, Council of Churches in Namibia to mention but a few. These were very helpful to the Committee to questions of concern. As a result a number of amendments have been proposed to the Bill including some other Clauses which eventually came to be affected in the process.

Hence, Comrade Chairman, Honourable members, as it was indicated earlier on that the Committee was faced with some pertinent questions for example:

- Does the Bill in question take into account the impact it has inflicted upon the social behaviour of individual or group of persons?
- Does the Bill take into account financial consequences; for example does the State has the required money to feed the suspects in prisons and police holding cells?
- Did the State throw out the thought of putting up more prisons throughout the country?
- Did the State thought of rehabilitation centres, counselling or a psychiatrists to work in the would-be rehabilitation centres?
- What if it is some of the provision of the Bill is set to have and call upon the provision of the Supreme Law of the land?
- What are we going to say about all these? And in the schedule; Schedule 3 –

Laws Repealed. There were some conflicting issues as well that warranted the sponsoring authority to be there.

However, Comrade Chairman, Honourable members, with the

assistance of the legal experts at the Committee's disposal including our own legal experts, I must say that we have done something in this regard. For example in the report with regard to the mandatory sentence as contained in Clause 3(7) and Clause 4(2) subject to Clause 8 the Committee thought that these penal Clauses although aimed at (i) curbing drug abuse in our society; (ii) to do a great extend encroached upon the discrepancy power of the Court and hence the independence of judiciary. It has been said that the punishment should fit the crime and hence describe a minimum sentence for all drug related crimes to fit that purpose. Whereas some of the participants fully support the aforementioned provisions the majority of participants have the view that such harsh punitive measure may violate the constitutional rights of individuals and will not serve as a deterrent from committing such crimes. It was submitted therefore that the community serve rehabilitation options and that a specific maximum fine coupled with a maximum term of imprisonment be considered as an alternative of correctional strategy. That is one move that we made.

On the legalization of marijuana or decriminalise it by way of having it listed elsewhere, the Committee has clearly pronounce itself on that. That Namibia as a country and not an Island on its own. We must take into account that the regional, continental and inter-continental stand of our country. Namibia as a country already signed and ratified United Nations Convention against the Trans-National Organised Crime on December 13 2002 in Kalembo. Namibia has further joined the Eastern and Southern African Anti-Money

Laundering Group and has commissioned the National Anti-Money Laundering Task Force. Therefore we cannot glorify Gandja or whatever good name.

Comrade Chairman, Honourable members, it will be like shooting oneself in the foot if Namibia at one point in time pass into law legislation that is decriminalising or legalising marijuana. This Bill however, as provided for incidental or for those who are doing it purely for medical purposes or for the purpose of the crime related issues, Namibia pass quite a number of legislations to prevent such activities. For example the Reciprocal Services of Civil Process, Act 27 of 1994, the Extradition Act no. 11 of 1996, the Corporation in Criminal Matters Act no. 9 of 2000, the Anti-Corruption Act no. 8 of 2003, the Liquor Act of 2004, and the Crime Act no. 29 of 2004, and what we are now busy providing the nation with as a kind of relief by providing this Bill with the proposed amendments. Many of our parents out there are not in good terms with the society as our young ones are exposed to drugs at very tender ages. Some are rendered permanent damages physically, mentally, socially and emotionally because of the abuse of crime and this include alcohol, marijuana, mandrax or mixture of both or any other substance abuse.

Before and during the hearing for example Comrade Chairman, Honourable members, the nation was covered with a black cloud when some of our nationals went on a rampage shooting and killed their fellow citizens.

Comrade Chairman, Honourable members of this august House, like I

said in my opening speech during the hearing, I stated our House has no problem with the principle of the Bill and still do not have any; however have a concern on certain provisions. I believe the Committee has provided working solutions to that. The honour now rest with the other House whether to accept or to reject our proposals when approved and I hope this time they will for the Bill in its present form has got far reaching consequences as it stands now. It is on those grounds that I humbly not only urge this august House to study the Report or inform you that to further inform the Honourable members that the nation is looking upon us and building their hope onto us so that we can provide them with a legal tool that they are able to carry and that they in turn can claim ownership.

Having said that Comrade Chairman, it is now my humble moment to thank all those sons and daughters who from length and breadth made their way to Parliament in order to speak their mind concerning the Bill.

My sincere thanks to you for the tireless efforts you have made in all circles of necessary for the production of this Report. Once again, thanks very much for your attention and support. I thank you.

**CHAIRMAN:** Thank you very much Honourable Hakaye for tabling that Report. Are there any discussions? Honourable Ya Kasita you may take the floor.

**MR. YA KASITA:** Thank you Comrade Chairman. You asked if there are any discussions? Yes, in the form of questions because I may contribute

properly on Monday or Tuesday. In the first place Comrade Chairman, let me thank the Committee for the job which seem to be well done. One can feel that some of the things we wanted to hear from the public have been catered for. I only have two questions and one observation. It was mentioned that the sponsoring Ministry did not appear, but it was also not said as to why they did not appear. Maybe they gave reasons that I could not follow in the Report. Normally, they are suppose to appear because it is their Bill that we are looking input for and they are suppose to appreciate the efforts of the Council to go out and solicit input from the public because the Bill is going to work within the public. So, I am really disturbed by this incident if they did not appear without reason.

Comrade Chairman, Honourable members, we hear more about the concerns raised by what is termed as Rastafarians. The Committee's report dealt mostly with their concerns but also alluded that other public members appeared before the Committee, but I now wanted to hear as to the comparison they made, that is the Committee members. Comparison made between the concerns raised by the Rastafarians and the other public members. I heard the Chairman of the Committee mentioning some church members also who appeared before the Committee or maybe he left out that but I really wanted to hear their opinion with regard to what the Rastafarians are demanding to be decriminalised or to be legalised. Those are the two questions I have.

The last one is the observation as I said. In the Chairman's report he indicated to us and which means also to those who

were appearing before the Committee that the Government is not de-legalising it as he has mentioned. That is good information to the rest of the community but in terms of the Committee's nature if one is to solicit the opinion of the people we don't need to threaten because this was a threat. I didn't hear anything of that sort but to my opinion this is a threat. We know what we want and we also know what we have got to solicit from the public, whether de-legalise or legalise that should be a matter to be left to the rest of the others who were not part of the Committee but who are part of the legalising process. So, maybe in future you should not indicate how strong we are, but rather we should ask what we want from them. It is a pity that we don't have money, you would have gone far to hear from others like traditional leaders. I did not hear them being mentioned and other people. But I heard that the police officers were also there. Maybe they are part of those whose opinions were not mentioned because what is prominent here is the opinion or concern of the Rastafarians.

Comrade Chairman, once again, let me thank the Committee for its work. We will perhaps have time to go through the report and make a proper contribution as well. I thank you very much.

**CHAIRMAN:** Thank you very much Honourable Ya Kasita. Any further discussions? Comments? Questions? Honourable Vice-Chairperson.

**VICE-CHAIRPERSON:** Thank you very much Comrade Chairman, Honourable members. I rise to congratulate the Committee and to thank them for a job well done despite the limited financial resources that is

allocated to the National Council for purposes of reaching out to the public.

Furthermore, I wish to stress that as the coordinator of committees I also popped in to check how the proceedings were going. I think that during the inputs there were church leaders indeed who from the Biblical perspective decided that it is not according to God's wishes to have such practises. Some of them concentrated more on alcohol abuse which was not the subject under discussion. Some of them just spoke purely from the rehabilitation perspective about the limited rehabilitation we have in our prisons that they also tried to reach out. I think in the report if we would read it, it would come out, normally in the motivation it is just shorter to highlight. So, in this case, I think the issue of the Rastafarians came out strongly because they are the people who belief strongly in the use of marijuana or Ganja as they term it for their own purposes and their own reasons. I think that is why he strongly highlighted that. I am not trying to answer, but I am saying to me as a person it is how I take it.

Other people also came like the police, the Ombudsperson etc. So, there were quite a variety of people who came and there were very good inputs I could say from sitting and listening as an observer. That is why I rise to give the perspective of what I saw and heard from the people that came. I think people had reasons whether you take it or whether you don't take it, but everybody came and supported it in a way they felt was right. I know the Law Society, the issues that they concentrated on were the issues that were of concern to them of the sentencing, the minimum sentencing of

20 years that was put. I know there were also people who had ideas. When I read it in the news papers and maybe in the intervention of the Chairman of the Committee when he will answer to questions or the observations that are made, my question was, when I read in the news paper of medicine, I was just wondering how in the law are we going to protect when we read about this girl who was addicted to tablets. I mean that is medicine that doctors prescribed for certain pains, if you have a backache or muscle pain or whatever, but in all of these medications, there is some type of drug that is making people be addicted. Now the abuse of that is a problem. It is the abuse in the combating of drugs. Some people become like drug users who use mandrax or cocaine when they use some of these sleeping tablets which are addictive.

I just want to know how the Committee could give advise or recommendations to that effect to the Ministry of Health them being the experts and then in the science division of our Education Sector. They could come up with some ideas as to what will happen to people who get addicted to medication which also include drugs. I am sure that the police's concentration is on the dagga, the cocaine, the mandrax, ecstasy, it is all these different types of drugs and the abuse thereof. I can see that more and more people in today's life we have something called stress and all these things. People are getting addicted to certain medication. How will we cope? Because I don't want on the other hand also to see that because of medication people are getting addicted to a certain intake of something, bearing in mind that it is as severe as drug abuse would be.

So, having said that, I would once again thank the Committee for a job well-done, it is just a pity that NBC is either boycotting us or I don't understand why NBC is not appearing since yesterday because this House is as important as the other House. I think this was a very important Bill and going to public should..., the President said "we should go according to our accountability of what we were elected for as well as our conscious. I think this House sent out the Committee with a clear mandate in order to get the input from the people, it is the people who elected us and if the NBC as the National Broadcaster is also not coming, and I am sure that they are all aware since it has been printed in all the print media. They are aware that this will be the discussion in the National Council. Then I don't know if they are part and parcel of disseminating true information and a true reflection of what is decided in the House of law and what is sent to the National Assembly so that they can also inform the people whether the National Assembly indeed accepted the inputs from the National Council or whether they rejected it. When people have to measure what we are doing as elected leaders, then they should do it on the basis of informed information. So, I am very disappointed Comrade Chairman, Honourable members that the NBC which is a Government Broadcaster that we are giving money and we are approving the budget is not here to take this very important issue to the people.

Having said that, I thank you Comrade Chairman, Honourable members.

**CHAIRMAN:** Thank you very much Honourable Vice-Chairperson. Any

further discussions? Comments or questions? Yes, Honourable Ya Kasita.

**MR. YA KASITA:** Thank you again Comrade Chairman, Honourable members. In the absence of further question, I would like to adjourn the debate on the Report to Monday, 09:30 if it is allowed.

**CHAIRMAN:** Any secondment? Any objection? Agreed to.

**MR. HAKAYE:** Comrade Chairman...

**CHAIRMAN:** Oh, I know you are going to the Pan-African meeting. Do you want to reply now?

**MR. HAKAYE:** Yes, I want to answer these questions Comrade Chairman.

**CHAIRMAN:** Okay, Honourable Ya Kasita, you will keep your suggestion or proposal a day until after his comments.

**MR. YA KASITA:** Yes, Comrade Chairman.

**CHAIRMAN:** Thank you. Honourable Hakaye you may take the floor.

**MR. HAKAYE:** Thank you very much Comrade Chairman, Honourable members for the good questions and comments made by my Deputy Chairperson here. Well, as for the questions, because I have to answer them Comrade Chairman as Monday I won't be in the Chamber for another assignment that I was given by this parliament.

The question Comrade Ya Kasita put, as we said in the Committee and this is also

captured in the report to weigh the damage it has caused us that is good as another slap put in our face by the Ministry of Information by deciding not to cover this very important thing. They are boycotting the whole nation because the entire nation came and made their presentation and they want to see, hear and listen that is why they described to the NBC and be paying their fees so that you sit down in your house and watch how your representatives you sent to parliament is presenting your thoughts.

It is also a pity that my dear friends (Rastafarians) just came after I have made or tabled the report. Why the sponsoring Ministry did not come? The answer is with the Ministry itself. All what I know, we repeatedly made a sincere request for them to appear. A formal invitation was sent to them and even underlined that it is very important for the sponsoring Ministry to come for we believe it was suppose to provide a guideline on the Bill. In the end they informed us that the Drug Enforcement Unit will represent them instead of sending someone from the Ministry itself. But the Drug Enforcement Unit only addressed the Bill from a technical point of view, not on policy matters. That is why up to now I said this floor is not only rendered to the Committee but to the House as a whole. If it is the feeling of the House, I do not see the point why we cannot express that at the door steps of the Ministry responsible if that is the feeling of the House. I think I have approached my Chairman on that already.

