

PERSPECTIVES ON PARLIAMENT

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KEY BILLS IN 2017

Namibian Time Bill. Probably one of the most-debated bills of the year, the Namibian Time Bill went back for additional consultations, meaning 2017 still experienced the daylight savings practices of turning our clocks an hour back. With the Bill becoming law, in April 2018, this practice ends, and the clocks will not change.

Electronic Transactions and Cybercrime Bill. The Minister of Information and Communications Technology, Tjekero Tweja, had already announced he was going to table this bill before he suddenly withdrew it again in early February. The Ministry conducted further consultations on the document, and civil society – including the IPPR – has been very critical of the bill. It includes provisions that could enable widespread violations of privacy, and contains language that could be misused to try and suppress free speech on the internet. The Ministry is now working on an updated draft bill.

Lottery Bill. IPPR reported on this Bill in Perspectives on Parliament Issue No. 6. Parliament passed a law that would allow for the creation of a nationwide lottery run by the government. Government's objective with this Bill was to bring in some extra money that could be spent on poverty reduction, according to government. However, we warned that lotteries are often a 'tax on the poor', for whom the price of a ticket is a greater loss than for wealthier people. We also criticised that the bill gave a lot of power to the minister and the board running the lottery to decide how the money was spent. The National Council amended the bill, and it now specifically notes that a certain percentage of the funds have to go to charity, arts, culture, sport, youth empowerment, mental health, science and research, and national emergencies.

YEAR IN REVIEW: 2017



2017 was an eventful year in the Namibian Parliament. MPs discussed a range of new laws, asked Ministers more than 150 questions, and debated fiercely. In fact, several times things got so heated that some opposition members walked out. Swapo also saw some turmoil, withdrawing Bernardus Swartbooi from his parliamentary position, after he had become increasingly critical of the party in

public, and replacing him with Paula Kooper.

At the beginning of 2017, we published an issue of *Perspectives on Parliament* (Issue No. 4) where we highlighted important laws that were set to be discussed over the course of the year. In this review, we go back to those issues – and also summarize additional happenings in Parliament over the last twelve months.

Did things go according to Plan?

Last year, as every year, Parliament published a “list of bills to be tabled” in January. In our earlier publication, we warned that only a small number of these usually make it through Parliament – and this, too, was the case in 2017. The list contained 41 bills. Of these, only about a quarter made it at least through the National Assembly by the end of the year.

However, as in other years, there were also several laws that were not on the list that were introduced and passed. Some, like the Whistleblower Protection Bill or the Witness

Protection Bill, were new bills. Others, like the Regional Councils Amendment Bill, returned after having been debated the previous year (2016) already.

All in all, the National Assembly debated 23 laws in 2017. This is a decent number of laws to consider, compared to the historical average. However, there were still times in the year where the National Assembly did not have any laws to discuss, presumably because drafting was delayed. For example, after the parliamentary sessions resumed in September, the House did not discuss any laws for most of the month until reconsidering previous laws that the National Council had changed.

SPOTLIGHT ON LEGISLATION

At the beginning of the year, we discussed a few big laws that we thought could come up, and some issues that should be kept in mind with these laws. Let's take a look at what happened.

Appropriations Bill

In our preview of the year, we said that government would have to strike a fine balance: spending had to be controlled to lower our debt, which was worrying ratings agencies. At the same time, too many cuts would further hurt the economy, which was already struggling. In the end, government did not cut much at all. In fact, the mid-year budget adjustment increased spending significantly, much of the increase covering outstanding bills after it turned out that several ministries had simply spent money anyways.

Public Enterprises Amendment Bill

One of this government's key initiatives has been an effort to get the worst-governed State-Owned Enterprises under control. The new Ministry of Public Enterprises proposed a new Hybrid Govern-

ance System in 2016, which would allow it to directly control Air Namibia, TransNamib, and 16 other commercial entities owned by the government. However, despite being promised for February, the bill never made it to the Parliament floor. Without this legal framework the new minister has little power to enact the reforms these enterprises need, so passing this bill will be a priority.

