

PERSPECTIVES ON PARLIAMENT

Issue No.4

PARLIAMENT

February 2017

THE LIST OF BILLS TO BE TABLED

Around January or February, Parliament often publishes a list of bills that might be discussed that year. This list, which can be found at the end of this bulletin, makes for interesting reading – but it is important to realise that just because a bill is on the list does not mean it will be passed. For example, last year the list contained 40 different bills – but only seven bills from the list were actually passed. Instead, 26 of the laws from last year's list that were not passed are on this year's list again. Five laws dropped off the list – does this mean they will no longer be considered? – and ten new laws were added.

But the list is not all that matters. Last year, Parliament passed 13 other bills that were not on the list. The list only indicates which bills are far enough in the drafting process that they could be tabled. If other issues come up, or if a certain Minister pushes hard for a bill to be prioritized, they can skip the queue. Last year, most of the bills passed by Parliament that were not on the list had something to do with the economy. This was clearly an area of priority in a tough year for the government, as the relevant Ministries pushed to change various taxes and regulatory frameworks. In the first of this year already, Parliament introduced several bills not on the list.

WHAT'S HAPPENING IN PARLIAMENT THIS YEAR?

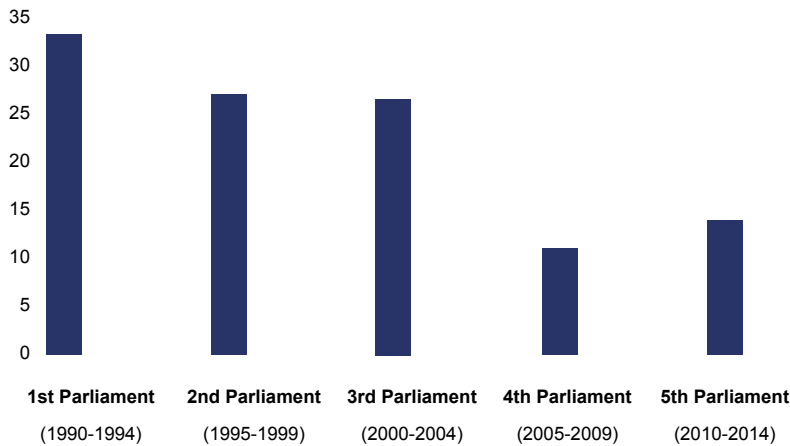


The Namibian

HOW BUSY WILL PARLIAMENT BE?

Last year, the list of potential bills had 40 items, and Parliament ended up passing 20 laws. This is a relatively decent rate – very close to the average number of laws passed by Parliament since Independence. It is tempting to demand that Parliament should pass more laws each year because there are many pressing issues in Namibia that need addressing. But if Parliament becomes too ambitious, MPs could rush their discussions and the final laws would be of poor quality. In fact, if Parliament passed 40 laws it would be the highest number ever passed by the National Assembly since independence.

Average Number of Laws Passed Per Year



Instead, it is encouraging enough that the last two years have seen an increase in laws passes since a slowdown in the ten years before. As the graph above shows, Parliament was most busy just after independence, passing more than 30 laws a year for the first five years. The country was new, and many basic laws required for the government to function needed to be passed quickly. Government also received help from international experts in drafting laws. The speed dropped a little bit for the next two Parliaments (from 1995-2009 and from 2000-2005), but the productivity of Parliament dropped significantly for the next two periods. From 2005-2009, Parliament passed ten laws a year on average, and just under 14 a year until 2014. So it is encouraging that the 6th Parliament started off more strongly, with 15 laws passed in 2015 and 20 in 2016.

Meanwhile the low uranium price means some of our biggest mines are in trouble. In other words, everyone will watch the budget speech very closely. Several key issues will come up for discussion. Of course, there are the big numbers: how much will government borrow this year, and how does the debt compare to our GDP? How large is the deficit, and where will spending be cut?

What to look out for: Apart from the usual issues outlined above, average citizens will care mostly about taxes. Tax firm Deloitte thinks several taxes will be adjusted so that the government can collect more in revenue.¹ In terms of new taxes, the Solidarity Tax that was first proposed in late 2015 is still an idea the government wants to pursue. The Minister indicated it will be a wealth tax on the highest earners, and we might hear about it in his speech.

Public Enterprises Amendment Bill

The State-Owned Enterprises have been a source of concern for a long time. So many of them have made headlines for mismanagement and corruption that government decided to completely overhaul their governance system. After more than a year of study the Ministry proposed a new framework last year, and the Minister said he hopes a bill will be introduced in the first few months of the year to make the new system a reality.

The new law will put a large number of notable companies under the direct control of the Ministry of Public Enterprises, such as Air Namibia and NWR. The Minister has promised that the new law will include stricter rules requiring how much top leaders are paid, how performance is measured, and how transparent these businesses are in providing information to the public.

What to look out for: Which SOEs actually end up under direct control of the Ministry. All commercial enterprises were supposed to be centralized, but there is already confusion over whether some of them will in fact stay with their line Min-

SPOTLIGHT ON LEGISLATION

In this section, we look at some important bills that may make it to the floor of Parliament. Some are not on the official list, but have been promised by Ministers. Because of space, we focus on two laws each from two important areas: the economy, and transparency. A strong economy going forward is necessary to continue reducing poverty and bringing more prosperity to Namibia. At the same time, more transparency is also important to ensure corruption is at a minimum and government works in the best interest of Namibians.