The Rastafarians attended the hearing and have spoken their minds and others have also spoken their minds from different institutions. In this motivation

Comrade Chairman, I have clearly indicated or in the very beginning I said that the Committee was again blessed to have as from day one up to the last day the presence of Rastafarians. They were presenting their case. They want to be seen or the nation to know where they stand. They presented the Committee with an encyclopaedia and we also had time to read it. I also said that the Committee did not receive any other drug users to have their sentiments expressed as it was the case with the Rastafarians. Whether I dwelled upon them too much, it is the reflection of the truth that transpired there. They were there. The Committee wanted to see someone to come from the public to say "I use cocaine for this and that purpose so I want the government to do this or that". I think that was the platform they had to made use of but they did not come. I don't see them here either. The Rastafarians are here to see whether their case was presented or not and here to have our platform where we can pronounce ourselves of the questions raised as we see fit.

For instances the churches have their views that it is not morally correct for this government to pass a Bill that decriminalize or to see the reason or the way that may render the Committee the purpose of advising the government to have it listed elsewhere. Scientifically, we are not very much equipped as to what substance is involved and that was not even part of our mandate. We didn't have someone with vested knowledge to prove to the Committee that yes for the Rastafarians it is scientifically proven. But some were saying scientifically it is part of drugs whether we have for other use or not. I remember the Ombudsman from his point of view saying that yes

that cannot be proven scientifically. Someone can come from another category and say I want this and an example was given of someone who is doing prostitution and say they urge this Committee to have it legalised. It is up to whoever who want to make his point of view. One is entitled to his/her opinion.

Coming to your observation Honourable member, we did say that the government of Namibia, would look like as we are shooting ourselves on the foot by signing other convention that the United Nation and the entire world. You look at your international stand what we render as a country, continentally and regionally. We do not underestimate that right now that the people are making their try to see which country in SADC for example will loose in the law of controlling mandrax. You can have it here legalised and not legalised in Botswana, Zambia, and Angola or in South African. But if Namibia was a country that is a transit, that will render a country as it is Honourable member. And we were advised also to say that we emulate what is taking place in other countries and as I said it is not an Island, we cannot say yes our country can legalise it. Jamaica is the home of Reggae music since Bob Marley if from there but until this day Jamaica did not legalise marijuana.

As a result Comrade Chairman, the opinion expressed by the Committee remains up to the National Council and the rest of the Namibian society to charge and to prove it otherwise.

Thank you very much for that.

**CHAIRMAN:** Thank you very much Honourable Hakaye. Any other inputs?

Okay, let me now put back the proposal by Honourable Ya Kasita.

**MR. YA KASITA:** Thank you Comrade Chairman, but I wanted to make something clear here. I am not saying what he said pronounce I draw, but drawing to pronounce to them. Do you want them to solicit something for them to add to what you already know and you with other colleagues?

**CHAIRMAN:** Honourable member, is it because you want to refer to the Chairman because on Monday when you take up your discussion...

**MR. HAKAYE:** He will now be here that is why there is a need for him to know.

**CHAIRMAN:** Please could we hear the adjournment?

**MR. YA KASITA:** Having said that Comrade Chairman, Honourable members, I ask the concurrence of the House to defer the debate until Monday.

**CHAIRMAN:** Secondment? Thank you very much. Any objection? Agreed to. The debate on this Report is adjourned until Monday by a proposal of Honourable Ya Kasita. Honourable members, that was the order of the day. Is there any other business? There being none, I call upon the Honourable Chief Whip to adjourn the House.

**MR. HAKAYE:** Thank you Comrade Chairman, Honourable members, having no any other business, today I would like to urge the entire House to go and study the Report so that at least on Monday you will make a meaningful contribution and you will find some

answers in the Report to some of your concerns if you read it properly. Having said the Honourable Chairman, this august House stands adjourned until Monday at 09:30.

So I move.

**CHAIRMAN**: Any secondment? Any objection? Agreed to. The House stands adjourned until Monday at 09:30.

**COUNCIL ADJOURNED**

## COUNCIL CHAMBER

### WINDHOEK

19 FEBRUARY 2007

The Council met pursuant to adjournment.

The Chairman took the Chair.  
Prayers and Affirmation.

**CHAIRMAN:** The august House is called to order. Honourable members, good morning to you. Do you have any petitions? Any reports of select committees? Any reports and papers? Any notices of motions? Honourable Ndemula you may take the floor.

**MR. NDEMULA:** Thank you very much Honourable Chairman. I give notice that tomorrow on Tuesday, February 20 2007, I shall move the report of the National Council Standing Committee on Constitutional and Legal Affairs for its visit to Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke, Otjozondjupa, Omusati, Oshana and Oshikoto Regions up to July 2006. So, I move.

**CHAIRMAN:** Honourable members, can you please table your motion. Any further notices of motions? Honourable Nhinda you may take the floor.

**MS NHINDA:** Thank you Comrade Chairman, I give notice that tomorrow on Tuesday, February 20 2007, I shall move the report of the National Council Standing Committee on Habitat on its visits to Caprivi Region conducted from 13 to 18 March 2006. So I move.

**CHAIRMAN:** Honourable member, please table your motion. Any further

notices of motions? Now the Secretary will read the order of the day.

FIRST ORDER READ:

**SECRETARY:** Resumption of Debate on Reports: The Report of the National Council Standing Committee on Foreign Affairs, Defence and Security on the Public Hearing on the Combating of the Abuse of Drug Bill.

**CHAIRMAN:** When this debate on adjourned on Thursday, February 15 2007, the question before the Council was by Honourable Hakaye. Honourable Ya Kasita adjourned the debate and he now has the floor.

**MR. YA KASITA:** Thank you Comrade Chairman, Honourable members. I adjourned the debate on this very important piece of legislation and I wanted to acquaint myself with the content of the Report that was summarised in the executive summary of the Chairperson of the Committee referred to. As we all know that there appear to be controversial clauses. The controversial as it was referred to by some people is that of minimum mandatory penalties that of 20 years. The implication and understanding was that whoever is going to be caught in possession of the material is going to be punished if less sentence 20 or 30 years. That is controversial, but in fact it appears in the document or in the legislation as such, it is nowhere saying that one may not be sentenced to less than 20 years. Nothing exists in the legislation itself, but as a judicial officer having experiences of court proceedings, surely if he is presented with these type of cases he would also use his version to make references to other clauses in other

Acts then he will have that discretion to judge a person accordingly.

What I would like to suggest here is that this august House accept the proposals as set forth in the Bill by the Committee. Also the public out there should know that there is no harm to have a clause prescribing a mandatory penalty because this does not mean you will definitely be sentenced to 20 years imprisonment. You may be sentenced to lesser than that, depending on the case that the law enforcement.

It is also an education to the general public that the judicial official are always telling us or advising us to have legal representation. If those lawyers are able to make cross-references from other Acts, we should not worry with this one. We go with it and see because when they apply their judgement they don't speak only on one clause of a given Bill, they make cross-references.

There is also something that was given or suggested as amendment which I again agree with. In fact, I agree with all the amendments but there are those I want to put some emphasis on for the benefit of all of us and that of the public.

In the Bill it is suggested that a person found in possession of those substances may be arrested and charged. Nothing is mentioned with regard to the material found in his possession. That means there was no reference made as to material found in his possession. A proposal was put that there must be an amendment regarding this. The suggestion is that the material found in this person's possession should be appropriated by the State. This is very important to be indicated in the Bill

because people want to make money within a week or so, if a person is arrested and the bail application is forfeited, the person may come back and ask for his material supposed to be legal because there is no indication that material of such nature should be forfeited therefore it is necessary that a clause in the amendment as suggested here should be advised to be in.

Another thing Comrade Chairman, Honourable members is that the Bill only makes reference to the High Court. This is because it is a traditional, it is only the High Court that has the right to decide that a person should be charged, arrested or not. The Committee did a tremendous job by coming up with the suggestion of this amendment that at least decentralization with regards to this matter should be exercised. Therefore, a need to also have permission granted by magistrates at regional or district levels need to be addressed.

I therefore Comrade Chairman, Honourable members would like to ask the Honourable members to accept the amendments because we have already dealt with other clauses when we debated on them.

Having said that Comrade Chairman, Honourable members, I thank you once again for granting me the opportunity to go through the report.

**MR. CHAIRMAN:** Thank you very much Honourable Ya Kasita. Any further discussions? Yes, Honourable Katoma, you may take the floor.

**MR. KATOMA:** Thank you very much Honourable Chairman, Honourable members of this august House. While

commending the Committee on Foreign Affairs, Defence and Security for a job well done, let me use this opportunity to thank all the institutions and individuals who responded to the invitation of the Committee and indeed for their contribution both orally and written to the hearing. You have added value to this hearing and in overall to the Bill itself.

Public hearings are the forum through which society make use to take part in law-making process to rise up issues that they deem would affect them negatively or positively upon the implementation of the Bill when enacted into a law. They also insure participatory democracy of the whole society.

In the same way one have to support the disappointment expressed by the Committee with regards to the sponsoring Ministry of Safety and Security for not turning up to this important national undertaking despite the invitation extended to them.

One of the terms of references of the Committee was to seek background information from the Ministry of Safety and Security on the content of the Bill hence the presence of the Ministry was of outmost importance as well as for the Committee to know as to who was consulted at the formulation of this Bill as stakeholders.

When I studied this report it showed me that wide range of consultation has not been done hence a lot of observation both by the institutions that supposed to be involved and make their inputs at the end stage of this Bill, it is the Law Society of Namibia and others. Since the Bill seeks to address drug abuse in

Namibia which had been apparent through a reported statistics by the media has reported that Namibia has become a country used as a entry into the continent by unscrupulous persons while at the same time illegally bringing drugs of all kinds into our country whilst the Bills is seeking to combat the aforesaid problem harshly by the prescribing minimum penalties. However, Namibia being a democratic country, the issue of humane method of punishment which also retains the human dignity of the individual and human rights in general should be put in mind. Therefore the independence of the judiciary should not be affected hence the discretion power vested in the judiciary should be applied in this case as well.

In conclusion, I do concur with Paragraph 3.2 of the Report which says: "The Committee does not recommend that legislation of cannabis but nevertheless support a few that indicates use of specifically minor to be rehabilitated in order to re-integrated into society as well. all unlawful drugs should be curbed in Namibia with the sole purpose of keeping Namibia a drug free country since drugs have got negative impact on the economic production and the entire security of the country.

I thank you.

**CHAIRMAN**: Thank you very much. Any further discussions? Yes Honourable Ndjambula, you may now take the floor.

**MR. NDJAMBULA**: If there is no any other member who would like to partake in this debate, I will postpone this debate to tomorrow.

**CHAIRMAN:** We suppose to be in the Second Reading tomorrow, however we still have two days thereafter. Any secondment for that postponement? Any objection? Agreed to. Honourable members, that was the order of the day. Is there any other discussions or any other business. Yes, Honourable Mensah-Williams.

**VICE-CHAIRPERSON:** Thank you very much Comrade Chairman, Honourable members, I rise to thank the NBC for eventually coming in to cover this important House' deliberations. Secondly, I am a bit disappointed as a member of the National Council and I hope this will not be a repetition with this Bill we currently have under discussion on the Combating of Abuse of Drug because I observed that in the National Assembly it was reported by the NBC that the Bill on the Children's Rights, there were two Bills but the one on Children's Rights, the NBC have reported only the National Assembly and as if the National Assembly were the people who have proposed the amendment, that Bill was indeed sent by the National Council the House of Review to the Committee of Information Youth and Gender Affairs to go and solicit some inputs. Inputs were then taken and those inputs or those amendments came from the Public Hearings that was arranged by the National Council but I didn't see that the National Council got any credit not that we are in competition, but I just think it is fair to give the House who actually solicited the amendments and came up with the amendments. Therefore, I shall also congratulate the National Council for a job well done. On behalf of all of us I want to congratulate you since other people failed to congratulate you.

National Council, thank you for a job well done.

**CHAIRMAN:** Thank you very much. In the absence of any further business, I would call upon the Deputy Whip to adjourn the House.

**MS NICANOR:** Thank you very much Comrade Chairman, with the concurrence of this Honourable august House, I would like also to join the Vice-Chairperson in congratulating the NBC maybe this morning for taking serious the business of this House of Review. When the resumption of the fifth session of the Namibian Parliament was officially opened by His Excellency Comrade President Hifikepunye Pohamba, it was the Parliament of Namibia in its totality and not only the National Assembly. So, we hope what we experienced last week will not be repeated that we started our first session without the coverage of the NBC which is suppose to inform the Namibian nation.

On that note, I move that this House adjourn until tomorrow morning at 09:30. So I move.

**CHAIRMAN:** Any objection? Agreed to. The House stands adjourned until tomorrow at 09:30 sharp.

**COUNCIL ADJOURNED**

## COUNCIL CHAMBER

### WINDHOEK

20 FEBRUARY 2007

The Council met pursuant to adjournment.

The Chairman took the Chair.

Prayers and Affirmation.

