

# X DEMOCRACY REPORT

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A Civil Society Perspective On Parliament

## STILL NOT SPEAKING OUT



**An assessment of MPs' performance indicates that quite a number do not make full use of their seats in Parliament for the benefit of society, rather choosing to be silent and anonymous, which raises questions as to their fitness to be in the legislature**

It has long been a criticism of Parliament and individual politicians occupying seats there that they have become inactive, ineffectual and even removed from the general populace.

As evidence, critics have pointed to the number of bills tabled and laws passed, and even the quality of debates, in any parliamentary cycle to illustrate that the Namibian Parliament has fallen into some sort of legislative slumber.

It is not easy to measure the dynamics of parliamentary processes, but one indicator which can be used to determine to what extent individual Members of Parliament (MPs) are active and engaged in parliamentary, specifically National Assembly, processes is to look at MPs' contributions to debates and motions.

These contributions are captured in the Hansards – the official record of parliamentary proceedings.

But first-off, the National Assembly of the Republic of Namibia is empowered by the Constitution of the country to introduce and enact laws in the interest of the state and citizens.

This power is conferred through Article 63 of the Namibian Constitution, which states:

*(1) The National Assembly, as the principal legislative authority in and over Namibia, shall have the power, subject to this Constitution, to make and repeal laws for the peace, order and good government of the country in the best interest of the people of Namibia.*

In the process of law-making and other parliamentary functions, MPs are expected to make contributions to enrich debates before the House and by so doing pass responsive laws. It is incumbent upon MPs to thoroughly debate bills to avoid unnecessary and costly constitutional challenges to pieces of legislation passed by Parliament.

In this context of the National Assembly being the "principal legislative authority", back in September 2009 the Institute for Public Policy Research (IPPR)

released an assessment report of the performance of MPs over a two-year period – September 2005 to October 2007 – which indicated that during that time a number of MPs had hardly uttered a word in the National Assembly.

The title of the IPPR report – 'Not speaking out' – appropriately captured the worrying fact that quite a number of MPs could not be bothered to take part in the important debates which shape the legislative framework within which society functions. In some cases, even if they did take part, their contributions were few and far between and brief.

Sadly, this situation does not appear to have changed much in the intervening two years since that report was released, as it seems that some MPs in the fifth Parliament have inherited the same attitude of disengagement displayed by members of the fourth Parliament, if an assessment of MPs' performance for the first few months of this year is anything to go by.

### The best performers

However, this does not mean that there were no good performers, for while many MPs were silent and or mostly anonymous in the National Assembly, some amongst them were quite active.

Seventy-six (76) of the National Assembly's 78 members (excluding the Speaker and the Deputy Speaker) were assessed in terms of their overall contribution in the form of speeches, questions, replies and motions. Ministerial statements were not counted in order to be able to gauge how much

MPs participated in ordinary debate. The aggregate number of lines from speeches, questions, replies and contributions to motion debates determines the ranking of an individual MP.

Topping the list of best performers – when considering the number of lines in Hansard for the three-month period from February to April 2011 – is Swapo Party MP and Minister of Environment and Tourism, Netumbo Nandi-Ndaitwah. Nandi-Ndaitwah has a total of 729 lines in Hansard over the three-month period. During this period the passage of the Appropriation Bill (national budget) dominated debate in the National Assembly.

She is followed by Foreign Affairs Deputy Minister Peya Mushelenga and Education Minister Abraham Iyambo. Mushelenga had 630 lines and Iyambo 591 lines.

As for the opposition parties, only two opposition MPs made it into the top 10 of most active MPs, namely Jesaya Nyamu, Secretary General of the Rally for

Democracy and Progress (RDP) at number four and Swanu President Usutuaije Maamberua at number ten. Nyamu had 528 lines and Maamberua 467 lines.

Considering this it could probably be concluded that most opposition MPs do not take their role in Parliament as seriously as they should, given that theirs is a role of providing alternative arguments within the framework of parliamentary discourse and to be a bell-ringer in the face of overwhelming superiority in numbers that the ruling Swapo Party can muster in any debate and vote.



