

# PERSPECTIVES ON PARLIAMENT

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## NATIONAL ASSEMBLY HIGHLIGHTS IN 2018

**SWAPO Vacancies and Appointments.** Petrina Haingura was recalled from the National Assembly and replaced by Eunice Ipinge, while Elifas Dingara was nominated to replace Hon. Nangolo Mbumba who was appointed as the Vice-president of Namibia. Ambassador Martin Andjamba was also nominated to replace Hon. Alpheus Muheua.

**Opposition Rebranded.** The DTA (Democratic Turnhalle Association) changed its name and symbol, perhaps to reflect a greater sense of modernity and inclusivity. They are now officially known as the Popular Democratic Movement (PDM).

**No to GBV!** In a Ministerial statement on 11th September, the Minister of Gender Equality and Child Welfare condemned violence against women and children. Members of the National Assembly dressed in all black in remembrance of the late Cheryl Avihe Ujaha, the young girl brutally murdered in August 2018, and rose to observe a moment of silence.

**Journey towards Digital Democracy.** Members of parliament were each provided with electronic tablets as a first step towards a paperless era. To that effect, training sessions were conducted by the Parliament's IT division. MPs are expected to make greater use of electronic equipment in 2019.

## YEAR IN REVIEW: 2018



**T**hemed “Enhancing partnership to strengthen good governance in Namibia”, the 2018 parliamentary session started off with at least 20 bills scheduled for tabling. In his opening remarks, President Hage Geingob called for effective governance and urged members of parliament to “ensure that the bills tabled are thoroughly debated and passed timeously”.<sup>1</sup>

Despite reports of MPs focusing on other issues (including mobile phones, clashes with opposing parties, and suspicions of spies in technological devices), 18 bills were passed, while 2 were reconsidered for amendments on the recommendation of the National Council. In comparison, 2017 started off with 40 bills scheduled for tabling and only 19 bills being passed, while 6 were reconsidered.<sup>2</sup>

<sup>1</sup> See [http://www.swapoparty.org/dr\\_geingob\\_statement\\_on\\_the\\_opening\\_of\\_the7th\\_session\\_of\\_the\\_6th\\_parliament\\_2018.html](http://www.swapoparty.org/dr_geingob_statement_on_the_opening_of_the7th_session_of_the_6th_parliament_2018.html)

<sup>2</sup> See <https://www.observer.com.na/index.php/national/item/9294-parliament-to-table-20-bills-this-year>

# SPOTLIGHT ON LEGISLATION

**At the start of the year, President Geingob emphasised the need to ensure that legislation passed through parliament as quickly as possible while maintaining a high level of debate. Compared to 2017 when a total of 23 laws were debated, Parliament saw a slight decrease in output, with 20 laws being tabled, and 18 ultimately being passed by both houses. However, these delays could be viewed in a positive light, and public interest and a demand for more robust engagement played a key role.**

## ***Access to Information Bill***

IPPR reported on this piece of legislation in our Perspective on Parliament Issue No. 9, Year in Review 2017. At the time, it appeared that good progress had been made in drafting a bill around one of the biggest drivers of democracy - an informed citizenry. However, as noted in another IPPR publication during 2017 (*Access Denied: Access to Information in Namibia*) responsiveness and transparency in government is an area in need of urgent attention. This is despite the principles of efficiency and accountability included in both the Harambee Prosperity Plan<sup>1</sup> and the various international instruments to which Namibia is a signatory.

In light of the national elections taking place at the end of 2019, this is one bill to watch out for in the coming year, when access to information is likely to become an even more urgent matter, and one that all political parties are likely to commit to.

## ***Electronic Transactions and Cybercrime Bill***

This bill was unceremoniously withdrawn by the Ministry of Information and Communications Technology in February 2017. Civil society was especially critical of provisions that implied potential violations of privacy, as well as unclear language that bordered on censoring free speech on the internet.

The bill has certainly been a topic of debate since it was first made public, with concerns being raised about the consultative process surrounding lawmaking in general, as well as the potential of abuses of power. While the bill did not make it to the floor of Parliament in 2018, it is hoped that 2019's theme - 'The Year of Accountability' will be met with a greater sense of government-citizen accountability, and that the many concerns with this bill will be addressed.

## ***Basic Education Bill***

The Minister of Education, Arts and Culture stated that the bill aims to address the many challenges facing basic education in the country, with a focus on increased accessibility. Despite this, the bill wound up being labelled as non inclusive and undemocratic by some members of the National Assembly.<sup>2</sup> The Teacher's Union of Namibia (TUN) expressed public concern about a variety of issues, including the apparent duplication of existing legislation (the Public Service Act of 1995), and excessive empowerment of school board members and school inspectors.

TUN also flagged problems with the appointment of school inspectors by the Ministry of Education, which could have negative implications for transparency.<sup>3</sup> Disciplinary practices

for educators have also been strongly criticised.

Overall, this bill was undoubtedly the topic of the most heated parliamentary debate during 2018. It was put aside (on the recommendation of the National Council) and is expected to undergo further consultation and consideration, and is another piece of legislation to look out for in 2019.