**CHAIRMAN:** The Secretary will read the first order of the day.

FIRST ORDER READ:

**SECRETARY:** Resumption of Debate on Reports: The Report of the National Council Standing Committee on Foreign Affairs, Defence and Security on the Public Hearing on the Combating of the Abuse of Drug Bill.

**CHAIRMAN:** When this debate was adjourned yesterday, the question before the Council was a Report by honourable Hakaye. Honourable Ndjambula adjourned the debate and he now has the floor.

**MR. NDJAMBULA:** Thank you Comrade Chairman, I rise in support of the Report and thank the Committee for a job well done. Comrade Chairman, Honourable members, the main aim and objectives of this report was to look into the combating of drugs and hear from the public on the issues of the abuse and the trafficking of drugs etc.

Furthermore, this report came at the right time looking at the upcoming Football World Cup in South Africa and the forthcoming African Cup of Nations in the Republic of Angola. Therefore, we as members of the House of Review need

to act swiftly so as to approve such a report in order to have a legal instrument in place so that people who are manufacturing these dangerous substances may find their way out of our country. Maybe some are already here as being reported by the media. The police also need to be empowered in order to act effectively without fear or favour, not only to be empowered in terms of law enforcement but also in terms of skills as nowadays drug dealers are sophisticated and needs a well trained and well equipped police force.

Honourable Chairman, Honourable members, I am of the opinion that the main aim of the Committee was partly achieved because a number of organisations and individuals made their presentations equally, it was not achieved because the sponsoring Ministry deliberately ignored the invitation of the Committee to reasons only known to them. The aim of the Committee was to seek background information from the Ministry of Safety and Security on the content of the Bill. However, one would want to know why the Ministry ignored the invitation.

Further, I would like to understand as to what our Standing Rules and Orders of the Council are providing in this regard. To this end, the move by the Committee that the magistrate should be empowered to give orders, is a welcome move looking at the vastness of our country because we are only having one High Court which is based in Windhoek.

I agree with the Committee that our law enforcement agencies are under resourced. It is also true that withdrawing of cases has become the order of the day in our country which

requires the line ministry to do something urgently.

Equally, it became a well known fact that long sentences lead to overcrowding of prison cells resulting in the deterioration of health of prisoners. Our committee, on the Constitutional and Legal Affairs is a testimony to this when we went around visiting police cells, we had experienced the said concerns.

In conclusion, the suggestion by the Committee is that the House should call the sponsoring Ministry by way of a motion to consider rehabilitation of convicted drug addicts together with counselling and community services as alternative punishment enjoys my full support.

Finally, I equally echo the sentiments expressed by the committee that cannabis should not be legalised because cannabis is a drug which can intoxicate a person just like any other drugs. Furthermore, we are making laws which should benefit the interests of the whole nation especially our future generation not only individuals.

With these, I support the report and I thank you.

**CHAIRMAN:** Thank you very much Honourable Ndjambula. Any further discussions? I now give the floor to Honourable Kankoshi.

**MR. KANKOSHI:** Thank you Comrade Chairman, Honourable members. As a Deputy Chairperson of our committee, I would like to use this opportunity to thank the Honourable members of this august House for their support on our report. When opening the 5<sup>th</sup> Session or

the 4<sup>th</sup> parliament of the Republic of Namibia on the 13<sup>th</sup> February 2007, His Excellency Comrade President Hifikepunye Pohamba stated: “Article 45 of the Namibian Constitution enjoins our lawmakers to be guided by the public interest and their conscience in the performance of their duties. I call upon you to work harder for the promotion of the best interests of our people... Let us work together to build a harmonious society for which thousands of Namibian sons and daughters sacrificed their lives”.

Guided by these words of inspiration and wisdom from our Head of State, I would like to use this opportunity to honestly thank all Honourable members of this august House for your active participation and constructive contribution during the debate on the Report of the Public Hearing which was conducted by the Standing Committee on Foreign Affairs, Defence and Security on the 5<sup>th</sup> to the 7<sup>th</sup> of February 2007 here in Windhoek.

All the views submitted either in written or oral forms by organisations and individuals have been reflected in the report, which really guided the Committee to recommend amendments to the Bill. When tabling this Bill in the National Assembly in October 2006, the Honourable Minister of Safety and Security Comrade Peter Tshirumbu Tsheehama stated: “The ever increasing sophistication in drug trafficking cannot be fully responded to, unless Namibia is well-equipped with adequate legal tools at national and international level”.

In order to combat trans-national organised crime which is targeting Namibia as a transit to the continent and

the rest of the world when it comes to the illegal transport of drugs and other dangerous dependence producing substances. I think we should encourage members of the public to be the whistle-blowers and their identity should be treated with all confidentiality it deserves. This is also in line with the 2004 Swapo Party Election Manifesto on page 19: "The public should get involved in the fight against criminal elements and their activities in the neighbourhood, in villages, towns, cities and anywhere else, by assisting and co-operating with the members of the police force".

Comrade Chairman, Honourable members, it is our understanding that as from now, this is no longer a report of the said Standing Committee, but it is now the Report of the whole House the National Council. Thank you very much for your constructive questions, support and valuable contributions.

Congratulations also go to the technical staff that was attached to the Committee for their technical know-how and professional guidance. On behalf of the National Council Standing Committee on Foreign Affairs, Defence and Security, I would like to use this opportunity to thank you very much for your commitment and on a job well done. As we have proposed amendments to the current Bill, we rely on your support Honourable members when the Bill reaches the Committee Stage to pass this Bill with amendments as proposed in the Report.

Finally Comrade Chairman, Honourable members, I would like to ensure the Namibian people that with the Swapo

Party Government, their future is secured and I thank you.

**CHAIRMAN:** Yes, Honourable Mensah-Williams.

**VICE-CHAIRPERSON:** Thank you Comrade Chairman, Honourable members, in view of what the Deputy Chairperson of the Committee have said, Honourable Ndjambula asked a question with regard to the Ministry Concerned. I would like to give clarity and bring him to Article 59 under our Rules of Procedures, Committees and Standing Orders, under Rule 3. For the purposes of exercising its powers and performing its functions, any Committee of the National Assembly as it stands here, there should be National Council also, established in terms of Sub-Article 1, "hereof shall have the power to subpoena a person to appear before it to give evidence under oath and to produce any documents required by it".

Therefore, I think according to our Rules, we also have the right to subpoena Ministers to come and answer questions in this august House. I think under Rule 68 when it comes to strangers, "strangers" meaning people who are not members of the National Council, under Rule 68, admission of strangers: "The power to admit strangers to the precinct of the Council, the places set aside for them in the Council Chambers or a portion which is set aside for the members shall vest in the Chairperson.

I think the Committee may also request through our Honourable Chairman and if any committee wishes to call any Minister or Deputy Minister who is not

in this august House to come and answer questions.

Thank you very much.

**CHAIRMAN:** Thank you very much Honourable Mensah-Williams, thank you very much Honourable Kankoshi. I now put the question that the report be adopted. Any objection? Agreed to. The report of the National Council Standing Committee of Foreign Affairs, Defence and Security on the Public Hearings on the Combating of the Abuse of Drugs Bill, [B.4 – 2007] is adopted. The Secretary will read the second order of the day.

SECOND ORDER READ:

**SECRETARY: Resumption of Debate on Second Reading – Combating of the Abuse of Drugs Bill [B.4 – 2007].**

**CHAIRMAN:** When this debate was adjourned on Tuesday, December 6 2006, the question before the Council was a motion that the Bill be now read a second time. Honourable Ndemula adjourned the debate and he now has the floor.

**MR. NDJAMBULA:** Thank you very much Honourable Chairman, Honourable members of this august House, the hearing on the Combating on the Abuse of Drugs was successfully undertaken by the Committee on Foreign Affairs, Defence and Security and the Committee needs to be commended or applauded for a job well done.

Honourable Chairman, Honourable members, the only disappointing factors as mentioned was the absence of the sponsoring Ministry of Safety and

Security which did not bother to attend. I think we need an apology from them. I don't want to mention it because it was already mentioned by Honourable Kankoshi. They must all remember 13 February 2007, at the opening of Parliament, His Excellency the President of the Republic of Namibia was very clear when he was addressing the Parliament. It was clear that all of us should put together in the interest not of our own, but of the entire Namibian nation and that the Parliament of the Republic of Namibia must add value. To add value is to act in the interest of the Namibian people. I think that was also in order for us to fulfil this.

Honourable Chairman, Honourable members, as the mover of this motion, I am quite happy and I also think my fellow colleagues and members are also happy today that the Committee came up with very good amendments to this Bill because there was a lot of loopholes in this Bill. Imagine that the sponsoring Ministry did not even attend. We must be serious Honourable members. I am quite happy that our brothers, the Rastafarians were present from the first day. They were here to listen what was going to happen. The committee's recommendations are very clear and I would like to thank them.

Having said that Honourable Chairman, I urge the Parliament of Namibia to support the Bill and to carry through those amendments without any reservations.  
I thank you.

**CHAIRMAN:** Thank you Honourable Ndemula. Any further discussions, comments, questions? I now put the question that the Bill be read a second

time. Any objection? Agreed to. The Secretary will now read the Bill a second time.

SECOND READING:

**SECRETARY: Combating of the Abuse of Drugs Bill [B.4 – 2006].**

**CHAIRMAN:** The Secretary will read the third order of the day.

THIRD ORDER READ:

**SECRETARY: Report of the National Council Standing Committee on Constitutional and Legal Affairs on its visit to Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke, Otjozondjupa, Omusati, Oshana and Oshikoto Regions during the period of 30 July 2005 to 12 July 2006.**

**CHAIRMAN:** Does the Honourable Ndemula move the report.

**MR. NDEMULA:** Yes Honourable Chairman.

**CHAIRMAN:** Who seconds? Any objections? Agreed to. Honourable member, please table the report. Can Honourable Ndemula please now take the floor?

**MR. NDEMULA:** Thank you very much Honourable Chairman, Honourable members of this august House. The Standing Committee on Constitutional and Legal Affairs undertook a fact-finding visit to Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Otjozondjupa, Omusati, Oshana and Oshikoto regions

respectively. The committee's terms of references were:

- to enquire into the causes of delaying in charging offenders and the postponement of cases;
- to inquire into the phenomenon of missing court dockets;
- to investigate the sentencing of criminals in relation to the severity of crimes committed and conditions / criteria used to grant bail;
- attend and observe traditional and national court proceedings;
- meetings with officials from the Ministry of Justice and Attorney General, Ombudsman, Law Society of Namibia and Judicial Service Commission; and
- report back its findings to the House.

Honourable Chairman, Honourable members, as summarised in the executive summary of our report, the Committee encountered many shortcomings in all institutions visited. To start with magistrate offices visited, the main problem complained by all magistrates is of dire shortages of magistrates. Magistrates cannot preside over many cases as appear in the court roll, because some cases especially murder and rape cases can take the whole day.

The piling up of cases could be avoided if courts could have more than one magistrate. As a result, cases are being postponed indefinitely, and this demoralizes witnesses turning up at court hearings. The other problem the Committee encountered is that of outdated library material at magistrate offices. Magistrates have to postpone

cases to consult and get clarification from elsewhere before making any decision. Some magistrates travel long distances to go and preside in other towns without being paid any allowances whatsoever and at the same time leaving their duty stations without a magistrate. The Ministry can either avail bursaries for students to take up this profession or look into the matter of subcontracting retired magistrates. On the side of the police station we visited, the main problems raised in most regions were the shortages of transport and accommodation. In Swakopmund, Okarara and Omaheke accommodation of police officers is in a very harsh condition. Eight officers are sharing one barrack. They have no privacy. These officers work in different shifts and one can work until 20:00, finding others asleep and start his music while the others are supposed to have peaceful rest to go and start business the next morning.

There are about eight investigating officers in Swakopmund and elsewhere, each one of these investigating officers are handling more than 600 cases, but only one vehicle is allocated to them with also minimum training. Issues cannot be concluded on time since the investigating officers cannot go out and do the investigations because of shortages of vehicles. The conditions of cells are also a concern. The hygienic stage is in a bad situation, a very good example is that of the cells in Outapi. It is very old, water is licking from the roof during rainy seasons and the cells are overcrowded. The Ministry of Safety is not providing enough cleaning material and as a result police officers use their own money to purchase material. This led to contagious diseases among

prisoners. We even saw a number of inmates having problems of bleeding gums in Outapi police cells. Shortage of vehicles in the police force also cause postponement of court cases for such times not available to go and pick up inmates from the police cells docketed in different towns. There were also reports that death is reported at police stations but no vehicles are available at the time the cases are reported.

Lastly Comrade Chairman, Honourable members, the committee expressed its appreciation to all stakeholders, committee members, the police, magistrates and all those who provided valuable information to the committee. This could not have been realized if it was not for their contributions. The assistance and efforts to avail themselves to the Committee greatly contributed towards a successful fact-finding visit.

