

DEMOCRACY REPORT

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A Civil Society Perspective On Parliament

QUESTIONS DOG CONFERMENT OF NATIONAL HONOURS BILL

The Conferment of National Honours Bill, which has been in the pipeline since 2008, was read for the first time in the National Assembly (NA) on June 15, 2011.

The purpose of the proposed law, once enacted, is to serve as a guideline to the national president when exercising discretion in the conferment of national honours on individuals, as provided for by Article 32(3)(h) of the Namibian Constitution.

The Bill seeks "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" and to "provide for the establishment of the National Heroes Acre and Regional Heroes Acres".

The conferment of national honours, regardless of where it happens, is always a touchy issue and the Bill has already fallen prey to politicking. In its march through parliament, the Bill has been criticised as being an attempt by the ruling party to immortalise its own history.

Much of the controversy which has dogged the conferment of national honours and hero status in Namibia to date revolves around the fact that the concept of a 'hero' has never been properly defined, which has created uncertainty and suspicion around the conferment of national honours over the years.

In this regard, the important question is: Who qualifies as a hero? (See: *Conferment of honours by President, page 2*)

During debates on the issue, Youth and Sport Minister, Kazenambo Kazenambo, stated: "Any person who has contributed to shaping the Namibian nation, whether it is in the political, academic, economic or whatever field, should be considered." This view is widely supported by politicians across the spectrum.

However, when considering the provisions of the Bill, it would appear as if national honours are meant primarily for military veterans and those who have died in armed conflicts, such as Namibia's liberation war.

This is suggested by the fact that the National Honours Advisory Committee, consisting of nine members, would have four members drawn from within the military establishment, including a veterans' association.

Similarly, the composition and formation of the National Honours Advisory Committee, as the Bill stands at present, does not make provision for broad civil society involvement, and thus inclusivity and consensus, in the processes of conferment of national honours. The Bill makes provision for only one civil society representative, to be nominated by the Council of Churches in Namibia (CCN), on the National Honours

The Bill appears to favour the granting of hero status to those who have distinguished themselves militarily, while creating a questionable regional bureaucracy and falling short of contemplating national consensus-building.



Advisory Committee.

If the Bill is passed as is, this particular issue might become contentious in future, as it could be argued that the fact that the National Honours Advisory Committee is dominated by presidential or government appointees, or mostly civil servants, could lead to the integrity and legitimacy of the committee being questioned and compromised and its decisions and advice considered skewed in favour of a particular worldview.

Another concern of the Bill is that it does not make provision for the nomination, application and advisory processes of the National Honours Advisory Committee to be transparent.

Regional heroes and heroes acres

Another element of the Conferment of National Honours Bill which raises questions is the provision for Regional Honours Advisory Committees.

Unlike the National Honours Advisory Committee, the Regional Honours Advisory Committees will have eight members and would, amongst others, receive nominations from the Council of Traditional Leaders.

Furthermore, Section 12 of the Bill states that the Ministry of Veterans Affairs must, in consultation with the President and the respective regional council, establish a heroes acre in each region for the purpose of entering such persons upon whom the President has conferred the honour of regional hero or heroine, or upon whom the President confers the honour of interment at such regional heroes acre.

However, the Bill does not clearly specify what a regional hero is in relation to a national hero, as well as why there should be a distinction. Also, since Namibia is a unitary state, the provisions dealing with the establishment of regional heroes acres, does seem to beg further investigation and consideration, for an argument can be made that such a move would encourage regionalism.

And then again, the creation of an additional bureaucratic level at both national and regional levels does ask whether duplication will become the order of the day, as it could be suggested that since Namibia has a small population only one committee, namely the National Honours Advisory Committee, would appear to be necessary.

Assuming that there would not be a need to construct a regional heroes acre in the Khomas Region (as this region already has the National Heroes Acre, as contemplated by Section 13 of the Bill), this Bill calls for the construction of twelve new heroes acres countrywide, at a cost of millions. Twelve heroes acres would require a total of 96 members to sit on Regional Honours Advisory Committees, as contemplated by Sec-

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tion 6 of the Bill.