Netumbo Nandi-Ndaitwah

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### Most number of lines in Hansard (February – April 2011):

MP	Party	No. of lines
1. Netumbo Nandi-Ndaitwah	Swapo	729
2. Peya Mushelenga	Swapo	630
3. Abraham Iyambo	Swapo	591
4. Jesaya Nyamu	RDP	528
5. Joel Kaapanda	Swapo	515
6. Nahas Angula	Swapo	509
7. Saara Kuugongelwa-Amadhila	Swapo	502
8. Kazenambo Kazenambo	Swapo	494
9. Nickey Iyambo	Swapo	485
10. Usutuaije Maamberua	Swanu	467

### The worst performers

As with the best performers, it should be kept in mind that the discussed performance reflects only the three months from February to April this year and does not reflect individual performances before and after this period.

That said, the bottom ten on the ranking by lines in Hansard is also dominated by the ruling party, with seven of the worst performers being Swapo Party MPs.

Seven out of the bottom ten also did not record a single line in Hansard during the period under discussion. Rounding out the bottom ten is Uahekua Herunga, Piet van der Walt, Agnes Tjongarero, all three of the Swapo Party, and Simson Tjongarero of the United Democratic Front (UDF). All four, along with the RDP's Heiko Lucks and Swapo's Marco Hausiku and Evelyn !Nawases-Taeyele recorded no lines in Hansard.

Most notably, the President of the official opposition, Hidipo Hamutenya of the RDP, also features amongst the worst performers, coming in at eighth worst with only one line recorded in Hansard over the three-month period. For an opposition leader being proactive and involved should be the hallmarks of conduct. Hamutenya's apparent lack of involvement and engagement is not a good thing for either his party or opposition politics in the country, as well as not being in the national interest, as dynamic opposition leaders and parties contribute to the fostering and maintenance of a vibrant political culture.

On a point of comparison, between them the bottom ten only recorded 22 lines in Hansard, while each of the top ten averaged well over 450 lines each. The difference in activeness is stark and raises questions about some MP's fitness to be in the legis-

lature. If MPs do not contribute to key debates around crucial issues affecting society, then their representation has little meaning.

### Least number of lines in Hansard (February – April 2011):

MP	Party	No. of lines
1. Uahekua Herunga	Swapo	0
2. Piet van der Walt	Swapo	0
3. Agnes Tjongarero	Swapo	0
4. Simson Tjongarero	UDF	0
5. Heiko Lucks	RDP	0
6. Marco Hausiku	Swapo	0
7. Evelyn !Nawases-Taeyele	Swapo	0
8. Hidipo Hamutenya	RDP	1
9. Hage Geingob	Swapo	7
10. Bernhardt Esau	Swapo	14

## How it was done

Judging the quality of MPs' contributions in the National Assembly is beyond the scope of the assessment, hence the focus solely on the number of lines individual MPs had contributed to the official record of parliamentary proceedings, the Hansard. Three volumes of Hansard, covering a period from early February to mid April 2011, have been reviewed for the purposes of this report. Ideally, the IPPR wanted to review the first two sessions of the National Assembly's proceedings, but the unavailability of Hansard restricted the review to the aforementioned period. Ministerial statements were stripped out of the counting, while statements introducing motions were given a value of 1, in order to gain a sense of how much MPs contributed to general debate.

## 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.

# PERFORMANCE OF NON-ELECTED MEMBERS

The six (6) non-voting members are appointed by the President in terms of Article 32(5)(c) of the Namibian Constitution which states that "the President shall have the power to: appoint as members of the National Assembly but without any vote therein, not more than six (6) persons by virtue of their expertise, status, skill or experience". The table (right) highlights the performance of these non-voting members in terms of lines recorded in Hansard. Deputy Minister of Finance Calle Schlettwein is among the top 20 on the overall ranking, and is the best performing non-elected MP with 362 lines, while Agnes Tjongarero is the worst performer with zero lines recorded in Hansard. Collectively, non-voting MPs contributed 783 lines to Hansard during the period reviewed.