The Committee further wishes to extend its sincere appreciation and thanks to participants of the regions who took part in the discussion forums. The Committee had a successful and informative visit and had taken note of the problems that are facing the nation at large, especially the ones that deal with constitutional and legal issues. In the absence of sufficient funds, there is nothing that the government can achieve in order to alleviate problems such as pending of court cases, which is a major outcry throughout all courts visited, human resources, infrastructure, library information, etc. The Ministry of Justice and Attorney General and that of Safety and Security should be encouraged to visit all regions to see for themselves the situation on the ground, and try to budget enough to cover some of these problems.

Honourable Chairman, I am very stingy with information here because I would like to urge the members to go through the report where you are going to find such information.

The Committee is therefore requesting this august House to adopt this report and consider the recommendations thereof.

Comrade Chairman, I thank you.

**CHAIRMAN:** Honourable Ndemula, thank you very much for being stingy. **[laughter]**. Any further discussions, comments, questions? Honourable Mensah-Williams you may take the floor.

**VICE-CHAIRPERSON:** Honourable Chairman, Honourable members, with the concurrence of the House, since we were told today that Honourable member is stingy, I hope that he is not in all cases stingy that to go and peruse the document I think it is fair in order for us to come up with relevant questions and make comments. I want to congratulate the committee, but I wish to postpone the debate on this report until tomorrow.

Thank you Comrade Chairman.

**CHAIRMAN:** Any objection? Agreed to. The Secretary will read the fourth order of the day.

FOURTH ORDER READ:

**SECRETARY: Report of the National Council Standing Committee on Habitat on its visits to the Caprivi Region from 13 – 18 March 2006.**

**CHAIRMAN:** Does the Honourable Nhinda move the report?

**MS NHINDA:** Yes Honourable Chairman.

**CHAIRMAN:** Any objection? Agreed to. Honourable member you may table the report. Thank you. Honourable Nhinda you now have the floor.

**MS NHINDA:** Thank you very much Honourable Chairman, Honourable members, in conformity to its mandate of exiting oversight over issues and institutions affecting human settlements, safe environment, portable water, the land issue and the provision of adequate shelter; the Standing Committee on Habitat undertook a fact assessment study to the Caprivi Region. The intention of the Committee was to determine the extent of damage caused by the flood in the aforesaid area. Due to its geographical location the Caprivi Region is known to floods during what can be described as average to heavy rain periods. The floods pose danger to the lives of people and livestock. As was recently reported in electronic and print media the level of the Zambezi River is steadily rising again. It implies that once the river starts to overflow its tributaries the low lying areas like cabins will be flooded. Although the visit of the Committee was in March 2006, the same phenomenon is likely to occur again.

During the period as stated earlier the Committee noted with concern that many houses were destroyed and damaged by the heavy rain. At some places the flood was so strong that it brought hippos along and this is ever dangerous to the community. Some teachers are taking shelter in classrooms

and clinics as a result of flood. This implies that teachers' belongings were packed in the corner of the classrooms during classes. During floods patients travelled around 20Km to reach the hospitals. No ambulance services could be provided because some areas became inaccessible. Sometimes the patience dies before reaching the hospital. Gravel roads as needed in all regions are essential for the community to get services all the time. Community at all areas affected by the floods are at risk of getting malaria because of many mosquitoes.

The Standing Committee on Habitat met with some of the traditional authorities who were complaining that they were promised by some of the officials to be supplied with tents but this was not done. The Committee is of the opinion that these traditional leaders should once again meet with the officials to seek a solution. During all meetings held with the community members, lack of communication, roads, electricity, infrastructure as well as the bulk safe drinking water was cited as major concerns. The Committee also observed that some residents' crops were destroyed by elephants; it was about five to fifteen hectors which were destroyed. Hence, the Committee requested the Ministry of Environment and Tourism to look into the matter to assist those farmers especially in the Mafuta areas. At some schools like the Ezizi Combined School in Kabbe Constituency; learners stayed for three days without eating due to floods. This caused the habit of stealing food from fellow learners and from teacher's houses. The establishment of feeding programmes during flood periods and drought seasons is needed. This situation

may also be one way that causes learners to abscond, dropout and absent themselves from schools and fail at the end of the year. Learners in these schools also need good security as they are always disturbed by other children who are school leavers.

Honourable members, Katima Town Council assisted those who were affected by the flood by providing them with graining pipes which grained water from their houses across the road. Despite this report the mud left on the ground attracted mosquitoes for those who are living close to the road.

Honourable Chairman, Honourable members, the Committee noted that the floor level is very low above the natural ground which sometimes allow flood water to enter houses. Another concern is that in the informal areas there are no sanitation facilities. The Committee therefore recommends that these areas be supplied with toilets as soon as possible to avoid diseases such as cholera. It was noticed with concern that brownish cubic water is being supplied to the town by Namwater. The water is not fit for human consumption and creates water born diseases.

Honourable Chairman, Honourable members, Build Together Programme is needs to be centralized in Katima as it is in all places in the country. The Committee also listened to some problems arising from the utilization of funds by beneficiaries. If received in cash some beneficiaries are not spending the money for the intended programmes but they bought cars and other products not related to the housing construction. That is why some houses are still incomplete. Some loan borrowers do not

pay back the loans and some houses are not built according to the plan. This made the Build Together Programme not to function properly.

The Committee recommends that beneficiaries must be given material instead of cash for house constructions and that the building sector should monitor the various phases of the project until completed.

Finally, Honourable Chairman, Honourable members, the Committee expressed gratitude to the committee members and the leaders who availed information to it during its visit. The Committee recommends that the National Council adopts its report and that the report should be forwarded to the relevant line ministry to address concerns raised here.

I thank you very much Honourable members.

**CHAIRMAN:** Thank you very much Honourable Nhinda. Any further comments, discussions, comments, questions, postponements? The House is very stingy on postponement. Honourable Mensah-Williams you may take the floor.

**VICE-CHAIRPERSON:** I can see Comrade Chairman that the House is very stingy. Since the House is stingy I would also take the opportunity with the concurrence of the House to postpone the debate on the Committee's report until tomorrow in order for us to give our questions and to make comments and to ask for clarification on some of the issues.

I so move Comrade Chairman.

**CHAIRMAN:** Any discussion? Agreed to. The debate on this report stands adjourned until tomorrow. Honourable members, that was the order of the day. Is there any other business? There being none. I call upon Deputy Chief Whip Honourable Nicanor to adjourn the House.

**MS NICANOR:** Thank you Comrade Chairman, on that note, I move that this august House stands adjourned until tomorrow morning at 09:30. So I move.

**COUNCIL ADJOURNED**

## COUNCIL CHAMBER

### WINDHOEK

21 FEBRUARY 2007

The Council met pursuant to adjournment.

The Chairman took the Chair.

Prayers and Affirmation.

**CHAIRMAN:** The House is called to order. Honourable members, good morning to you. Any petitions? Any reports and papers? Any notices of motions? The Secretary will read the first order of the day.

FIRST ORDER READ:

**SECRETARY: Debate on Committee Stage – Combating of the Abuse of Drugs Bill [B.4 – 2006].**

**CHAIRMAN:** It is moved that I leave the Chair. Who seconds? Any objection? The Vice-Chairperson of the Council and the Chairperson of the Committee of the whole Council will now take the Chair. Honourable Mensah-Williams you may take the Chair.

**VICE-CHAIRPERSON:** The Committee of the whole Council is called to order. Good morning Honourable members. Honourable members, I would like to put Clause 01, 02 and 03, any discussion? Yes, Honourable Martin you may take the floor.

**MR. MARTIN:** Comrade Chairperson, I wish to move an amendment in Clause 03. Add the following paragraph to Sub-Clause 8 “notwithstanding the provision of Subsection 7, any person who is

found in possession of prohibited dependence-producing drug not exceeding 115 grams in mass, on conviction is liable to a fine not exceeding N\$500 000 or to imprisonment for a period not exceeding 20 years or to both such fine and such imprisonment. So I move.

**VICE-CHAIRPERSON:** Thank you Honourable members. Any objection to the amendment? It’s agreed to. Honourable member you may table the amendment. Thank you. Honourable member, would you please motivate your amendment.

**MR. MARTIN:** The Bill in its current form does not differentiate between possession of a small amount of drugs and a big amount of drugs. Under the Bill, possession of any amount attracts punishment of a minimum penalty of 20 years imprisonment without option of a fine.

Our Committee, therefore, recommends that where an amount of the drug possessed does not exceed 115 grams, the offender be given an option to pay a fine.

**VICE-CHAIRPERSON:** Thank you very much Honourable Martin. Is there anybody who needed clarity? Everybody is fine. Thank you very much. Having the motivation, I assume that there will be no objection that we now finally agree on the amendment as placed with the motivation. I shall now put Clauses 04, 05 and 06. Yes, Honourable Namwandi.

**MR. NAMWANDI:** Yes, Comrade Chairperson, I shall move an amendment on Clause 05. Delete the word “from”

and substitute it with the word “into” to read as following: “(a) imports into Namibia”. So I move.

**VICE-CHAIRPERSON:** Thank you. You may table your motion Honourable Namwandi. Can I just have clarity? Are the Honourable members clear that we pass Clause 04? Are there no amendments on Clause 04? Sorry, can we allow Honourable Namwandi with the concurrence of the House to motivate afterwards because first we have to finish Clause 04. Do I have the concurrence of the House? Okay, thank you. Honourable Martin, do you want to move on Clause 04?

**MR. MARTIN:** Yes, thank you very much Comrade Chairperson, I stand to move Clause 04. In Clause 04 add the following paragraph as subclause 3, notwithstanding the provision of subsection 2, any person who traffic in any drug for both the buyer and the seller not exceeding 115g is on conviction liable to a fine not exceeding N\$500 000 or to imprisonment to a period not exceeding 20 years or to both such fine or such imprisonment.  
So I move.

**VICE-CHAIRPERSON:** Thank you Honourable Martin. Any objection? Any secondment? Thank you. Honourable Martin please table your motion. You may now motivate Honourable Martin.

**MR. MARTIN:** Thank you Comrade Chairperson. The Bill in its present form does not differentiate between trafficking in small amount of drugs and big amount. For example one gram of trafficking in a large amount of drug is liable to a minimum penalty of 30 years

imprisonment without the option of a fine.

Honourable Chairperson, this is unfair. Direct imprisonment is not the only solution to the drug problem. Our Committee therefore recommends that where an amount of drug trafficked into does not exceed 115 grams, the offender be given an opportunity to pay a fine.

**VICE-CHAIRPERSON:** Thank you very much Honourable Martin. Is there anybody who wishes to ask for clarification or anything? I see none. Is there objection to the amendment? Is there secondment? So, it is agreed to. Thank you very much, the amendment is carried. Now I will give the floor to Honourable Namwandi. He already tabled, so he should motivate. Clause 04 has been accepted with the amendment. So, we are now with Clause 05.

**MR. NAMWANDI:** Thank you very much Comrade Chairperson, the Bill as it is now, provides that “any person who imports from Namibia” a prohibited drug, commits an offence.

Comrade Chairperson, the word “import” means to bring into the country from abroad. Our Committee therefore recommends that instead of “imports from”, we must use “imports into” Namibia.

**VICE-CHAIRPERSON:** I thank you. Is there anyone who wishes to ask for clarification? I see none. Excuse me. Do you want to ask a question or clarification? Yes, Honourable Shangheta.

**MR. SHANGHETA:** Thank you Comrade Chairperson of the whole

House, I just want to ask because from imports, it is already clear that I am importing which means that I am taking something out from the country to outside. That is why I don't know whether it makes a difference to say import into Namibia.

**VICE-CHAIRPERSON:** Honourable member, if I can correct you, 5(a) says "import from Namibia". You never import from a country. You import into a country. You export from a country. So the Committee is 100 per cent right in proposing to say "import into Namibia and not "from". So the word "from" is incorrect because it is not export. So it is for that reason I agree with the Committee. With that, do we have any objection to the amendment? Secondment? The Clause 05 is carried with the amendment. I shall now put Clause 06. Honourable Kankoshi, you may take the floor.

**MR. KANKOSHI:** Thank you very much Comrade Chairperson of the Committee of the whole House. I would like to move an amendment to insert Clause...

**VICE-CHAIRPERSON:** Can I have order please. Sorry Honourable Kankoshi, it is very difficult, I am very sorry to interrupt you Honourable Kankoshi. Honourable members it is not a normal debate where we shout interjection. It is very important for me as a Chairperson to be able to hear the amendment that is proposed in order to guide the House accordingly.

Thank you very much for your understanding. Honourable Kankoshi sorry for the interruption, please proceed.

**MR. KANKOSHI:** Thank you very much Comrade Chairperson, I just wish to move an amendment to insert Clause 06 between current Clause 06 and 05.

**VICE-CHAIRPERSON:** So, Honourable Kankoshi if I got you correctly, are you proposing for an insertion between Clause 05 and 06 a new Clause?

**MR. KANKOSHI:** Yes Comrade Chairperson.

**VICE-CHAIRPERSON:** Okay, thank you. Is there any objection? Secondment? Yes, Honourable you can read it so that we can follow to see whether the House want to agree.