What the Bill also does not address explicitly is the conferment of honours on foreign nationals. Unlike similar legislation in the region, such as that of South Africa, and internationally, the Conferment of National Honours Bill does not deal with the issue of foreign nationals at all, referring simply to the provision of Article 32(3)(h) of the Namibian Constitution, which deals with the President conferring honours on “friends of

Namibia”, amongst others.

All these concerns indicate that the Conferment of National Honours Bill has some serious flaws and requires significant clarification and deliberation. It is hoped that government and Parliament would deepen the discussion around this proposed law. The last parliamentary session for 2011 will resume on 13 September 2011, and only then will the status of the Conferment of National Honours Bill be clarified.

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.

(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 endeavour 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.

DISCUSSION OF THE CONFERMENT OF NATIONAL HONOURS BILL IN THE NATIONAL ASSEMBLY:

Hon. Elia Kaiyamo Deputy Minister of Home Affairs & Immigration

“I do not want us to move fast and leave most of our people behind with this Bill. In my view, which I believe is not in line with some of the colleagues, whether you wavered in 1970 or 1980 or wavered in 2004 is the same and you are not a hero. Why do we want to bring heroism through the backdoor?”

Hon. Paulus Kapia Swapo MP

“I will have a problem as an elected member of this house to pass this Bill in its current form and I want to be on record, because heroes are not made by anybody, heroes do heroic deeds, distinguishing themselves as educationists, doctors or those who participated in the liberation struggle”.

Hon. Peter Naholo RDP MP

“Firstly, I would like to suggest that the Bill should read as follows: ‘Conferment of National and Regional Honours Bill’. It is my firm belief that the Ministry of Veteran Affairs is not the right institution to deal with this very sensitive issue of the said honours as this may lead towards biasness towards its clients, the war veterans – including myself- of the liberation struggle only, unless the Bill aims to recognise and honour the veterans only. There is a need to develop veritable criteria of identifying the potential heroes and heroines so as to minimise all possible political manipulations, especially by individuals with vested interests. I am shocked to hear that on top of the already existing Heroes Acre here in Windhoek, we must again build many more heroes acres across the country. The right thing to do is to honour our people with tangible rewards which will bring joy and happiness in their lives and not to wait until they die in order to reward them with well-fenced graves and expensive coffins”.

Hon. Usutuaije Maamberua SWANU MP

“On page 4, clause 5, Establishing of National Honours Advisory Committee, most of the people who are going to serve of this body will come from Ministries, recommended by the Ministers responsible for Veteran Affairs, Defence, etc. Given the fact that the majority of Ministers, if not all, come from one political party, it could not auger well for national unity if it is Ministers who are going to make those recommendations. On page 8, the Bill is detailing the application for and objections against conferment of honours. However, I do not see anything in the Bill concerning appeal”.

Hon. Utoni Nujoma Minister of Foreign Affairs

“[T]he qualification of a hero in the Veterans Act of 2008 is very important and should be adhered to, even by these proposed bodies we would like to confer these powers, for example the National Honours Advisory Committee and Regional Honours Advisory Committees.”

Hon. Ignatius Shixwameni APP MP

“We already see the fights that are going on in the regions. We might just be creating problems by giving each region the power to honour what would be called their regional heroes. Once the floodgates have opened, we might not be able to stop it, just as we are currently unable to stop the floodgates of the recognition of so many Chiefs without followers.”

Hon. Ben Ulenga CoD MP

“...I must say from the start that I think I would like to warn against undue urgency and haste in passing this Bill as it needs a lot of serious reconsideration and eventually I would like to propose that it be referred to the Constitutional and Legal Affairs Committee before it is passed. I think Cabinet Members must be generally warned against this thing of coming to the House and then insisting in the Bill to be dealt with as urgently as possible, because it is this House that needs to pass laws.”

THE CONFERMENT OF NATIONAL HONOURS BILL, UNDER SECTION 12, PROPOSES THE ESTABLISHMENT OF HEROES ACRES IN EVERY REGION.