Economy

Appropriation Bill (the Budget)

The Minister of Finance said he wants to introduce the biggest bill of the year by the second week of March. The budget always commands national attention, but it will matter even more this year given the difficult state of the economy. In the last few years it became impossible to

ignore that government had been spending too much money and had therefore built up unsustainable amounts of debt. Halfway through last year, the Minister of Finance announced that government would reduce spending by N\$4.5 billion as a first step to address this problem. Since then, two ratings agencies – organizations that rate whether government will be able to pay back the money that they borrow – have repeated their rating of Namibia being a safe investment, but have said for the first time that the outlook for the future is negative, instead of stable.

Given the large debt, the expectation is that government will cut down on its spending. But this comes at a bad time, when the economy is already struggling. Economists predict a relatively low growth rate, while the construction industry is struggling as government has halted several large building projects.

¹Deloitte (2016). "Namibian Mid-Year Budget Review." <https://www2.deloitte.com/na/en/pages/tax/articles/namibia-2016-2017-midterm-budget-review-analysis-october-2016.html>

istries. Ministers were apparently fighting to keep control over the companies they oversaw. If all commercial businesses fall under the Ministries, that will be a sign of political commitment to real change in the sector.

Transparency

Whistleblower Protection Bill

Whistleblowers provide a very important function: when they see that someone in their organization is acting unethically, breaking laws or being corrupt, they make the courageous decision to report this behavior. Unfortunately, whistleblowers are often punished for coming forward, and this law should protect them from this victimization. Despite not being on the list of bills to be tabled this year, a bill was tabled during the first week of the session.

What to look out for: We criticised an earlier draft because the punishment for false reporting was higher than the punishment for victimising a whistleblower. The bill tabled in parliament includes these sections. If it passes without changes, the bill would intimidate people who would want to come forward to report wrongdoing, rather than encouraging whistleblowing.

Access to Information Bill

It has now been two years since President Geingob declared his assets to demonstrate the importance of transparency. However, since then only one Minister has declared his assets, and none of the Members of the National Assembly – even though the law says that they have to. Several times last year, the Minister of Information Tjekero Tweya said his Ministry was working on an Access to Information Bill. A good bill could have massive implications for everyday Namibians. The basic idea behind access to information is that people should be able to see information on issues that affects them. People who are being treated at a state hospital should know how decisions about medical care are being made; people who have made a case with the police deserve to know what is happening; and people who are customers of a business should know what sort of information this business has collected about them.

The law is not on the list of bills that may be tabled, but the Ministry made significant progress towards finalizing a bill last year in cooperation with civil society organisations.

What to look out for: if a bill arrives, it will be important that there is an independent body that finally decides on access to

information requests. Restrictions should be minimal, and the law should explicitly give citizens the right to information that concerns them not just from government but also from companies

Bills that may be tabled in the National Assembly During the 2016/17 Financial Year

Appropriation Bill ¹	Gaming and Entertainment Control Bill	Namibian Property Practitioners Bill ²
Agronomic Industry Bill	Health Professions Council Bill	Namibia Revenue Agency Bill
Arms and Ammunition Amendment Bill	Interpretation of Laws Bill	One-Stop Border Post Bill
Audit Bill	Intestate Succession Bill	Plant Breeders' and Farmers' Rights Bill
Child Justice Bill	Land Bill	Prevention and Combating of Torture Bill
Combating Abuse of Drugs Bill	Lotteries Bill	Small Claims Courts Bill
Control of Importation and Exportation of Dairy Products and Dairy Products Substitutes Amendment Bill	Magistrates Amendment Bill	Seed and Seed Varieties Bill
Customary Law Marriages Bill	Magistrates' Courts Amendment Bill	Sheriff Bill
Diplomatic Privileges and Immunities Bill	Matrimonial Property Bill	Standards Amendment Bill
Divorce Bill	Marriages Bill	Trafficking in Persons Bill
Education Bill	Meat Company of Namibia Bill	Transfer Duty Bill
Financial Institutions and Markets Bill	Micro-lending Bill	Urban and Regional planning Bill
Financial Service Adjudicator Bill	Namibia Financial Institutions Supervisory Authority Bill	Usury Amendment Bill
Food Safety Bill	Namibian Boxing Bill	

Also on last year's list
New additions

The original list can be found on the Parliament website, www.parliament.na

- 1: This bill, the "budget bill," is introduced every March and details government spending for the year
- 2: likely a combination of two bills from last year's list: the "Estate Agents and Property Developers Bill", and the "Property Valuers Profession Amendment Bill"

NATIONAL ASSEMBLY CALENDAR 2017

National Assembly in Session

JANUARY						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

FEBRUARY						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
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13	14	15	16	17	18	19
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27	28					

MARCH						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
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APRIL						
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MAY						
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JUNE						
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JULY						
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AUGUST						
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SEPTEMBER						
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OCTOBER						
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NOVEMBER						
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DECEMBER						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
4	5	6	7	8	9	10
11	12	13	14	15	16	17
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Sitting times:

Tuesday – Thursday, 14:30 – 17:45
 All National Assembly meetings are open to any member of the public unless MPs specifically vote to close a session.

Notable events:

14 February: Parliament opens
Mid-to late March: Budget Speech
April: State of the Nation
October: Mid-Year Budget Review

ABOUT THE AUTHOR

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ABOUT DEMOCRACY REPORT

Democracy Report is a project of the IPPR which analyses and disseminates information relating to the legislative agenda of Namibia’s Parliament. The project aims to promote public participation in debates concerning the work of Parliament by publishing regular analyses of legislation and other issues before the National Assembly and the National Council. Democracy Report is funded by the Embassy of Finland.



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ABOUT THE IPPR

The Institute for Public Policy Research (IPPR) is a not-for-profit organisation with a mission to deliver independent, analytical, critical yet constructive research on social, political and economic issues that affect development in Namibia. The IPPR was established in the belief that development is best promoted through free and critical debate informed by quality research.

Incorporated Association Not for Gain Registration Number 21/2000/468

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