**MR. KANKOSHI:** Insert a Clause 06 between the current Clause 05 and 06 and renumber the subsequent provisions accordingly. Declaration of forfeiture: "6(1) notwithstanding anything to the contrary contained in any law, the court convicting any person of an offence under this Act shall declare-

(a) any schedule substance, drug or property-

(i) by means of which the offence was committed;

(ii) which was used in the commission of the offence; or

(iii) which was found in the possession of the convicted person;

(b) any animal, vehicle, vessel, aircraft, container, receptacle or other thing which as used;

(i) for the purpose of or in connection with the commission of the offence; or

- (ii) for the purpose of conveying, storage, removal or concealment of any scheduled substance or any plant which was used for the purpose of or in connection with the commission of the offence, or the rights of the convicted person to such vehicle, vessel, aircraft, container receptacle or thing;
- (c) in the case contemplated in section 3(a) or (b), or 5, any immovable property which was used for the purpose or in connection with the commission of the offence, or the rights of the convicted person thereto, to be forfeited to the State.
2. A declaration of forfeiture under section 3(b) or (c) shall not affect the rights which any person other than the convicted person may have to the vehicle, vessel aircraft, receptacle, container, thing or immovable property concerned, it is proved that he or she did not know that the vehicle, vessel, aircraft, receptacle, container, thing or immovable property was used or would be used for the purpose of or in connection with the commission of the offence concerned or that he or she could not prevent such use.
3. The provisions of Section 360(4) and (5) of the Criminal Procedure (Act of 1977, Act No. 51 of 1977), shall *mutatis mutandis* apply to any declaration of forfeiture under this section.
4. if any immovable property is declared to be forfeited under (1)(c), the registrar or clerk of the court making the declaration shall transmit the title deed of such property to the registrar of deeds concerned who shall endorse a note on the title deed of such property to the effect that the said property has so been declared forfeited.
5. any person who has the possession or custody of any title deed or bond required by the registrar or clerk of the court for the purposes of any endorsement in terms of subsection (4), shall deliver such title deed or bond to the registrar or clerk of the court within a period of fourteen days after the registrar or clerk of the court has demanded in writing.
6. If any such person notifies the registrar or the clerk of the court in writing at the time of the delivery of such title deed or bond that he she has a right of retention in respect thereof, the registrar or the clerk of the court as case may be, shall return such title deed or bond to such person as soon as it is no longer required by him/her for the purposes of subsection (4).

7. Any person, who fails to comply with the provisions of subsection (5), shall be liable for the costs which the registrar or the clerk of the court concerned may incur in obtaining an order of the court for the production of such deed or bond.

So I move.

**VICE-CHAIRPERSON:** Thank you Honourable Kankoshi, I think it is a very good clause since I just have to highlight for Honourable members. It is forfeiture for the Court to get power to order if any benefit corruptly received or obtained by the offender be forfeited to the State. I think it is a good observation but I am not there to influence, it is up to the House. Having said that, do I have agreement for the amendment to be carried? Okay, thank you. Any objection? I see none. It is so carried. Please table it Honourable Kankoshi. So we also take note that there is this insertion that we will now number accordingly. It will now follow the sequence from 6 and the next one 7 etc? Are we all following? Very good. You may now motivate Honourable member.

**MR. KANKOSHI:** Thank you Comrade Chairperson of the Committee of the whole House. There is no forfeiture clause in the Bill. It is recommended that a forfeiture Clause be added in the Bill. The forfeiture Clause gives the Court powers to order that any benefit corruptly received or obtained by the offender, be forfeited to the State. The Committee believes that, criminals should be hit where it hurts most, which is their properties, finances, among other acquired through drug dealings. We,

therefore, recommend that a provision be added, after Clause 05 dealing with forfeiture of goods connected with the commission of any offence under this Bill.

**VICE-CHAIRPERSON:** I thank you. I think the motivation has even made it clearer. So, I can see that agreement in totality. So agreed. Any further discussion? Any objection to the Clause as amended? The Clause is agreed to. I will now put Clause 06, the old one. We now know that between 5 and 6 there is now a new Clause. It is now the 7 the old 6. Any discussion? Any objection? It is agreed to. Please take note, when I call the numbers now I will call in accordance of the old form but you know it will change. I will now put Clause 07, 08, 09 and 10, any discussion? Any objection? It's agreed to. I shall now put Clauses 12, 13, 14 and 15, any discussion? Any objection? It is agreed to. I shall now put Clause 16, 17, 18, 19 and 20, any discussion? Any objection? I shall now put Clause 21, any discussion? Honourable Martin you may take the floor.

**MR. MARTIN:** Thank you Comrade Chairperson. I would like to move an amendment on Clause 21(2) Insert the words "and/or regional magistrate and/or district magistrates" between the current words "judge and in to read as follow:

"(2) if a member of the police has a reason to believe that a person is transporting any drug by concealing it inside his or her body and the person refuse to submit to a medical examination, that member may detain the person for a period not exceeding 48 hours, pending the obtaining of an order from a judge and/or regional magistrate

and/or magistrate in the chamber in terms of subsection (3).

**VICE-CHAIRPERSON:** Thank you Honourable Martin. I was asking any secondment? Any objection? Honourable Martin please table your motion. Thank you. Honourable Martin you may now motivate your motion?

**MR. MARTIN:** Honourable Chairperson, as the Bill is now providing that a person suspected of any drug inside his/her body, refused to be searched by the police, the police may detain that person, pending the obtaining an order from a judge of the High Court, so that such person is properly searched.

In Namibia, the High Court is only in Windhoek. We, therefore recommend that an amendment to be made to Clause 21(2) to make it possible for the police to obtain such an order from any Magistrate Court in Namibia. Thank you.

**VICE-CHAIRPERSON:** Thank you Honourable Martin. Any question, any clarification? I see none. Is there objection to the amendment? Is there secondment? It is then carried. Clause 21 is then agreed to with amendments. Honourable Kankoshi?

**MR. KANKOSHI:** Thank you very much Comrade Chairperson of the whole House Committee. I am also having an amendment on Clause 21(3). In Clause 21 sub-clause 3 insert the words and/or the regional magistrate and/or district magistrate between the word “judge and in” to read as follows:

“Where a judge and/or a regional magistrate and/or a magistrate in the

chamber is satisfied from information on the oath that there are reasonable grounds to believe that a person is transporting any drug by concealing it inside his/her body and the person has refused within reasonable court to submit to a medical examination, he/she may issue an order. So I move.

**VICE-CHAIRPERSON:** Thank you Honourable Kankoshi. Any objection? Secondment? Thank you. You may table your motion. Honourable Kankoshi, you may now motivate.

**MR. KANKOSHI:** Thank you very much Honourable Chairperson, sub-clause (3) should be amended to make it fit to the amendment already introduced under subclause (2) of Clause 21.

**VICE-CHAIRPERSON:** Thank you. Any objection to the amendment of that Clause? Secondment? It is agreed to. Any further discussion on the entire Clause 21? None. Any objection to take the Clause 21 with all the subclauses, with the amendment? None. I shall now put Clauses 22, 23 and 24. Any discussion? Any objection? It’s agreed to. I shall now put Clauses 25, 26, 27 and 28, any discussion? Any objection? It’s agreed to. I shall now put Clauses 29, 30, 31, 32, 33 and 34, any discussion? Any objection? It’s agreed to. I shall now put Clause 35, any discussion? Honourable Namwandi please take the floor.

**MR. NAMWANDI:** Comrade Chairperson, I hereby move an amendment on Clause 35, substitute the word “must” for “may” after the word court to read as follows:

“For the purpose of imposing an appropriate sentence in respect of an offence under this Act, a court may consider as an aggravating factor the fact that...” So I move.

**VICE-CHAIRPERSON:** Thank you Honourable Namwandi. Any secondment? Yes, you may table your motion Honourable Namwandi. Thank you. I shall now give the floor to Honourable Namwandi to motivate.

**MR. NAMWANDI:** Thank you Comrade Chairperson, this merely give the court discretion to consider whether a factor stipulated under Clause 35 is an aggravating fact or not, in relations to the offence.

There could be circumstances where factors outlined under Clause 35 may not be considered as aggravating factors.

Our Committee, therefore, recommends that the word “must”, should be replaced by the word “may”. I so move.

**VICE-CHAIRPERSON:** Thank you Honourable Namwandi. Any further discussion? Any objection? It is agreed to. Is there any further discussion on the entire Clause? None. Is there any objection? Secondment? So the Clause is agreed to. I shall now put Clause 36, any discussion? Honourable Kankoshi, please take the floor.

**MR. KANKOSHI:** Thank you very much Comrade Chairperson of the whole House Committee. I wish to move an amendment to Clause 36. In Clause 36, delete the “abused, within the five years” and “that it is prohibited to be in possession of drugs” and amend same to read as follows:

“If in any criminal proceedings at which an accused is charged with an offence under this Act, there is *prima facie* evidence let of the commission of such an offence, evidence may at any stage of the proceedings be given that the accused was convicted of an offence involving drugs, and such evidence may be taken into consideration for the purpose of providing that the accused knew of the unlawfulness of the conduct he/she is accused of; provided that not less than three days’ notice in writing must be given to the accused that it is intended to adduce evidence of such previous conviction”. So I move.

**VICE-CHAIRPERSON:** Thank you Honourable Kankoshi. Any secondment? You may table your motion Honourable Kankoshi. I will now give Honourable Kankoshi the floor to motivate.

**MR. KANKOSHI:** Thank you Comrade Chairperson. At present Clause 36, states that:

If it proved that a person was found in possession of a drug, and he/she alleges that he/she did not know that it is prohibited to possession a drug; it shall be permissible for the prosecution to provide evidence that such person was convicted within 5 years of possessing drugs.

And this evidence shall serve as proof of his/her knowledge that possession of drugs is illegal in Namibia.

So, our Committee recommends that the limitation of 5 years be deleted from the Bill. Thank you.

**VICE-CHAIRPERSON:** Thank you Honourable Kankoshi. Is there any clarity that you might seek or question?

None. Is there any objection in carrying the amendment? Is there secondment? It is agreed to. Clause 36 is now agreed to. Now we will move to Clause 37, any discussion? Yes, Honourable Namwandi, you may take the floor.

**MR. NAMWANDI:** Thank you Comrade Chairperson, I hereby move an amendment. In Clause 37, substitute the following paragraph for (b):

“(b) a magistrate’s court has jurisdiction to impose any penalty that may be imposed in respect of an offence under this Act”. So I move.

**VICE-CHAIRPERSON:** Thank you Honourable Namwandi. Any secondment? Honourable Namwandi you may table your motion. I will now give Honourable Namwandi the floor to motivate.

**MR. NAMWANDI:** Thank you Comrade Chairperson, currently, the Bill provides that the Magistrate’s Court does not have power to impose sentences imposed under Clauses 3(7) and 4(2).

Our Committee recommends that Magistrate courts must also have jurisdiction to impose those sentences. This is because, in Namibia, I am informed that there are only about five (5) Regional Courts and one High Court. These Courts would not manage to deal with drug cases in the whole country. Magistrates must therefore be given power to deal with all drug related cases. I thank you.

**VICE-CHAIRPERSON:** Thank you Honourable Namwandi. Is there any clarity or question? None. Any secondment to the amendment of that

Clause? Any objection? Then Clause 37 is agreed to with the amendment. I shall now put Clause 38, 39, 40, 41 and 42, any discussion? Any objection? Agreed to. I shall now put Clauses 43, 44 and 45, any discussion? Any objection? It’s agreed to. I shall now put the Schedule, any discussion? Any objection? It is agreed to. Honourable members, we had a marathon session but also a very interesting and good session. I will report that the Committee have gone through Bill [B.4 – 2006] with amendments and we hope that our amendments will be adhered to by the National Assembly. I thank you.

Thank you Honourable Chairman. The Committee has gone through Bill [B.4 – 2006] and has agreed to it with amendments as set forth in the accompanying copy.

**CHAIRMAN:** Thank you very much Honourable Mensah-Williams. The Secretary will read the next order of the day.

SECOND ORDER READ:

**SECRETARY:** Resumption of Debate on Reports: Report of the National Council Standing Committee on Constitutional and Legal Affairs on its visit to Caprivi, Erongo, Karas, Kavango, Kunene, Ohangwena, Omaheke, Otjozondjupa, Omusati, Oshana and Oshikoto Regions during the period of 30 July 2005 and 12 July 2006.

**CHAIRMAN:** When this debate was adjourned on Tuesday, February 20 2007, the question before the Council was a report by Honourable Ndemula.

Honourable Mensah-Williams adjourned the debate and she now has the floor.

**VICE-CHAIRPERSON:** Thank you Comrade Chairman, Honourable members, I wish to take this opportunity to thank the Committee for the report they presented to this august House. It is a very informative report and it highlights a lot of issues of concerns to all of us. I am also happy that the objectives of the Committee was clearly spelt out and followed to the point.

