

REPUBLIC OF NAMIBIA

NATIONAL ASSEMBLY

**CONFERMENT OF NATIONAL
HONOURS BILL**

(As read a First Time)

(Introduced by the Minister of Veterans Affairs)

[B. 7 - 2011]

BILL

To establish a National Honours Advisory Committee and Regional Honours Advisory Committees to advise the President of the Republic of Namibia when exercising his or her discretion to confer honours; to provide for the establishment of a National Heroes Acre and Regional Heroes Acres, and to provide for incidental matters.

BE IT ENACTED by the Parliament of the Republic of Namibia as follows:

Definitions

1. In this Act, unless the context otherwise indicates –

“Committee” means the National Honours Advisory Committee, established in terms of section 5 or the Regional Honours Advisory Committee established for each region in terms of section 6, as the case may be;

“honour” means an official recognition, status or award conferred by the President in terms of this Act upon any person contemplated in Article 32(3)(h) of the Namibian Constitution, and includes the conferring upon such person a medal;

“Minister” means the minister responsible for veterans affairs;

“National Honours Advisory Committee” means the National Honours Advisory Committee established under section 5;

“Regional Honours Advisory Committee” means a Regional Honours Advisory Committee established under section 6;

“region” means the region in respect of which a regional council has been established and which is specified in column 2 of Schedule 1 of the Regional Council Act, 1992 (Act No. 22 of 1992) and regional has a corresponding meaning;

“regional council” means the regional council established under section 2 of the Regional Council Act, 1992 (Act No. 22 of 1992);

“this Act” includes any regulations made hereunder; and

“veteran” means a veteran as defined in section 1 of the Veterans Act, 2008 (Act No. 2 of 2008).

Objective of the Act

2. This Act serves as guidance to the President of the Republic of Namibia when exercising his or her discretion to confer honours on certain persons as contemplated in Article 32(3)(h) of the Namibian Constitution.

Conferment of honours by President

3. (1) The President has, under Article 32(3)(h) of the Namibian Constitution, the power to confer upon citizens, residents and friends of Namibia, such honours as he or she may consider appropriate and such honour may be bestowed upon such recipient during such recipient's lifetime or posthumously.

(2) For the purpose of subsection (1), where the President wishes to confer any honour, regarding heroism or leadership or act or achievement meriting recognition of a regional or national status, upon a person set out in that subsection, he or she must –

- (a) do so in consultation with -
 - (i) the National Honours Advisory Committee, where he or she intends to confer an honour of national status upon a person, which Committee must advise the President as set out in section 8;
 - (ii) the Regional Honours Advisory Committee, where he or she intends to confer an honour of regional status upon a person, which Committee must advise the President as set out in section 8; or
 - (iii) where applicable, any other interested and relevant persons and institutions, as contemplated under Article 32(3)(h) of the Namibian Constitution; and
- (b) when applying his or her mind to such conferment take into consideration whether the person on whom such honour is to be conferred –
 - (i) is a veteran and, if so, whether such person exhibited or exhibits qualities, actions and achievements of heroism or leadership for the betterment of a region or the Namibian nation;
 - (ii) is a person who has made significant contributions to the betterment of a region or the Namibian nation in the economic, social, scientific, academic, public administration, security or any other field of human endeavor in Namibia;
 - (iii) is a person who has provided a noteworthy service, to the betterment of a region or the Namibian nation, as a Member of the National Assembly or the National Council or as a leader of a political party, a religious denomination or traditional community; or
 - (iv) is a person who has provided a noteworthy service in the national defence and security forces or notable service in international peace-keeping duties as a representative of Namibia to the betterment of a region or the Namibian nation.

(3) The President may, subject to the provisions of subsections (4) and (5), revoke and forfeit any honour conferred upon a person in terms of this Act or, where

the level of honour is erroneously conferred upon a person, the President may substitute such honour with a higher honour or lower honour, as the case may be.

(4) Subject to subsection (5), the President may revoke and forfeit any honour conferred upon a person, where such person shows disaffection towards or acts contrary to the national interest; commits a dishonorable act or omission to the detriment of national interest; acts contrary to the considerations used by the President when considering such person for an honour, or where an inquiry, lodged in terms of section 9(7), confirms that an honour was fraudulently obtained or erroneously conferred upon a person.

(5) Notwithstanding subsections (3) and (4), the President may not revoke or forfeit –

- (a) the conferment of the honour of a State Funeral; or
- (b) the conferment of the honour of interment at the National Heroes Acre or a Regional Heroes Acre, as the case may be,

where a burial or an interment has already taken place.

Conferment of honour of State Funeral

4. (1) Subject to the provisions of section 3 and section 12 or 13, as the case may be, the President may, where the person on whom he or she has conferred the honour of a regional hero or heroine or a national hero or heroine dies or is deceased, further confer the honour of a State Funeral.

(2) A State Funeral may be conducted at a Regional Heroes Acre, the National Heroes Acre or at any other burial place in Namibia.