## Performance of non-elected MPs:

MP	Overall position	No. of lines
1. Calle Schlettwein	16	362
2. Stanley Simataa	32	215
3. Peter Katjavivi	40	153
4. Sophia Swartz	60	34
5. Maureen Jankowski	66	19
6. Agnes Tjongarero	72	0

# PERFORMANCE OF PARLIAMENT

THE DEMOCRACY REPORT TEAM APPROACHED VARIOUS LOCAL NON-GOVERNMENTAL ORGANISATIONS AND ASKED THEM THE FOLLOWING QUESTION:

**WHAT WOULD YOU SUGGEST TO MAKE PARLIAMENT MORE RESPONSIVE TO THE PEOPLE? AND, WHAT WOULD BE THE BEST WAY TO ENHANCE THE PARLIAMENT AND PUBLIC INTERFACE?**

## Ngamane Karuaihe-Upi Misa Namibia



Parliament needs to become the role models they are supposed to be. Starting with declaring their assets as required by law, they also need to create platforms to clearly interact with the public, and hear first-hand about the plight of the citizens. They need to proactively implement the policies and programmes of Namibia, with a hands-on approach.

## Dianne Hubbard Legal Assistance Centre

Demystify the law-making process by disseminating simple information about how it works through the media, in educational material and in all Namibian languages. Add information on the law-making process to the secondary school curriculum.



Require ministries (or the Law Reform and Development Commission (LRDC) where it initiates bills) to prepare background information and simple-language summaries of bills which can be made available to interested parties and through the media. Where bills are likely to be of widespread interest, these summaries should be made available in languages additional to English.

Encourage ministries, the LRDC and relevant Parliamentary Committees to make greater use of the media to disseminate information about proposed laws.

Standardise minimum requirements for public consultation on all new bills and major amending legislation. Require that all "layperson's drafts" be published in the Government Gazette for information purposes, to ensure that any member of the public can have access to them. Alternatively, make all "layperson's drafts" and other policy documents which form the background to the legislation, available through a single government official (such as a Parliament or Cabinet Information Officer), since it is difficult for members of the public to know which ministry to approach or who to approach within the ministry.

Ensure women's participation by directing particular consultation efforts at women, and utilise existing women's groups to channel information and responses from women. Encourage greater use of local and regional meetings to reach a broader spectrum of the public, and use these forums for the discussion of specific law reform options or proposals. Regional Councils could become more involved in this aspect of consultation.

Where any government body solicits public input, it should make sure that meetings are scheduled at times and places which are appropriate for working women and

for women with child care responsibilities.

Women should be given opportunities to give input on law reform proposals in a comfortable environment – which means in their own language, in a familiar setting, and in isolation from male relatives and male members of the community.

Require ministries (and the LRDC) to share all major comments received on draft bills with the public. This could be done in the form of brief reports which summarise public input, such as the papers which the South African Law Reform Commission publishes after it has invited comments on initial "issue papers". The same reports would also be of use to the Cabinet Committee on Legislation and to Cabinet, thus accomplishing several purposes at once.

Encourage ministries (or the LRDC) to circulate draft bills for an additional round of public input before they go to the technical drafters, if Cabinet consideration of the bill has led to substantial changes. Require (by law or otherwise) that all bills be published in the Government Gazette at least one month before any Parliamentary consideration begins.

Require (by law or otherwise) that all bills be drafted in the simplest possible language. Introduce a single Information Officer at Parliament who could give any member of the public clear and accurate information about where a bill is in the Parliamentary process, along with information on how to get access to information about the bill. Introduce a similar Information Officer at Cabinet to answer queries about bills which have not yet been introduced into Parliament.

## Jackson Mwalundange Forum for the Future

Parliamentarians should start behaving as parliamentarians and not insult each other during debates. They must respond to issues raised and not call each other names, so that the public can have the interest in listening to sessions.