Honourable Chairman, Honourable members, I wish to start with the forensic order. It is indicated that it can take sometimes up to two years and it is only concentrated in Windhoek and sometimes samples can even get lost. This is a shame that rapists or murderers will walk free because of the absence of evidence. On the other hand we know justice delayed is justice denied. In other countries, it takes mostly up to three months for forensic evidence to be finalized and here I am talking about countries having about 5 to 10 million citizens or more. Why can't we as a country specifically the Ministry concern do a feasibility study and come up with some modules that these countries use? We have now acquired the electronic voting system and we got this in place to save time and to eradicate spoilt ballots as well as to remove any suspicion of possible vote reading. This was done by the Directorate of Elections. They have done the feasibility study and came up with solutions to the problem. I wish that this Ministry can also follow suit because this also is a deduction in cost. We are talking about cost saving. We have for instance the new ID machines as well as passport machines in the Ministry of Home Affairs which

are so advanced that now it reduced the way the people normally waited from one year to just between one week and one month. This is a lot of improvement. I think if one Ministry can do it, the other can follow suit. This evidence can make or break a case.

I wish to state that a budget increase for this particular Ministry should cater for more laboratory centres as well as to also as the Committee have put in their recommendations and I agree with them, to also employ equipment or to get proper equipment in order for them to fast trap the current dilemma that they are in as well as the issue of overcrowded prisons and cells which is also indicated in the report and which was also indicated in the Ombudsperson's report of November 2006. The Ombudsperson's report actually strengthens your report Honourable Chairman of the Committee and your team.

I am also very disturbed by the issue of this overcrowded cells and overcrowded prisons. In our country, we are condemning homosexuals and what do we do? By implication we actually perpetuate this practice with the overcrowded cells and the overcrowded prisons. This is what is revealed in the report. These juveniles are used by other men to have sexual intercourse with them. What is that called? They are sodomised but in addition that is the practise of homosexuality. What are we actually saying? It is the question of the chicken and the egg. Which one comes first? Are we condemning those ones? But we are perpetuating the situation.

I felt very upset when I read in the report that these juveniles who are vulnerable

and locked up with hardcore criminals are used as ``girlfriends``. That is what they call it. They are saying ``girlfriends``. I am using the term that the report gave. That is what they were told. But we know what it means. It is men having sex with other men. It is a fore sex. What is fore sex? Fore sex is rape. These youth are actually being raped. They are kept as sex play. I am very disturbed and I have to thank the Committee for bringing this out. I am very disturbed because what it actually means is that there are people who fail to plan in our government or they are planning to fail the government of the day as the President puts it. This is a clear indication that they are actually going to fail the society of Namibia, because this practise that is done in prison when the youth or juveniles come out of prisons, they come back into our society. Are we now getting to the point where we can start to say, although we didn't do an analytic study, but this is just logical to say. This maybe the reason why in our country we have so many rape cases, we have cases of sodomy; we have cases of people raping young babies, because they become used to the treatment in prisons. I am not saying those are the only ones. Please, you are always very good to state something but people misquote you. I am saying it is not only the inmates who are the ones who come and murder and rape babies. I am saying, to me as an individual it carries weight to say it is just fair to say if those people come out, they are not rehabilitated. In fact, they have learned a new skill. When you come back, a skill that you learn, you come and practise it. This escalates or increases the already high figures that we have in this country of rape and sodomy cases.

I am in agreement with the Committee and I think it should come out very clearly that this practise is a perpetuation of increase of crime when those people are placed back in society. I would like the relevant Ministry to take the recommendations of the Committee very seriously and to do something about it. I would also like to urge the Committee to also ensure that when you do a follow-up in the next book year, I want you if anything may happen in between we will congratulate the Ministry. But if nothing happens, we will have to call as National Council through your Committee a public hearing.

It is time that if the committee make recommendations, the time has come in Namibia that we as a House of Review call on the Permanent Secretaries of Ministries to come and answer to the standing committees of the National Council. National Council's money cannot be wasted just because it is government funds. It is tax payers' money. When a committee goes out and give recommendations, I would take it for granted that this is assistance because the members of the National Council as the members of the National Assembly also, we are having public hearings in order to get public input. The report that the committee have got is not what those Honourable members wants to say. It is what the people said and what is reflected in the recommendations is what the people want. So, if these recommendations are not implemented, it means that those people in those ministries are failing the people on the ground. Therefore, it is the responsibility of the National Council to then call Permanent Secretaries to book at the public hearings, not around corners. We are going to make it public because these

are the public recommendations. If they are not implementing it, they must come and say it to the public why they fail to implement it. I call on the committee in the next year book to follow-up and see if anything is done. The Ombudsperson made the same type of report with the same evidence.

I would once more like to call on all ministries to ensure that the accounting officers are keeping book. I am happy when we see in the Ministry of Health the Honourable Minister in today's Namibian have called his Senior Management to order. I think every Ministry and every institution have to start doing it seriously. Then we will get some progress in this country. I also saw that Judge Mahinga also called on some magistrates and said they are failing the country and I see in the report it is true, it is a true reflection because the report is indicating that some magistrates failed, not only the government that fails the country. We have to ensure that those who fail we have to deal with them appropriately in this country.

The issue of State witnesses' compensation, I would like the Committee to insert in the recommendation that a letter is also sent to us ARC (Association of Regional Councils) to ask Honourable members of all 13 regional councils give proper information on the issue of State witnesses in that constituency. Information should maybe come from the line ministry which is the Ministry of Justice in order to give proper information to say what happens if you are a State witness in order for us to help disseminate the information. We are there to assist and we are ready to assist.

Honourable Chairperson of the Committee, the other issue that I wanted to find out is, in the conduct and the execution of their responsibility, was there anybody who mentioned anything about fair of appearing a witness? In other countries we know and before independence in this country. We know that people fear to appear in court as State witnesses because they feared for their lives. I want to know do we have any witness protection system in place in this country to assist. Even if it is money, money should not be at the expense of people's lives. People's lives come first, that is in our Constitution. It is to protect the lives of all the citizens of the Republic of Namibia. We should not always put money first. Therefore, I am asking that if nothing comes up, in the next round the committee will try and enquire so that there can be recommendations as to assist people. You also hear people sometimes saying, we have gangsters in Namibia. People will say, we saw a certain group of criminals attacking but are scared to come out. We are scared to speak because we are scared that they will do something to us or to our families. I think this is also bringing down the justice system because if you do not have witnesses who can appear and who can tell the court what happened and they do not need to fear for their lives, then I think a lot of cases will be resolved effectively in order for the justice system to its tall.

Further, in the report I also see that some cases are too complex like rape and robbery cases and it have to go to the Prosecutor General and an authorization from the Prosecutor General's office takes quite a long time. Such cases are as a result postponed while waiting for a

Prosecutor General's decision. I think what also delays that is a lack of evidence or a lack of information. That also came out. In addition I think that office is overworked and since as the committee has rightfully stated that there is a lack of magistrates in this country. I am happy with your proposals and your recommendations that we should look at the retired judges and magistrates and bring them in. That is a very good recommendation. I think it can actually assist in the load of work currently on the magistrates. But we would also like to have an answer from the Prosecutor General's office why these decisions are delayed. Why it takes so long. It is only when you know what the problem is that you can try and assist in the solution thereof. We know there is a lack of human resources, now I see that the committee has also put in a professional fee, which is a good thing. I believe in each profession you have to have a motivation. That will definitely create a motivation because I think that magistrates and people in the law fraternity within the State are very lowly paid. It is actually a shame. The reason why we loose magistrates is because they become public prosecutors. Talking about public prosecutors, though not all, but most public prosecutors, it is just a human phenomenon. If I am a private lawyer there is double booking. Why is there double booking? I want to make more money. So, the committee has brought out that there are double bookings.

**CHAIRMAN:** Honourable Member, could I make use of your time. We are shortly moving into our break. Is the House in agreement that we continue? Supported? Okay, Honourable member you may continue.

**VICE-CHAIRPERSON:** Thank you Honourable Chairman, Honourable members, the issue of private lawyers, they want double book. I think that the courts must also put in place, and I would like the committee to put a recommendation to the effect that the courts must put in place a fee to be paid by these private lawyers if they are doubling booking themselves because I am sure they have competent staffs in their offices to ensure that they are not double booking. I have seen what happened. A lawyer will just pick up a phone while maybe a magistrate have to travel for instance to Oranjemund and there is no magistrate. The magistrate travels all the way with the State's fund to Oranjemund to hear a case. When the magistrate comes there to hear the case, there was a phone call by the lawyer, "I am sorry I am having a high court hearing or I have a double booking". What happens is that the State looses a lot of funds. I think it is important to carry and make use of diaries. This makes planning easier as you will know that you have an appointment as a member of the National Council to be here in the chamber at 09:30. I cannot go and make another appointment elsewhere and now I want to leave the chamber to go and attend to that appointment. I know that I have a prior appointment. It must apply to private lawyers to also work according to their diaries. If there is a case which is postponed where they are, they have the time that day to inform the magistrate and say: "sorry I am in another court on that day, can we have another date" and then agree on the date then to let the magistrate drive all the way and all in vain and then the State have to pay for State witnesses and also the accused person if he/she had to travel. These are

all costs involved, so I think there should be a fee for a lawyer not pitching with or without a reason but for double booking.

Honourable members, Honourable Chairman, the issue of hiring magistrates from beyond our borders was not welcomed by many magistrates who visited the committee because they feel that these people are being paid a lot of money and even housed in local hotels while they as Namibian citizens do not have proper accommodation. This is a very unfair practice. Even if you know you hire somebody from somewhere you have to pay for them, but if we plan properly and if we compensate our magistrates and the whole fraternity of our judiciary for the professional job that they need to render, because these people do not go and study for two years. They study for many years and they must do a lot of practise. If we do not look into the benefits and the packages we are paying them, then we will give out more money to go and hire people from outside the country. I am in agreement that this is unfair, though a necessary practice in the absence of magistrates, but it is an unfair practise. We need to budget and plan appropriately. Most of these things I feel is administrative lack of planning. It is not politicians to plan, it is administrators to plan. So they should plan properly.

### **Misplaced and Missing Dockets:**

This is really a money making scam to me. These dockets that disappear and are misplaced etc. how do you work in such an institution? Police and judiciary to me are supposed to be the best disciplinarians. Because if you get a docket, you write the docket because

there is a CR number that is written and those things have to go to the Prosecutor General. From the Prosecutor General if they said that this case should proceed, it should go to court. How do these things get missing? I know that we have a computer system that you can put in place. It is cheaper to buy computers and we have so many unemployed youth. There are many who finish Grade 12 and they do not need to get a salary. They can be compensated with some small amount just to come and put data on the computer on certain dates. Of course they will have to put their oath of secrecy. But you can use these people, give them a little bit of training and they can reduce the workload so that if a document is missing all the information will be on the computer. If the computer crash, all the information will be in hardcopy. We have to have a backup system. I think there is a lack of backup systems. I want the committee to also have recommendations on a backup system because it is very important. What will happen if a docket is missing or misplaced? What will happen is that the case will go down the drain. There will be murderers, rapist, assaulters and abusers walking freely in our community and they will also again repeat the same crime because they came free the first time and then people will suffer. Last weekend I buried a 16 year-old beautiful girl. She had alot of achievement medals. She did very well in school and in sport. She committed suicide. The same day there was another person in the same town who committed suicide, the same time in another town I heard of two people who committed suicide. Why? People commit suicide because they are frustrated. Some times people are raped and even infected with HIV because of rape. That rape cases dockets get burned

as we read the in the newspaper the other day. That silly person, I call him very stupid. He still smiled on the cover of the newspaper as if he did something nice. You could see he did not even have remorse for what he did. He was smiling because he knows there is no backup system. He burned all the documents. He decided I will assassinate the case by setting alight the documents because he knew there is no backup system. We have to be aware of these types of criminals. I don't want to take too much of your time. I have so many things because this is very important.

In conclusion, regarding the rape and abuse cases, I feel that people are not aware of the protection or order that they can use for these crimes. It takes so long for cases to be heard. I feel in the interim that these people's lives are at stake. Because their lives are at stake they should be encouraged to actually make use of the protection order. In addition, I also want magistrates and the police and prosecutors to be trained on how to deal with people. This protection order is also said to be time consuming and cumbersome. It is a lot of paper work. What I see is the problem of paper work. People are lazy to do paper work and therefore they delay cases. They stay on dockets for years and that is the whole problem. If it is computerised and you just click and the information appears, it will make it very easy. Somebody clicks and fills in the document electronic then I don't think there can be a problem.

Having said that Comrade Chairman, Honourable members, I want to once again thank the Committee for highlighting these very important issues. I hope that people in different ministries will take up the recommendations very

seriously in the light of which the people have complained to the Committee. Thank you very much.

**CHAIRMAN**: Thank you very much Honourable Mensah-Williams. Any further discussions, comments or questions? Yes, Honourable Kankoshi you may take the floor.