Whistleblower Protection Bill

This bill seeks to protect people who come forward to report someone in their organisation breaking the law. This is very important: without these protections, people will be scared that they might lose their job or be demoted if they report wrongdoing. This bill could help fight corruption by bringing more cases to light.

In our preview of the year, we noted that the draft law had several flaws. It had very high punishments for people who file false reports, which could discourage whistleblowers. In fact, the bill tabled in Parliament initially had a very worrying clause: it stated that protection could be removed if the whistleblower's primary aim was to criticize government policy. This phrasing is so

broad that it could have cost many whistleblowers their protection. In the end, the National Assembly removed that clause, and significantly reduced the penalties for false reporting. The bill that passed, while not perfect, was much improved from the original draft.

Access to Information Bill

Informed citizens are at the heart of every democracy. Citizens have the right to know what the government is doing on their behalf, and government should do its best to provide citizens with the information they request. Access to Information is not just an issue for the media!. From people who have launched a police case and want to know what happened to it, to patients at clinics who want to know about the rules government uses to determine how to treat people, every Namibian needs access to information.

In the beginning of the year, we reported that the Ministry had made good progress on a draft bill. However, progress on that bill seems to have stalled. Making any law in Namibia takes a long time, and so it is not unusual for a bill to take this long. But this is a crucial issue, and should not be neglected in the coming year.



Access to Biological and Genetic Resources and Associated Traditional Knowledge Bill

Purpose: protects the rights of local communities over biological/genetic resources and traditional knowledge they have, and establishes a mechanism for sharing benefits from these resources.

Combating of Trafficking in Persons Bill

Purpose: makes human trafficking, as well as assisting human traffickers a crime, and provides for services for victims.

Controlled Wildlife Products and Trade Act Amendment Bill

Purpose: increases maximum penalties for possession of certain wildlife parts from N\$ 20,000 to N\$15 million in some cases and from N\$200,000 to N\$25 million in others, with maximum prison terms increasing by up to 10 years.

Education Amendment Bill

Purpose: this bill entrenches in the law that pre-primary, primary and secondary education are free. It also removes the compulsory

contributions to school development funds.

Liquor Amendment Bill

Purpose: this bill forbids selling alcohol near educational institutions, health centres, and churches.

Local Authorities Amendment Bill

Purpose: An amendment to the local authorities act, which gives the Minister of Urban and Regional Development powers to approve appointments and suspensions of the CEO of Local Authorities.

Namibia Revenue Agency Bill

Purpose: this bill creates a new Agency that focuses on collecting taxes. The idea is that this agency – like the one in South Africa – will be able to build up specialized skills that will help government collect more taxes.

Nature Conservation Amendment Bill

Purpose: this bill outlines a framework for allowing tourism concessions in protected areas, and increases penalties for illegally hunting elephants or rhinos from N\$200,000 to N\$25 million.

One Stop Border Posts Control Bill

Purpose: people crossing the border between Namibia and our neighbours now only have to stop at one post controlled jointly by both countries, rather than having to be checked on both sides.

Private-Public Partnership Bill

Purpose: this bill establishes a framework for projects run by government (public) and private companies together, and regulates how these projects need to be handled from start to finish.

Property Valuers Profession Amendment Bill

Purpose: Namibia already had an Act regulating Property Valuers, which established a council for them and made it mandatory for them to register. This amendment clarifies penalties for people who work as property valuers without being registered with the council.

Regional Councils Amendment Bill

Purpose: this bill changed some ways in which Regional Councils operate, includ-

ing a requirement that the Minister must approve the appointment and suspension of the chief regional officer of the regional council.

Special Risks Insurance Association Bill

Purpose: Through this bill, the National Special Risks Insurance Association is converted into a company.

Urban and Regional Planning Bill

Purpose: Namibian town planners are still working under rules from the apartheid era. This new bill is supposed to allow for a modern approach, including more public participation and faster decisions.

Usury Amendment Bill

Purpose: Until this act, microlenders were not regulated under the Usury Act. Now, there is a maximum to the charges microlenders can.

Witness Protection Bill

Purpose: Sometimes in a criminal case, witnesses fear for their own safety if they testify against the accused. This bill provides for a programme that will ensure their protection.

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.

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.



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