Establishing of National Honours Advisory Committee

5. (1) There is hereby established the National Honours Advisory Committee, comprising of the following nine Committee members appointed by the President by Proclamation in the *Gazette*, eight of which are appointed from nominations received in accordance with section 7:

- (a) one member, to serve as chairperson of the Committee, appointed from nominations received from the ministry responsible for veteran affairs;
- (b) one member, to serve as vice-chairperson of the Committee, appointed from nominations received from the ministry responsible for defence;
- (c) one member appointed from nominations received from the Office of the President;
- (d) one member appointed from nominations received from the ministry responsible for State safety and security;
- (e) one member appointed from nominations received from the ministry responsible for justice;

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- (f) one member appointed from nominations received from the ministry responsible for regional and local government;
 - (g) one member appointed from nominations received from the Council of Churches in Namibia;
 - (h) one member appointed from nominations received from an association of Namibian veterans; and
 - (i) one member who the President considers to be a relevant and interested person, as contemplated in Article 32(3)(h) of the Namibian Constitution,

to serve as a member of such Committee for a period of five years.

(2) A member of the Committee, whose term of office has expired, is *mutatis mutandis* section 7 eligible for reappointment as member of that Committee for a further period of five years.

Establishing of Regional Honours Advisory Committees

6. (1) There is hereby established in each region within Namibia a Regional Honours Advisory Committee, comprising of the following eight Committee members appointed by the President by Proclamation in the *Gazette*, seven of which are appointed from nominations received in accordance with section 7:

- (a) one member, to serve as chairperson of the Committee, appointed from nominations received from the applicable Regional Council;
- (b) one member, to serve as vice-chairperson of the Committee, appointed from nominations received from the ministry responsible for veteran affairs;
- (c) one member appointed from nominations received from the ministry responsible for defence;
- (d) one member appointed from nominations received from the Office of the President;
- (e) one member appointed from nominations received from the Council of Traditional Leaders;
- (f) one member appointed from nominations received from the Council of Churches in Namibia;
- (g) one member appointed from nominations received from an association of Namibian veterans; and
- (h) one member who the President considers to be a relevant and interested person, as contemplated in Article 32(3)(h) of the Namibian Constitution,

to serve as a member of such Committee for a period of five years.

(2) A member of the Committee, whose term of office has expired, is *mutatis mutandis* section 7 eligible for reappointment as member of that Committee for a further period of five years.

Invitation calling for nominations of National Honours Advisory Committee and Regional Honours Advisory Committees members

7. (1) The Minister may invite those ministries, offices, councils or associations, referred to in sections 5 and 6 and required to submit nominations, to nominate two persons each for purposes of appointment by the President to serve as members of the National Honours Advisory Committee or a Regional Honours Advisory Committee.

- (2) An invitation referred to in subsection (1) must stipulate-
- (a) the category or class of persons who may qualify for nomination as a member;
 - (b) the form in which such nominations must be made;
 - (c) the place where and the person to whom such nominations must be submitted;
 - (d) the closing date for the submission of such nominations; and
 - (e) such other particulars or documents, as the Minister may determine, which must accompany such nominations.

(3) Where the Minister has received no nomination or insufficient nominations of persons by the closing date for submission of nominations, he or she may in addition to any nominations received recommend to the President such other persons whom he or she considers suitable for appointment as member of the National Honours Advisory Committee or a Regional Honours Advisory Committee.

Functions of the National Honours Advisory Committee and Regional Honours Advisory Committees concerning the conferment of honours

8. (1) Subject to the provisions of this Act, the Namibian Constitution or any other law, the National Honours Advisory Committee and a Regional Honours Advisory Committee must, where the President intends to confer upon a citizen, resident or friend of Namibia an honour either during such persons lifetime or posthumously, advise the President as to the suitability of his or her choice of person for conferment of such honours and whether such conferment should be made at national or regional level.

(2) Without derogating from the generality of the provisions of subsection (1), the National Honours Advisory Committee and the relevant Regional Honours Advisory Committee must receive any application made or objection lodged in terms of section 9 and in particular advise the President -

- (a) on the conferment of the honour of the status of national hero or heroine;
- (b) on the conferment of the honour of the status of regional hero or heroine;

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- (c) on the conferment of a State Funeral;
 - (d) on the conferment of interment at the National Heroes Acre;
 - (e) on the conferment of interment at a Regional Heroes Acre;
 - (f) generally on the class or category of persons on whom honours should be conferred;
 - (g) after receiving an objection as contemplated in section 9(6) that an honour was fraudulently obtained or made or that an honour was erroneously conferred upon a person, as to whether such honour was fraudulently obtained or made or erroneously conferred.

(3) The National Honours Advisory Committee and the Regional Honours Advisory Committees must act on such decisions and orders of the President as he or she may make regarding the conferment of honours upon any person.