DEMOCRACY REPORT ASKED MEMBERS OF THE PUBLIC: “WHAT IS YOUR OPINION ON THE PROPOSED ESTABLISHMENT OF REGIONAL HEROES ACRES?”

Jemmima Beukes, 24
Journalist, Prime Focus



“What about the unidentified heroes, lingering in mass graves? Is anybody doing anything about that? Why build heroes acres in every region while the issue of the mass graves has not been handled yet? Government should rather spend money on identifying those heroes in the mass graves and tracing their respective

families. Why would you build luxury shrines while there are still some heroes who are unknown? These people came from somewhere and therefore deserve to be identified before we can start building heroes acres.”

Edwin Uazakuani, 34
Technical and Flight Operations, Air Namibia

“Government should spend money on the development of the country. Currently a medium sized tombstone will cost about N\$60 000, now imagine a heroes acre. How much money will government spend on the marble of each heroes acre? This is money that could be well used in providing low- cost housing, primary schools and creating employment in the country. Why do they want to spend more money on the dead? Or they want to build another place where only Swapo cadres will be buried? How many people of the opposition parties have been buried at the current Heroes Acre here in Windhoek?”

Jonas Mufiti, 24, Student
Polytechnic of Namibia



“Heroes acres are very important for remembering the history of a country. These heroes acres will honour those who have contributed to the country’s history economically and through the armed liberation struggle. At present we have one heroes acre in Windhoek and it will be great to have in other

regions so that those in the regions can also know of the country’s heroes and heroines as well as the history of the country. A heroes acre in every region is good for development and education purposes.”

Sean Kangootui, 25
Property Evaluator, Ministry of Lands,
Resettlement and Rehabilitation

“At first how will they determine who a hero is and the role they played in the pre-independent Namibia? What about those who contributed to economic emancipation of the post-independent Namibia. A Heroes Acre in each region will be a waste of government resources that should be channelled to more useful and needing areas like education and health, not to mention unemployment.”

George Moncho, 21
Student, Polytechnic of Namibia



“The idea of Heroes Acres in every region is not a bad idea, but will it benefit a country that is already struggling to cope with its financial issues? The idea has two sides. The first side, I speak under correction,

the current Heroes Acre cost us millions and to build twelve more Acres might deepen our financial situation. The other side is that it can also increase tourism but will this increase in tourism be sufficient to cover up for the expenses of all Acres. I am fully behind the idea of Heroes Acres in all regions, but will the government have sufficient financial back up?”

K’lian Wombulu, 27
Teacher, Outjo Secondary School



“We don’t need Heroes Acres in all regions as it will still cause problems. What we need is a clear definition of what a hero is. The power to decide who a hero is must lie with the President alone, but committees comprised of political leaders, church leaders and business leaders. So that it can be identified who qualifies to

be a hero. A hero must not be defined by political contributions alone but by many things such academics even some HIV infected people like Emma Tuaepea can be regarded as a hero. She has stood up against discrimination and gave hope to the rest that one can live life with AIDS.”

Peter Mietzner
Country Manager, iNamibia



“It might not be such a bad idea, because it will allow each region to have its own heroes more prominently displayed and promoted. In many cases the local heroes are forgotten in favour of our national heroes. Such a project would focus the attention on the local community and its heroes

far more than is the case now. But then it must also be run by the local community. This can, in turn, also promote tourism. As regards the financing, that is where I have grave doubts. If the money has to come from the national coffers then I am not so sure Namibia has the money to put up these Heroes Acres. If they are established they should be planned and built by locals in order to promote employment opportunities.”

Viyanda Karupa, 18
Unemployed



“I believe it is a waste of resources. This money can be used in creating jobs. This will be another burial place for Swapo people and supporters. Why does the government want to waste money on unnecessary things while there are more important and pressing issues?”

Gelden !Nowaseb, 22
Unemployed

“I do not see anything wrong with that as long as there is justification for that. Heroes Acres will create employment for people and if they allow people to open up a restaurant or coffee shop at these Acres, more jobs are created in the process. The Heroes Acres must be regulated properly to benefit all in the regions.”

