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Impact of COVID-19

The pandemic has disrupted the workings of parliament in significant ways.

• BRADLEY TJONGARERO

COVID-19 has destabilised just about everything, and the Namibian parliament has not been spared.

In early March 2020, Namibia recorded its first COVID-19 cases and a state of emergency, in response to the emerging health crisis, was declared by President Hage Geingob shortly afterwards on 17 March 2020.

The last order of business of the outgoing 6th National Assembly was to approve the presidential state of emergency declaration.

On 20 March 2020, the 7th National Assembly was sworn in and started its first session on 24 March 2020. However, due to the COVID-19

emergency the first session was immediately suspended.

The National Assembly only reconvened on 26 May 2020, weeks after the nationwide lockdown, of over a month, was lifted on 4 May 2020. By then almost two months of sitting time had effectively been lost to the pandemic.

It should be remembered that the National Assembly ordinarily has two sessions per year, with the first session usually running from about mid-February to early July, and the second session from the beginning of September to end-November every year.

Throughout the state of emergency period parliament also had to adhere to the emergency regulations – limiting people allowed to

gather for sittings in the chamber – and had to find ways to continue its work.

With the assistance of development partners, the National Assembly was able to quickly revert to virtual sittings – as only 50 members were allowed to gather in the National Assembly chamber, while the rest connected virtually to the sittings from other rooms within the National Assembly building. Even so, the parliamentary calendar was severely curtailed.

In September 2020, the National Assembly Speaker, Peter Katjavivi, lamented the fact that a number of community outreach activities had been planned for the mid-year recess period, but had to be abandoned because of the countrywide spread of COVID-19.

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Similarly, Bills that had been scheduled for tabling and committee meetings that were to be held had also been postponed. In the case of the Access to Information Bill, the Bill simply fell off the National Assembly schedule after being referred to a standing committee which had not been constituted at the time of the referral partly because of the disruptions caused by COVID-19.

The National Council suspended business for two weeks in late July 2020 and the council building had to be disinfected following a staff infection. Much of the National Council's committee work was also pushed into 2021 due to the disruptions to the 2020 calendar.

Disrupted 2021

The opening of parliament in 2021, on 9 February 2021, was a subdued affair.

There was no military procession. There were no guests invited as well as no reception hosted. And there were no cultural or school children performances.

Even the number of journalists was limited in order for the event to comply with the COVID-19 health regulations.

Between 9 February and 29 April 2021 – when the chamber went into recess – the National Assembly was able to pass the Appropriation Bill (national budget) and send it through to the National Council.

It was during the recess period, from May through July 2021, that Namibia experienced its devastating and deadly 'third wave' of the

COVID-19 pandemic.

National Assembly sittings resumed on 8 June 2021, but were suspended on 15 June 2021 due to an increasing number of both MPs – including Speaker Katjavivi on 16 June 2021 – and parliamentary staff testing positive for COVID-19.

On 18 June 2021, the National Assembly issued an updated notice on the postponement of house-sittings, citing an additional reason of "decreasing the movements within the Parliament Building for the next two weeks".

On 2 July 2021, the National Assembly again issued a notice postponing sittings, which had been rescheduled to commence on 6 July 2021. By late July 2021, at the time of compiling this bulletin, it was unclear when National Assembly sittings would resume.

In the National Council multiple public hearings have been cancelled due to the COVID-19.

According to the National Council calendar, the chamber was supposed to convene for two weeks, from 2 August to 13 August 2021, but at the time of writing in late July 2021, it was unclear if this would happen.

Against this backdrop, it seems clear that COVID-19 will continue to impact the workings of parliament for the foreseeable future, but how resilient and adaptable the institution is is something to be on the lookout for, as this bulletin aims to do over the next year and a half.