Applications for and objections against the conferment of honours

9. (1) Any person may, subject to subsections (2)(e) and (4), make an application to the chairperson of the National Honours Advisory Committee or to the chairperson of a Regional Honours Advisory Committee for the region in which the applicants are resident –

- (a) requesting that the person named in such application be conferred with such honours as set out in that application, on the grounds that he or she-
 - (i) is a veteran and in the opinion of the applicants exhibited or exhibits noteworthy qualities, actions and achievements of heroism or outstanding leadership for the betterment of a region or the Namibian nation;
 - (ii) is a person who, in the opinion of the applicants, has made significant contributions to the betterment of a region or the Namibian nation in the economic, social, scientific, academic, public administration, security or any other field of human endeavor in Namibia;
 - (iii) is a person who, in the opinion of the applicants, has provided a noteworthy service, to the betterment of a region or the Namibian nation, as a Member of the National Assembly or the National Council or as a leader of a political party, a religious denomination or traditional community;
 - (iv) is a person who, in the opinion of the applicants, has provided a noteworthy service in the national defence and security forces or notable service in international peace-keeping duties as a representative of Namibia to the betterment of a region or the Namibian nation; or

- (b) requesting that although a person has been conferred with the honour of a national or regional hero or heroine, that such person –
 - (i) be buried according to such deceased person's wishes; or
 - (ii) be buried according to the wishes of the community.
- (2) An application referred to in subsection (1), must-
 - (a) be made in writing;
 - (b) clearly indicate the full names of the person to be conferred with honours and indicating whether such person is alive or deceased;
 - (c) detail the grounds for such conferment of honours;
 - (d) provide any documentation in support of such request or opinion that honours be conferred upon such person; and
 - (e) be supported by at least three other community members, who are hereinafter called the applicants.
- (3) When an application referred to in subsection (1) is received by the relevant chairperson, he or she must place such application before the Committee for discussion as to whether a recommendation for the conferment of honours, based on that received application, should be made to the President.
- (4) Notwithstanding subsection (1), any person may forward an application requesting the conferment of honours upon any person to the President for consideration.
- (5) The President must, when an application has been made to him or her in terms of subsection (4), forward such application for consideration and advice to either the National Honours Advisory Committee or the relevant Regional Honours Advisory Committee, as the case may be.
- (6) Any person may, at any time after an honour has been conferred upon a person or while such application for conferment of honours, in terms of subsection (1), is pending, lodge an objection to the President or to the National Honours Advisory Committee or the relevant Regional Honours Advisory Committee stating that an honour conferred upon a person has or is being fraudulently made or that an honour was erroneously conferred upon a person.
- (7) Where an objection is received by the President, as contemplated in subsection (6), he or she must forward such objection to the National Honours Advisory Committee or the relevant Regional Honours Advisory Committee ordering that an inquiry or investigation by the appropriate organs of State into such allegations be made: Provided that where an objection is lodged directly with the National Honours Advisory Committee or a Regional Honours Advisory Committee, such Committee must institute such inquiry or investigation, and must forthwith inform the President that such objection was received and that an inquiry or investigation into the matter is being instituted.

Meetings of the National Honours Advisory Committee and the Regional Honours Advisory Committees

10. (1) A meeting of the National Honours Advisory Committee or of a Regional Honours Advisory Committee must be held on the recommendation of the chairperson of the respective Committee or in the absence of such chairperson by the respective vice-chairperson on such date, time and at such venue as the chairperson or vice-chairperson, as the case may be, may determine and at such times as needed in order to comply with the functions and duties of the relevant Committee as contemplated in section 8.

(2) The procedure and quorum at any meeting held by the National Honours Advisory Committee or a Regional Honours Advisory Committee must be decided by the relevant Committee, including the number of votes required for a decision.

Remuneration

11. (1) A member of the National Honours Advisory Committee or of a Regional Honours Advisory Committee, other than a staff member of the Public Service, is entitled to receive travelling allowances determined by the Minister, with the concurrence of the minister responsible for finance.

(2) A member of the National Honours Advisory Committee or a Regional Honours Advisory Committee who is not in the full-time employment of the State must out of monies appropriated by Parliament for the purpose, be paid in respect of his or her services as a member of such Committee.

(3) Any payment made in terms of subsections (1) or (2) may differ according to the offices held or functions performed by the different members of a Committee.

Establishment of Regional Heroes Acres

12. The ministry responsible for veterans affairs must, in consultation with the President and the respective regional council, establish a Heroes Acre in each region for purposes of interring such persons who the President has conferred the honour of regional hero or heroine, or upon which the President confers the honour of interment at such Regional Heroes Acre.

Establishment of National Heroes Acre

13. There is hereby established a National Heroes Acre, situate in Windhoek, Khomas Region, for purposes of interring such persons whom the President has conferred the honour of national hero or heroine or upon which the President confers the honour of interment at such National Heroes Acre.

Regulations

14. The Minister may, without detracting from the discretion of the President, make regulations concerning –

- (a) the types, categories or class of honours which the President may confer upon persons as contemplated in Article 32(3)(h) of the Namibian Constitution; and

- (b) generally any other matter necessary for the attainment of the objectives of this Act.

Short title and commencement

15. This Act is called the Conferment of National Honours Act, 2011 and comes into operation on the date determined by the Minister by notice in the *Gazette*.