**MR. KANKOSHI**: Thank you very much Comrade Chairperson, I rise also to congratulate the Committee for a job well done. By visiting regions, our MPs acquainted themselves with the situation on the ground. This empowers us to support the budgets of various ministries mentioned in the report when the national budget or Appropriation Bill is tabled. I am fully supporting all the recommendations made by the Committee with the special emphasis on the following recommendations:

- The government to consider employee or subcontracting retired magistrates to curb the dire need of magistrates in the country.

While doing that, I would like to use this opportunity to call upon teachers more especially of Life Skills or career guidance teachers to encourage and motivate our learners to instil law related subjects in the minds of our Namibian learners so that most of them should be enrolled in the faculty of law once they pass Grade 12. At the same time as mentioned in the committee report the line ministry should also prepare for the bursaries for those learners to be awarded bursaries in order for us to mould and breed our own Namibian magistrates and prosecutors.

The second emphasis on the recommendation of the Committee is when it recommends that the Ministry of Safety and Security to cater enough maintenance budget to all regions especially to repair cars. I would like to emphasize here that it is very disturbing more especially in the police stations in the remote rural areas to find a police car which is not road worthy, but if they find an ordinary member of the public using the public road with his/her *scoroscuro* vehicle which is not road worthy the police will charge that person, but the condition of the vehicle of that person might be better.

Honourable members, let us all support the budget of the Ministry of Safety and Security when the time comes so that the police cars can be repaired and maintained. Having raised those two points Comrade Chairperson and Honourable members, I recommend the committee, I support them, I salute you and thank you.

**CHAIRMAN:** Thank you very much Honourable Kankoshi. I recognise Honourable Nicanor. You may take the floor.

**MS NICANOR:** Thank you very much Comrade Chairman and Honourable members of this august House. I also rise to congratulate the Committee on Constitution and Legal Affairs for coming up with this report covering issues that are of all of us concern in this country more specifically issues pertaining to postponement of cases. This is one area and of course the Vice-Chairperson has alluded many of the issues raised in this report. But I would also like to support the recommendations by the Committee

with regard to strengthening human resources of this Ministry in terms of magistrates. I cannot understand why the Ministry up to now could not show their intensive attempt likewise the Ministry of Health and Social Services in this country when they try to address the shortage of nurses for instance in this country. One can allude to examples where the Ministry has been really trying their level best to address the issue of shortage of nurses. But when it comes to the Ministry of Justice while we are faced with this problem of shortage of magistrates causes so many cases to be postponed because they cannot attend to the one or the other hearing. It is now high time that I really join the colleagues in their recommendations to call on this ministry to address this issue with the urgency it deserves.

Having said that Honourable Chairman, Honourable members of this august House, I am also concern about the issue raised in the report but which is also well known to some of us and that is the question of the police forces feeling handicapped by the provisions of the Police Act with regards when it comes to the scene of arrest that they are only given power by the said Act to use only minimum force irrespective of the circumstances around this scene of arrest. The Ministry is called upon to look into this matter because as I am saying this is a concern that is being raised by members of the police that it is handicapping their work to provide quality services to our people. That is one area that I would like to call the Committee on and also to put emphasis on their recommendations when it comes to address that particular issue.

Equally I am disturbed to learn from the report that within the police force, they

fail to address the internal disciplinary hearing which is causing some police members to get demoralized. This is a course of concern to me. I think equally the Ministry concern should put into place corrective measure that could address this issue as we cannot afford to loose police officers by leaving the Ministry because of some of these things that can easily be addressed.

The question of the laboratory as has been alluded to is only available in Windhoek. I am in agreement and in support with the Committee for these laboratories to be decentralized. I can refer to the incident that has occurred in my constituency where an 8-year old child was electrocuted, but up to now the parents of this poor child who have passed away in that manner cannot even get an answer as to what has been the cause of the death. It is being said the samples are still in Windhoek, they are still waiting for the results. This is really to say that what the Committee also have come across is that some of the tests can take up to two years and more and sometimes samples have to be send to South Africa or Zimbabwe. I think the Ministry should get its priorities in order so that we can address some of these issues and not being faced with such shortages and perhaps be taken that it is just part of life and we continue as such.

With these few concerns that I have raised Honourable Chairman, Honourable members of this august House, I am fully in support with the Committee's recommendations and I rest my case.

**CHAIRMAN:** Thank you Honourable Nicanor. Any further contributions? Honourable Ndemula and your

committee, you have been congratulated by the members and the House, I am sure you would wish to reply. Please take the floor.

**MR. NDEMULA:** Thank you Honourable Chairman. Yes indeed we do concur with the sentiments accorded by the members of this House. Honestly, I think as Namibians sometimes we are becoming a very lazy nation. We just want to get up one morning and be rich engineers and that is why things are happening the way they are happening. We have taken note about the issue of the forensic. We know that there is apparently only one expert by the name of Mr Dudu, but what about if he dies today. What will happen? Should we only keep on relying on one person for ages and ages, or is it high time for u. We have a lot of young people send in the forest for training in order for them to become experts so that we can decentralize? It is a problem and it is true. Yes, planning is a problem because what is currently happening is, people are waking up in the morning come to their offices, sit down, wait for 13:00, go for lunch, come back, wait for 17:00 and go home. The next day it's the same, it's a routine thing. We don't sit and plan. We are a very young nation. It was said a lot yesterday by the President. Yes, about information. Information is honestly needed, and currently information is power but people are only having information for themselves and do not distribute it.

The issue of double booking; it is true, we are loosing a lot of money in this and we support the suggestions of a fee for double booking. The same as we are talking about the backup system. There are no computers and our people are

illiterate. The first thing is that we have computers in place and then have those backup systems. The cases as was said are taking too long and the only issue which was maybe not mentioned here is the Legal Aid Department because if you get into most of those prison cells and those trial awaiting criminals, all of them especially when you observe the cases, every second person is awaiting, and the next thing is that they are postpone.

Yes the benefits, as you can see in our report that you find a prosecutor being paid more than a magistrate. I am the owner to them but I am paid less because here the prosecutor is being paid more than me.

Thank you very much, we will look into this. I rather give over to my colleagues to add something.

**MR. CHAIRMAN:** Thank you very much Honourable Ndemula. Any further contributions? Yes Honourable Ndjambula.

**MR. NDJAMBULA:** Thank you Comrade Chairman. Mine is on transport. In most of the police stations there is no cash money which can be used to maintain cars. Some cars just have small problems but you find them left redundant.

The other concern is the one of the Disciplinary Committee within the police. This Committee is really demoralizing the police force. It is a problem and the Ministry need to look into this. Most of the competent members of the police force have resigned because of this Committee.

Thank you very much.

**CHAIRMAN:** Thank you very much for having been short, you were not given permission by the Chair in any case. I now put the question that the report be adopted. Secondment? Objection? Yes, there is none. Agreed to. The Report of the National Council Standing Committee on Constitutional and Legal Affairs is adopted by this House. The Secretary will read the third order of the day.

THIRD ORDER READ:

**SECRETARY:** Resumption of Debate on Reports – The report of the National Council Standing Committee on Habitat on its visit to Caprivi Region from 13 – 18 March 2006.

**CHAIRMAN:** When this debate was adjourned on Tuesday, February 20 2007, the question before the Council was a report by Honourable Nhinda. Honourable Mensah-Williams adjourned the debate and she now has the floor.

**VICE-CHAIRPERSON:** Thank you very much Honourable Chairman, I can see the Honourable members are very hungry I will not be very long. Comrade Chairman, Honourable members, I only have three points.

First of all, I want to congratulate the Committee. I think the report even came at a very good time when again we have floods in the Caprivi Region. This report has now refreshed our memories to also visualize what is happening currently in the Caprivi Region. I want to thank the Committee for a research well done and for having a very good report with good recommendations.

On the issue of town planning, I was now in an agreement with the Committee's recommendations that the building inspectors of the local authorities should ensure that proper town planning is done. There are town planners and there are building inspectors. How can they be able to see that they should ensure that there are storm waters drainages for houses? I don't understand how they got the qualifications otherwise they are lazy as Honourable Ndemula was saying most people are lazy in this country. They are lazy to do the job. If they are lazy then they should not be paid. I am not a town planner but I know that at any house there should be drainage for storm water and specifically in the Caprivi it is always flooded when it is rainy season. It is very important that there should be adhered to.

I don't know if maybe the Committee can tell us, I am not aware. Is there also a Committee in Caprivi to look at the flood system to come up with recommendations as there is a Committee established on the Hardap Dam in Mariental? There is a Committee to look for people to plan better with recommendations as to how to avoid future floods. My question is, is the Committee aware whether in Caprivi there is such a committee? It is very important. Yesterday on the news I could not get from which Ministry the person was, but that person was very clear to say, he is calling on the Governor to look at the plan of the Waterfront that is currently undergoing finalization when it comes to the drain water and to divert water in order for floods not to escalate in future. We do not want Caprivi region to have a beautiful waterfront and then the waterfront is flooded every time. I

would therefore urge for something to be done. Maybe the committee can come up with a recommendation if there is none so that they have a committee to look into the future.

I was also very disturbed and I think the Committee was too diplomatic on this issue. Honourable Chairperson of the Committee, I think you were too diplomatic on the issue of Namwater. I think you need to be a little bit harsher because it says all concerned stakeholders should ensure the supply of fresh drinking water at all times to all Namibians. I will come to the reason why I am saying you are too diplomatic and soft. You have to be a bit harsher because when I read under 4.7.17 it says: "The committee held a meeting with Namwater official Mr. C Kruger, the committee was surprised to learn that Mr. Kruger was very reluctant to share with the committee about the issue of grounish drinking water that is being supplied to the committee. He informed the committee that he might loose his job if he were to give such an explanation. He promised to send his profile after communicating with his boss a certain Mr. Diergaardt (not Honourable Diergaardt) who is based in Rundu. On May 3 2006, the Committee Clerk called him to find out whether he spoke to his boss. He confirmed having spoken to him and was warned against giving any explanation about the issue``.

How can you be an employee of Namwater, a parastatal of the Swapo party government and you come and tell the committee that went out for investigation that people are drinking brownish water which is not healthy and you are reluctant to give information? You should be fired. It should not be

tolerated. These people should be fired and people should come in who can and are willing to work. Last year we had polio, now we have cholera which is breaking out. Namwater is a parastatal, so is Nampower. These people are not even giving something to the government in return. They just have beautiful packs. They drive the best cars in town, they have the best houses, and their children go to the best schools. They don't care about the people there who have to drink the unhealthy water. It is not acceptable. It is for this reason Comrade Chairperson of the Committee of Habitat that I feel you were too diplomatic. Please, can something come in a bit stronger so that something is done as soon as possible? Those people can die of different illnesses. We are talking about people's lives. We cannot tolerate such behaviour and such answers to say "I may not answer".

We are not prior to independence where you could not give information. This is a public institution. People are paying for water they are using but they are paying for consumable water. Namwater have to ensure that the water is safe. If the water is not safe then they have to fire the people who can't do the job and employ other people, there are many people who are unemployed and will be able to do a proper job.

In conclusion, I just wanted to ask the committee, I don't know if it is a typing error, on page 13, 6.2 Comrade Chairperson it reads: "The Region Council must not give cash to beneficiaries of Build Together Projects". I want to know whether the building projects in Caprivi are now under the Regional Council and not under the Local Authority Council. I am

not sure, I am just enquiring. Maybe it is a typing error, but if it is, I think the expertise is within the Ministry of Local Authority. I think it is a typing error so therefore I will not go in that. Maybe it is the Regional Council then I want for us to have better recommendations to the Regional Councils because we know according to the Act the Regional Councils have to act but in the case of Caprivi, I think there is a Local Authority. The recommendation I have for Building Together if you visit it again in the future is that, we have the Shack Dwellers' Association of Namibia who is assisting people very well to organise them even for the build together how to buy their things, how to build the houses, how to not waste and how to use the money appropriately. They are also getting money from our line Ministry the Ministry of Regional, Local Government and Housing. They are a very good institution that can assist the people. In future if you visit the region again, that is the advice I am giving to the committee.

Having said that Comrade Chairman, Honourable members, I thank you.

**CHAIRMAN**: Thank you very much Honourable Mensah-Williams. Any other contributions? Honourable Shangheta you may take the floor.

**MR. SHANGHETA**: Thank you very much Comrade Chairman, I also just want to thank the Committee on Habitat for the work well done. I actually just want to give information on the question of the Vice-Chairperson, as to whether the Regional Council Authorities are given money to build houses through the programme of Build Together. I think that the programme is there. In the urban

areas it is entrusted with the Local Authorities but in the settlement areas the programme is entrusted with the Regional Councils like in Tsumkwe. We are catering for that programme to build houses for those people in Tsumkwe. Thank you very much.