## ***Public Enterprises Bill***

This bill, which aims to amend existing public enterprises legislation, was well received during tabling, especially by members of opposition parties in the National Assembly, and was deemed as reflective of good governance for State-Owned Enterprises (SOE's) in the country. However critique came from some cabinet ministers who raised concern over one ministry running at least 18 "strategic profit-driven public enterprises involved in the electricity supply, road construction, petroleum, information technology, telecommunications and transport industries".<sup>4</sup>

These concerns, while valid, do not outweigh Namibia's sorely needed reform around SOEs and their management. The suggested amendment would give the Minister of Public Enterprises the power to reform and restructure SOEs, as well as clarify the powers and functions of the ministry. Given the consistent questions around the efficiency of many state-owned enterprises in the country, such as Air Namibia (the national airline) and the Namibia Broadcasting Corporation (NBC), this is another bill to look out for in 2019.

<sup>1</sup> See [https://ippr.org.na/wp-content/uploads/2017/12/AccessDenied\\_WEB01122017.pdf](https://ippr.org.na/wp-content/uploads/2017/12/AccessDenied_WEB01122017.pdf)

<sup>2</sup> See <https://www.nbc.na/news/mps-say-proposed-education-bill-undemocratic-and-not-inclusive.19122> <https://www.nbc.na/education-bill>

<sup>3</sup> See <https://neweralive.na/posts/tun-critiques-revised-education-bill>

[tiques-revised-education-bill](https://www.namibian.com.na/181754/archive-read/Super-SoE-ministry-ruffles-ministers)

<sup>4</sup> See <https://www.namibian.com.na/181754/archive-read/Super-SoE-ministry-ruffles-ministers>

# BILLS PASSED BY PARLIAMENT IN 2018 BY BOTH THE NATIONAL ASSEMBLY AND NATIONAL COUNCIL

## ***Administration of Estates Amendment Bill***

**Purpose:** Minors and others with legal guardians receive greater protection in the distribution of estates, and estate monies and assets receive increased protection.

## ***Allied Health Professional Amendment Bill***

**Purpose:** The Allied Health Professions Act of 2004 is amended to make provision for appointments to the Allied Health Professions Council.

## ***Appropriations Bill***

**Purpose:** This bill sets out the amounts of money the State will require during the financial year ending 31 March 2019.

## ***Appropriation Amendment Bill***

**Purpose:** This bill amends the Appropriation Act of 2018 to distribute funds to ensure the consistent provision of services during the financial year ending 31 March 2019.

## ***Criminal Procedure Act Repeal Bill***

**Purpose:** This bill makes provision for the repeal of the Criminal Procedure Act of 2004.

## ***Extradition Amendment Bill***

**Purpose:** This bill specifies what happens in the event of someone being accused or convicted of certain crimes while outside their residing country. This includes conditions for extradition where necessary.

## ***Gaming and Entertainment Control Bill***

**Purpose:** The purpose of this bill is to define and regulate gambling and gaming activities in Namibia, and to establish the Gambling Board and the Gambling Trust Fund.

## ***International Co-operation in Criminal Matters Amendment Bill***

**Purpose:** This bill amends the International Co-operation in Criminal Matters Act of 2000 to provide for a Central Authority to facilitate all requests for international assistance from other States.

## ***Medical and Dental Amendment Bill***

**Purpose:** This bill amends the Medical and Dental Act of 2004 to allow for the appointment of members of the Medical and Dental Council.

## ***Microlending Bill***

**Purpose:** This bill regulates microlending business in Namibia, outlines the enforcement framework around microlending, and provides for the promotion of responsible borrowing and lending.

## ***National Symbols of the Republic of Namibia Bill***

**Purpose:** This bill defines and outlines the use of national coat of arms, national anthem, national seal and presidential standard for the Republic of Namibia.

## ***Namibia Deposit Guarantee Bill***

**Purpose:** This bill establishes the Deposit Guarantee Scheme and the Deposit Guarantee Fund that will pay compensation to depositors in the event that member institutions are unable. It also provides for the establishment of the Namibia Deposit Guarantee Authority to manage and administer the Scheme.

## ***Nursing Amendment Bill***

**Purpose:** This bill amends the Nursing Act of 2004 to make provision for the appointment of members of the Nursing Council.

## ***Pharmacy Amendment Bill***

**Purpose:** This bill amends the Pharmacy Act of 2004, so as to make provision for the appointment of members of the Pharmacy Council.

## ***Public Service Amendment Bill***

**Purpose:** This bill amend the Public Service Act of 1995 to re-define positions within public service, and to allow executive directors to be appointment on fixed term contracts.

## ***Seed and Seed Varieties Bill***

**Purpose:** This bill provides for the establishment of the Namibia Seed Council and the Seed Varieties Committee, and outlines their powers and functions. It also outlines various control measures around seed production, imports and exports, and certification/quality control measures.

## ***Social Work and Psychology Amendment Bill***

**Purpose:** This bill amends the Social Work and Psychology Act of 2004 to make provision for the appointment of members of the Social Work and Psychology Council.

## ***Repeal of Obsolete Laws Bill***

**Purpose:** This bill outlines the procedures for repealing obsolete or out-of-date laws which are no longer applicable in Namibia.

## ABOUT THE AUTHOR

Rakkel Andreas is a Research Associate at IPPR focusing on the work of parliament and human rights. She holds a Master of Arts degree in Development and Governance from University of Duisburg-Essen, in Germany, and a Master of Arts degree in Advanced European and International Studies from CIFE- Nice, France.

## 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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**Directors:** M M C Koep, D Motinga, M Humavindu,  
N Nghipondoka-Robiati, J Ellis, G Hopwood

PO Box 6566, Ausspannplatz, Windhoek, Namibia  
Tel: +264 61 240514/5  
Fax +264 61 240516  
info@ippr.org.na  
[www.ippr.org.na](http://www.ippr.org.na)