Helaria Mukapuli

Herlinde Tjiveze

Images: Namibian Parliament on Facebook



Patience Masua

Gothard Kasuto

New MPs in the National Assembly

During the 2019 national elections 96 members of parliament (MPs) were elected into the National Assembly according to political party lists, while eight members were appointed by President Hage Geingob on 22 March 2020, to fill the 104 seats in the 7th National Assembly inaugurated on 20 March 2020. However, since then some MPs have vacated their seats. Following are those who have resigned or died during 2020/21 and their replacements:

- **Peter Hafeni Vilho** from SWAPO Party resigned on April 6, 2021. Vacancy filled by **Patience Masua**.
- **Margaret Mensah-Williams** from SWAPO Party resigned on November 30, 2020. Vacancy filled by **Helaria Mukapuli** from SWAPO Party on December 1, 2020.
- **Clara //Gowases** from the Republican Party passed away on June 20, 2020. Vacancy filled by **Herlinde Tjiveze** from the Republican Party on July 2, 2020.
- **Stanley Simataa** from SWAPO Party resigned. Vacancy filled by **Gothard Kasuto** from SWAPO Party.
- **Nangolo Mbumba** from SWAPO Party resigned immediately due to his appointment as Vice-President. Vacancy filled by **Maureen Hinda-Mbuende** from SWAPO Party.

Disrupted schedule

Namibia's parliamentary calendar has been repeatedly disrupted by the COVID-19 pandemic since March 2020. At the time of compiling this issue of Perspectives on Parliament, Namibia was experiencing a 'third wave' of COVID-19 infections over the period May to July 2021, that has once again derailed parliamentary activities.

Making laws is the business of parliament, so using the number of Bills tabled in the National Assembly we can illustrate how the parliamentary law-making schedule has been disrupted by the pandemic.

On 3 February 2021 the National Assembly announced that at least 12 Bills would be tabled "during the 2021 Parliamentary Year".

The following Bills were announced for tabling during 2021:

1. Combating of Rape Amendment Bill
2. Combating of Domestic Violence Amendment Bill
3. Criminal Procedure Amendment Bill
4. High Court Amendment Bill
5. Magistrates Court Amendment Bill

6. Divorce Bill
7. Ombudsman Bill
8. Child Justice Bill
9. Marriage Bill
10. Uniform Marriages Bill.
11. Banking Institutions Amendment Bill
12. Metrology Bill

However, according to the parliamentary website and what we've established, by the end of July 2021, only four of these Bills had been tabled for discussion in the National Assembly, namely:

- Combating of Rape Amendment Bill
- Combating of Domestic Violence Amendment Bill
- High Court Amendment Bill
- Magistrates Court Amendment Bill

With almost two-thirds of 2021 already gone by the time the National Assembly probably reconvenes, it already appears that the National Assembly might not get through all 12 Bills "during the 2021 Parliamentary Year".

Bills tabled in the National Assembly in 2020 and 2021

Year	Bill	Status
2020	Appropriation Bill	Passed
2020	Appropriation Amendment Bill	Passed
2020	Access to Information Bill	Referred to a Parliamentary Standing Committee
2020	Bank of Namibia Bill	Passed
2020	Income Tax Amendment Bill	Passed
2020	Basic Education Bill	Passed
2020	Gaming and Entertainment Control Amendment Bill	Passed
2020	Communications Amendment Bill	Passed
2020	Post & Telecommunications Companies Establishment Amendment Bill	Passed
2021	Appropriation Bill	Passed
2021	Magistrates' Court Amendment Bill	Tabled
2021	High Court Amendment Bill	Tabled
2021	Combating of Domestic Violence Amendment Bill	Tabled
2021	Criminal Procedure Amendment Bill	Withdrawn
2021	Combating of Rape Amendment Bill	Tabled

International agreements / instruments ratified in 2020/21

Article 63(2)(e) mandates the National Assembly to ratify international agreements or instruments. The agreements /instruments tabled in the National Assembly during 2020/21 for ratification:

Tabled by:	Agreement / Instrument	Status
Minister of Home Affairs, Immigration, Safety and Security	Ratification of the Agreement entered into between Namibia and Russia on the Transfer of Sentenced Persons	Agreed to on 17 June 2020
Minister of Health and Social Services	Ratification of the Treaty for the Establishment of the African Medicines Agency	Lapsed on 8 July 2020 in terms of Rule 24(b)
Minister of Agriculture, Water and Land Reform	Ratification of the 2018 Revised Agreement between Botswana, Lesotho, Namibia and South Africa on the Establishment of the Orange-Sengou Watercourse Commission (ORASECOM)	Agreed to on 15 September 2020
Minister of Health and Social Services	Ratification of the Treaty for the Establishment of the African Medicines Agency	Agreed to on 14 October 2020
Minister of Labour, Industrial Relations and Employment Creation	Ratification of the ILO Convention 2011 (No. 189) on the Decent Work for Domestic Workers; and Ratification of the ILO Convention 2019 (No. 190) on Elimination of Violence and Harassment in the World of Work	Both agreed to on 20 October 2020
Minister of Industrialisation and Trade	Agreement to the Economic Partnership between the SACU Member States and Mozambique and the UK and Northern Ireland	Agreed to on 20 October 2020
Minister of Justice	Accession to the Statute of The Hague Conference on Private International Law	Agreed to on 28 October 2020

THE DEMOCRACY REPORT TEAM

The Democracy Report project will run from June 2021 to December 2022.