**CHAIRMAN:** Any other contributions? Honourable Nicanor.

**MS NICANOR:** The information provided by Honourable Shangheta. I should think the request of the Vice-Chairperson for the Chairperson of the Standing Committee on Habitat to share more light is still valued because the heading under which that he says "Town Council". Perhaps clarity can simply be obtained from the Chairperson of the Habitat Committee. Thank you Comrade Chairman.

**CHAIRMAN:** Yes, the Chairperson would still get opportunity to share light on that one. Any further discussion? Honourable Nhinda, you may reply.

**MS NHINDA:** Thank you very much Comrade Chairman. I would also like to thank the Honourable members for their advice. I am just going to answer some questions which were raised. The question whether there is a committee in the region. I think there is no such a committee in that region. When it comes to the brownish water, maybe there is something hidden but was not released to us. He said the committee owe Namwater some money; they didn't pay their water bill, that is why maybe they are supplied with brownish water. We don't know. Even the members of the committee tasted that water and it is not for human consumption. It is really dirty and that is why we asked him to take that

problem to his boss but he said he is afraid to be fired. Maybe we are diplomatic but that is the reality.

Coming to the question on page 13, I think that is the ministry of Local Authority is responsible. Thank you for the advice of the Shack Dwellers Association. We will take them next time. The Build Together as it was said in the report it was decentralized. It is there and also in the settlement areas it is the Regional Council who is dealing with that as it was mentioned by the Honourable members. That is the only thing I can say on this. I thank you.

**CHAIRMAN:** Thank you very much Honourable Nhinda. I now put the question that the report be adopted. Any objection? I observe none. Agreed to. The Report of the National Council Standing Committee on Habitat is adopted. Honourable members, that was the order of the day. Is there any other issue you would like to raise? There being none, I call upon Honourable Deputy Whip to adjourn the House.

**MS NICANOR:** Thank you very much Comrade Chairman. With the concurrence of the august House, I hereby move the adjournment of the House until tomorrow morning 09:30. So I move.

**CHAIRMAN:** Any secondment? Any objection? Agreed to. The House stands adjourned until tomorrow 09:30.

**COUNCILADJOURNED**

## **COUNCIL CHAMBER**

### **WINDHOEK**

**22 FEBRUARY 2007**

The Council met pursuant to adjournment.

The Chairman took the Chair.

Prayers and Affirmation.

**CHAIRMAN:** The House is called to order. Honourable members, this is the last day of this session. You are welcome. Any petitions? Any reports of select committees? Any reports and papers? Any notices of motions? The Secretary will read the order of the day.

FIRST ORDER READ:

**SECRETARY:** Debate on Third Reading – Combating of the Abuse of Drugs Bill [B.4 – 2006].

**CHAIRMAN:** Any discussion? Yes, Honourable Ya Kasita.

**MR. YA KASITA:** Thank you Comrade Chairman. Very briefly I would like to share some few words. Honourable members, during the committee public hearings, this Bill attracted various interests from various groups. It was also during this time that those who could not find time to come to Windhoek and present their cases; they were putting a lot of questions here and there. I wanted us when we are finished at least to go around the country and perhaps educate them on drugs, the types of drugs we are talking about because some of them take it that perhaps the passing of the Bill and the signing it into law will mean that those currently practising traditional medicine may not be able to continue

doing that. To them they think that the service they are rendering to the public is going to be stopped. Therefore they want somebody to make it clear to them about the abuse of drugs we are talking about. Even though, I know there maybe a mistake somewhere, one cannot just ignore the request. I therefore am of the opinion that besides us, the sponsoring Ministry should at least give information to the public. I know during the public hearing they were called but they declined to come. This is a very serious Bill; people should know what type of drugs we are talking about.

I am also of the opinion that those who believe that using marijuana symbolize one taking the Holy Communion. They are being advised that if that is the situation perhaps they should simply go in the streets and [indistinct] that Holy Communion instead of taking marijuana. In Oshiwambo, don't know how to say it in English, but some of drugs these people are making use of when they are upset, there is a traditional way of easing the stomach. But that again should not be confused with the drugs here. That can still continue if it is tested and not found harmful. In the past it was not harmful but the situation today is whether it is still okay.

We as Regional Councillors Honourable members, maybe we should also consider having this in our agenda when we are going to address the public, but my emphasis on the sponsoring Ministry is to carry out this very important task. I know they may not have money to go around and do this but the public in general and business community should also assist the sponsoring Ministry at least to provide something that could be used as a facility, the sponsoring

Ministry should go out to the public and spell out this very important education.

We must not also think that this work while I am emphasising that it should be carried out by the sponsoring Ministry it should only be spear-headed by the ministry, but in fact getting the input from everybody at the end of the day is important. I want the involvement of everybody in this case. It is very important that colleagues and other law enforcement agencies should always be present because these are the people in position of the types of drugs but some people are abusing them and it is always difficult for one when you are talking of drugs. What type of drug are you talking about? If you have marijuana or cannabis and the types of drugs in a form of tablets one needs to be very careful and double check as to who the person next to him is otherwise it will end up like the case we have experienced in 1995 whereby one member of Parliament in the Caribbean found himself having drugs in his pockets and not knowing who put those tablets in his pocket. When he was about to go through the checkpoint he noticed that there is something in his pocket. Then he went in and they found that there were tablets and he knew he did not have tablets in his pockets. He quickly sneaked out from the queue to the toilet and left them there. Just imagine now if you are caught. This should be a lesson to all of us. We should be careful of some people, otherwise you may be caught in this kind of situations.

Having said that Honourable Chairperson, Honourable members, I rest my case and I wish all of you a safe returning to our respective constituencies. I thank you.

**CHAIRMAN:** Thank you Honourable Ya Kasita. Any further discussions? Honourable Mensah-Williams please take the floor.

**VICE-CHAIRPERSON:** Thank you Comrade Chairman, Honourable members, I rise just to speak on one topic and that is the abuse of drugs by our youth on school premises. I think among the groups of people who appeared at the public hearings it was evident that there was a lack of representation from our young people in the society. This is merely because some of them are under peer pressure, some fall into the trap because these drug laws are targeting the youth on school premises. It is not only the cell phones with these pornographic images that they sent to one another, but they are also selling to each other the idea and we are aware of this. We were all young at one stage, in our times we were naughty. The things that we were naughty with were to try and smoke cigarettes and caught ourselves nearly to death or to taste a beer. Those were the naughty things that I would say. It is part of growing up. But in nowadays is not cigarettes, it is hardcore drugs. If you don't want to use it, then peer pressure will lead you to that. If you are a boy you will be called a "mofie" (homosexual) if you don't want to try something. And if you are a girl you will be called "useless". In today's life, for these kids it is very difficult to refrain because you don't have such, it is good that in the National Assembly they are discussing morality.

The issue of morality in our society has gone so low. What is happening in our society is that the morality is no longer there. The drug lords use somebody at

schools who is already an addict and those children try to make others addicted. Therefore, I would request in the light of that we have said how the sentencing should be and specifically when the committee look into the issue of 20 years that was minimum to say that the committee and the people from the Law Society spoke about the innocent youth who may be in a threat of somebody or who may be used not knowing what danger this actually can bring, if caught and this child have to go to 20 years in prison. That was before the amendment which we hope will be taken care of by the National Assembly.

If these kids are not getting the right information, they are going to fall into those traps and this Act after it is passed, when this Bill is enacted this Act will be severe on those youths because they are the targets of the drug lords. Therefore, I would call upon Chris, this organisation where prisoners between prisons and the society that is working with them as well as other organisation including churches and get people who are rehabilitated. It is not good for somebody who was not using this to go and speak about the issue. Let one of those people who were addicted but they are rehabilitated go in all 13 regions from school to school and educate the youth on the dangers of drugs and let the line ministry in additional with other stakeholders including NGOs, to play a vital role together with the government, to go around the country. But I want all this to start at the schools so that once those kids are informed; they will be able to make an informative decision before they can start using drugs.

In additional to do what Honourable Ya Kasita just proposed that also the line

ministry as well as other relevant stakeholders also to educate people. When it comes to traditional authorities, the types of medicine, I think that the Ministry of Health is in charge and they should indicate that traditional healers should also be registered. They should indicate what type of medicine the traditional healers are using.

**[Interjections]**

If I am saying they must be registered, am I not saying they are recognized? It is the same thing.

If that is the case, it means that they should go and find out what type of medicine is recognised by the state because the rest of the things that they will use can also be falling within the realm of drugs.

Having said that, I hope that everybody will take this Bill very seriously when it is enacted. Thank you very much Comrade Chairman.

**CHAIRMAN:** Thank you too Honourable member. Any further discussion? Honourable Shangheta.

**MR. SHANGHETA:** Thank you very much Comrade Chairman, Honourable members, I would like to say something on this third reading of Combating of Abuse of Drugs. This Bill is a very sensitive Bill. Even as Comrade Ya Kasita has said, we have to go to the people to explain as to what drugs means, because to me, drugs are any substance whether plants or anything if it is called drugs. Let's say coffee, a lot of us are drinking coffee.

**[interjections]**

**CHAIRMAN**: On a point of order.

**VICE-CHAIRPERSON**: On a point of order please Comrade Chairman, Honourable members. I would like the Honourable member not to confuse the society. We are passing a Bill on drugs. If we are going to say that coffee is also a drug then we are going to make it very difficult for the law enforcement and for the people to understand. We were just talking about education. Let us not misinform please.

**CHAIRMAN**: Thank you Honourable member. Honourable Shangheta please don't misinform.

**MR. SHANGHETA**: I read the Bill and I know what I am saying. Drugs have a lot of substantial elements to society. There are even some positive and negative elements. Therefore the ministry introduced this Bill to combat the abuse. With these few remarks Comrade Chairman, I thank you very much.

**CHAIRMAN**: Thank you very much Honourable Shangheta for indicating that the Community should continue enjoying coffee, it's not a drug. Any further discussion? Honourable Siwombe you may take the floor.

**MS SIWOMBE**: Honourable Chairman, Honourable members of the House of Review, I would like to use this golden opportunity to join other Honourable members who spoke before me to congratulate the Committee on Foreign Affairs, Defence and Security for a job well done.

Honourable Chairman, any drug, no matter how harmless it may look can be

dangerous to a person's health. It should also be noted that our young people are at risk of being destroyed. If we do not take appropriate steps to address this problem of drug abuse in our society, most of the abusers of drugs are young people between the ages of 15 to 35. These are the most productive members of our society. Just imagine, what will happen to our nation building efforts if all our youths become drug abusers.

I am otherwise in agreement with the rest of the recommendations and amendments made by the committee. With these few words, I thank you.

**CHAIRMAN**: Thank you very much. Any further contribution? There being none. Honourable members, I now put the question that the Bill be read a third time. Any objection? None. Agreed to. The Secretary will now read the Bill a third time.

THIRD READING:

**SECRETARY**: **Combating of the Abuse of Drugs Bill [B.4 – 2006].**

**CHAIRMAN**: Thank you very much. That was the order of the day. I have one or two announcements to make. Please Honourable members, be reminded of the CPA Namibia Branch Meeting today at 11:00 in G.4. Also take note of the fact that the amendments to the Labour Bill will be tabled in the National Assembly on the 27<sup>th</sup>. If possible, try to get a copy in advance so that you would solicit in your respective constituency positions of your regions. It might make it very easier when we come back at the next session to discuss that issue. Having said that, I would wish you all the best in

your endeavour to develop your respective regions and constituencies.

Take care, don't drink and drive. Don't be involved in irresponsible, unsafe sexual activities. With those few remarks, I would now call upon the Honourable Deputy Chief Whip to adjourn the House and the Session.

**MS NICANOR**: Thank you very much Comrade Chairman, Honourable members of the august House. I believe the Namibian nation out there will not be getting worried by what the Honourable member referred to as also part of the drugs being coffee, but that they will continue drinking and enjoying coffee as usual. That one is safe.

Having said that, Honourable members, I think I will fail in my duty if after observing the interest the Rastafarians have attached to this House during our deliberations on the Bill that have just been passed that is the Combating of the Abuse of Drug Bill. Up to now we are seeing them being around here trying to familiarise themselves as to how the representatives of the Namibian people are indeed dealing with issues pertaining to the well being of our nation. Everything that we do here is totally in the best interest of the Namibian people. That is what this House is there for. We would like to thank them for that interest that they have shown in attending to the question over the past two weeks.

I would also like to join Comrade Chairman in wishing all of us safe journey back to our respective constituencies and regions. I know that we are now going back but back there in our regions we are going to do our level best in order to attract the much needed

socio-economic development for our electorates. Also as members of Parliament I am aware that many of our Standing Committee of the National Council are going to continue with their duties namely going to the people and assess the needs and problems of our people and thereby enriching our lawmaking process. For that one I would like to encourage all of us that we are still on the right track and that we continue serving our people as entrusted to us as members of Parliament.

I am now having the opportunity to move that this august House is adjourned until further notice. So I move.

**CHAIRMAN**: Thank you very much. Any secondment? Any objection? Agreed to. The House stands adjourned until further notice.

**COUNCIL ADJOURNED**

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