They must demystify Parliament as an institution. They must encourage people to attend Parliamentary sessions. Most people do not know that it is their right to attend these sessions. Parliamentarians, especially those of the ruling party, keep people in ignorance, even their own supporters.

Parliament should inform people that it is their right to attend sessions. Parliamentarians are elected by parties and not the people. They are party representatives and not people representatives. We want parliamentarians elected by constituencies or regions for them to be people's MPs. If I am in Katutura, I should know to which parliamentarian I must run if I want issues brought to Parliament.

## Ivin Lombardt Nangof Trust

We need a Parliament that represents people and not parties. Right now we have a system where political parties nominate people to Parliament and by the number of votes they get they enter Parliament. This system is defeating democracy in Namibia because MPs put party interests first.

We can reform that to a system whereby each constituency nominates people to Parliament. This will make MPs realise that they have to put the public interest first. We also have to reform the electoral laws in Namibia to make them more in-line with global practices.

In order to enhance the Parliament and public interface we need to have more public hearings. We have very few public hearings and not everything that comes to Parliament is brought to the ears of the public. We need to probe issues like the GIPF and MVA cases. Parliament is silent on these issues.

## Uhuru Dempers BIG Coalition

Parliament must be proactive on issues that are critical, such as socio-economic, political, and developmental issues in the country. Parliament must not wait until these issues are brought to them. For instance, media reports revealed that children died of malnutrition in 2010 and I have not heard of any Parliamentary Committee calling for a special hearing session to question the relevant ministries on this matter. Parliament operates as if they are in a closed circuit and oblivious to what is happening around them.

Parliament should become more aggressive in holding the executive accountable. I appreciate the calling of SOEs and ministers to answer questions on certain issues, but they must call ministers to account for the budgets given to them.

For years and years money has been sent back to the treasury because it was not utilised due to delays in tender processes and lack of capacity to complete the projects it was intended for.

Parliament rubberstamping the budget is useless. Why do we take the budget to Parliament if there will be no amendments made to it. South Africa passed legislation for Parliament to have a say in the budget.

There should be more public hearings. Ministers lobby very hard to avoid public hearings because they believe it will delay the legislative process.

Public hearings must be user friendly to enable the public to give testimonies in their indigenous languages. MPs must interact with the public in their languages to encourage people to interact with them.

Parliament's agenda must be made more public. The diary of Parliament should be made public, including the updating of the Parliament website.



## LAWS PASSED IN THE FIRST HALF OF 2011

A total of nine (9) Bills passed into law during the first half of 2011. These Bills became law after being assented to by the President in terms of Article 56 of the Namibian Constitution. Two of the bills enacted into law in 2011 date from September 2010. These are the Animal Health Bill [B. 6 – 2010], which has since become the Animal Health Act (No. 1 of 2011) and Employment Service Bill [B. 15 – 2010], which is now the Employment Service Act [No. 8 of 2011]. The Industrial Property Bill [B. 1 – 2010], also introduced in 2010, is still with the National Council (NC), without a clear indication of when it will pass into law.

### Laws passed in 2011

Act Name & No.	Date of Assent
Animal Health Act [No. 1 of 2011]	April 03 2011
Long-term Insurance Amendment Act [No. 2 of 2011]	May 24 2011
Income Tax Amendment Act [No. 3 of 2011]	May 24 2011
Appropriation Act [No. 4 of 2011]	May 31 2011
Pension Fund Amendment Act [No. 5 of 2011]	May 31 2011
Inspection of Financial Institutions Act [No. 6 of 2011]	June 26 2011
Income Tax Second Amendment Act [No. 7 of 2011]	June 29 2011
Employment Service Act [No. 8 of 2011]	July 14 2011
Statistics Act [No. 9 of 2011]	August 02 2011

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# FEMALE MPS FAIL TO IMPRESS

An assessment of the performance of the current batch of MPs over a three-month period from earlier in the year reveals that female MPs have not on the whole distinguished themselves by their involvement and activeness in parliamentary processes.