Stanley Uanivi, 19
Unemployed

“We need work, not more cemeteries. What good will those acres do anyone in a country where unemployment is increasing every day? Government needs to get its priorities right. People are hungry and you want to build Heroes Acres? Who eats Heroes Acres? People need to wake up and see that if we don’t stop these things we will end up a country with no economy. I don’t see how these Acres will make profits.”

Bills in Parliament during the 1st and 2nd Sessions, 2011

Name of Bill	Bill Number	Date Tabled in NA	Date Passed in NA	Date Passed in NC
Unit Trusts Amendment Bill	B.1 of 2011	24.02.2011	08.03.2011	24.05.2011
Long-term Insurance Amendment Bill	B.2 of 2011	24.02.2011	02.03.2011	14.04.2011
Pension Fund Amendment Bill	B.3 of 2011	24.02.2011	02.03.2011	14.04.2011
Inspection of Financial Institutions Bill	B.4 of 2011	24.02.2011	03.03.2011	11.05.2011
Income Tax Amendment Bill	B.5 of 2011	24.02.2011	03.03.2011	14.04.2011
Appropriation Bill	B.6 of 2011	09.03.2011	29.04.2011	24.05.2011
Conferment of National Honours Bill	B.7 of 2011	15.06.2011	Pending	Pending

PUBLIC ACCOUNTS COMMITTEE SPOTLIGHTS MALADMINISTRATION

Parliament's Public Accounts Committee, under the chairpersonship of Hon. Usutuaije Maamberua, has been very active over the last few months. Public hearings of the Committee have shone the spotlight on serious breaches in good governance at various government departments and agencies. Most of the instances for which the Committee has summoned officials to appear before it have dealt with financial mismanagement and maladministration of these taxpayer-funded institutions. In this regard, the Committee appears to be taking its oversight role increasingly seriously, and a string of senior officials have had to sit in the hot seat over the last few months. Following is a table of some of the public entities called to account by the Public Accounts Committee:

Date of the hearing	Entities before the hearing	Matter(s) before the hearing
26 July 2011	Ministry of Information & Communication Technology / Namibia Broadcasting Corporation (NBC)	Non-payment of employees' pension deductions, VAT and income tax by NBC
26 July 2011	Ministry of Safety and Security	Bursaries unaccounted for, and abuse of study assistance.
23 June 2011	Pan-African Centre of Namibia (Pacon) / Namibia Film Commission (NFC)	Financial affairs of the film 'Where others Wavered' (now 'Namibia: The struggle for Independence') from 2006 to 2008.
16 June 2011	Office of Prime Minister (OPM)	Allegations of illegal spending of taxpayers' dollars on printing a book for the Swapo congress of November 2007.

ABOUT DEMOCRACY REPORT

Democracy Report will observe, analyse and disseminate information about the debates and activities of both the National Council and National Assembly. The project will produce at least five specialist research papers per year aimed at enhancing wider understanding of issues that on the legislative agenda.

THE OBJECTIVES OF DEMOCRACY REPORT ARE:

- To promote a better understanding of the tenets of democracy throughout Namibia.
- To encourage participation in national debates on policy issues through the creation of a variety of forums.
- To create a greater awareness and discourse among the general public about the role of parliament.
- To enable stakeholders to have a better understanding of the legislation and other issues before parliament and, in so doing, contributed to informed public and parliamentary discourse.
- To review the performance of parliament in terms of its capacity to deliver legislation as well as its functioning in terms of its committee systems; accountability; and administration.

ABOUT THE IPPR

The Institute for Public Policy Research (IPPR) was launched in 2001 as 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.

The IPPR is independent from government, political parties, business, trade unions and other interest groups. The Institute is governed by a board of seven trustees from different areas of Namibian society. The IPPR is mainly grant-funded, but also undertakes paid research on public policy issues provided independent conclusions can be reached and made available to the public.

The IPPR produces a range of publications including briefing papers, commentaries, research reports, books, and bulletins. Recent research projects have included: poverty and inequality, electricity supply, budget accountability, election monitoring, business climate assessments as well as papers based on the Afrobarometer survey. Research can be accessed at the IPPR's website: <http://www.ippr.org.na>