Out of the 20 female MPs only two ranked amongst the top 20 best performing MPs, when based on the number of lines recorded in Hansard between February and April 2011.

These two female MPs are Minister of Environment and Tourism,

Netumbo Nandi-Ndaitwah, who recorded the most lines out of all 78 MPs in Hansard, 729 lines, and Minister of Finance, Saara Kuugongelwa-Amadhila, who came in at seventh overall with 502 lines in Hansard. A consideration to bear in mind is that given their high profile roles as ministers of prominent government departments, this might be a contributory factor to their high placing on the list of best performing MPs.

As for worst performers, two of the seven MPs who did not make any contributions, recording zero lines in

Hansard, in the National Assembly during the period under review, are females. They are Swapo Party backbenchers Agnes Tjongarero and Evelyn !Nawases -Taeyele.

Agnes Tjongarero is also the worst performer amongst the six non-elected and non-voting MPs appointed to Parliament by the President in terms of Article 32 (5) (c) of the Namibian Constitution. Three of the six MPs are women, with the other two, Sophia Swartz and Maureen Jankowski, coming in at 60<sup>th</sup> (34 lines) and 66<sup>th</sup> (19 lines) respectively.

Amongst opposition party MPs, the Republican Party's Clara Gowases, despite coming late to Parliament following the withdrawal of party president Henk Mudge early this year, did exceptionally well, recording 145 lines and ranking eighth most active on the list of 19 female MPs.

On the whole, with the exception of the two ministers ranked in the top 20, female MPs have tended to rank towards the mid to lower half when looking at contributions in the National Assembly. This suggests that women politicians largely still have not found or asserted their voice in legislative and national level decision-making processes.

Most female MPs made brief contributions to debates, excepting the Appropriation Bill. If female MPs are to improve their individual rankings they will have to do more than just introducing Points of Order, tabling reports and engaging in contentless interruptions in the House.

Considering the number of female MPs, over the last two decades the role of women in legislative and decision-making processes has become a prominent and central issue in political discussions regionally and internationally.

The debate and the consequent realisation that women need to be included in political processes gave rise to the development and adoption of the regional SADC Protocol on Gender and Development in August 2008. Namibia was the first SADC state to ratify the protocol in October 2009, just a month before the November 2009 National Assembly and Presidential elections.

The SADC Protocol committed the 13 SADC countries to 50 percent representation of women in legislatures by 2015. However, Namibia along with the majority of SADC states is not going to meet this deadline, as the country has only 17 elected female MPs in the National Assembly, or 24 percent, and the next National Assembly election will be held only towards the end of 2015.

### Performance of female MPs (February to April 2011)\*

MP	Party	No. of lines
1. Netumbo Nandi-Ndaitwah	Swapo	729
2. Saara Kuugongelwa-Amadhila	Swapo	502
3. Alexia Manombe-Ncube	Swapo	232
4. Rosalia Nghidinwa	Swapo	232
5. Pendukeni Iivula-Ithana	Swapo	226
6. Juliet Kavetuna	Swapo	165
7. Sylvia Makgone	Swapo	163
8. Clara Gowases	RP	145
9. Agnes Limbo	RDP	103
10. Lucia Witbooi	Swapo	95
11. Priscilla Beukes	Swapo	71
12. Lempy Lucas	Swapo	64
13. Doreen Sioka	Swapo	37
14. Sophia Swartz	Swapo	34
15. Angelika Muharukua	Swapo	21
16. Petrina Haingura	Swapo	19
17. Maureen Jankowski	Swapo	19

\*Excluding Deputy Speaker: Loide Kasingo; Agnes Tjongarero and Evelyn !Nawases-Taeyele recorded 0 lines

The table below indicates the number of female MPs over the last two decades.

### Female Representation in the National Assembly\*

Year	Total seats	Women's seats	% women
2009	72	17	24
2004	72	18	25
1999	72	18	25
1994	72	13	18
1989	72	5	7

\*Only those voted into Parliament