HERE IS OUR TEAM:



FREDERICO LINKS
Project Coordinator

Frederico Links is a long-time Institute for Public Policy Research (IPPR) research associate with wide ranging research interests. He is a journalist by training and has extensive experience working in the Namibian media sector, as well as being an access to information and freedom of expression activist. He is involved in various research projects run under the IPPR.



BRADLEY TJONGARERO
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Bradley Tjongarero joined the Institute for Public Policy Research (IPPR) in 2021 as a researcher on the Democracy Report project. He holds a Bachelor of Political Science degree from the University of Pretoria.



ESTHER SHAKELA
Junior Researcher

Esther Shakela joined the IPPR in 2021 as a researcher on the Democracy Report project. She studied public management and majored in political science at the University of Namibia. She is passionate about youth matters and has previously served on the National Youth Week Task Force. She is also the acting spokesperson of the Namibia National Students Organisation (NANSO).

What's become of the ATI Bill?

• ESTHER SHAKELA

Here's a case study in how a bill can get lost in parliamentary processes. On 17 June 2020, minister of Information and Communication Technology, Peya Mushelenga, tabled the long-awaited Access to Information (ATI) Bill in the National Assembly (NA).

The tabling of the Bill followed years of lobbying by civil society organisations, primarily through the Access to Information in Namibia (ACTION) Coalition, and after numerous commitments by President Hage Geingob to have such a bill tabled and passed during his first term in office.

Following a brief period of often heated discussion of the Bill in the NA, it was referred to the Standing Committee on Information, Communication, Technology and Innovation.

That's when everything just went quiet.

For, at the time the Bill was referred, the standing committee had not been constituted yet, according to correspondence between the NA Speaker's office and the Access to Information in Namibia (ACTION) Coalition* later in the year.

In response to a December 2020 letter from the ACTION Coalition requesting a status update on the ATI Bill, the NA Speaker's office indicated in January 2021 that the Bill "was referred to the Parliamentary Standing Committee on Information, Communication, Technology and Innovation. The sudden outbreak of the Novel Corona Virus (COVID19) and the subsequent preventative lockdown led to a disruption in the parliamentary calendar. As a result, the Committee responsible to scrutinise the Bill was only constituted on 22 September 2020 and was therefore unable to consider the Access to Information Bill (ATI) as the house was adjourned on 29 October 2020".

By the time the 2020/21 parliamentary calendar came to an end, at the end of March 2021, the Bill appeared to have fallen completely off the committee's table and a wrangling appeared to be underway as to what needed to be done.

This was confirmed in correspondence between the ACTION Coalition and the NA Speaker's office in late March 2021.

In response to a request from the ACTION Coalition to address the Standing Committee on Information, Communication, Technology and Innovation on the ATI Bill, the Speaker's office stated that "there are in-house procedural and legal matters which have to be resolved before the Bill is referred to the Committee. In other words, the Bill is not with the Committee at the moment. We will absolutely invite you once the Bill is referred to the Committee".

Where exactly the Bill is at the moment has become a matter of confusion, for in June 2021 the Ministry of Information and Communication Technology (MICT), in a document sent to the ACTION Coalition, indicated that the "bill is currently with parliament at the Committee on Information and Communication Technology".

And yet, the MICT has also communicated that the Bill needed to be retabled in the NA.

Furthermore, the MICT has proposed to conduct more countrywide public consultations around the provisions of the Bill, because although "consultations have been made with civil society, private sector and various stakeholders, there is need for further unconventional consultation with the public as this bill requires even stronger ownership from all citizens".

By the time of going to print, in late July 2021, it was unclear how inputs from such "unconventional" consultations would be incorporated into the text – specifically, would the Bill be sent back to the legal drafters after the proposed consultations?

A request for clarity on this from the ACTION Coalition remained unanswered by end-July 2021.

We will update this story in future issues of Perspectives on Parliament once we have more information.

*The IPPR is a founder and Working Group member of the ACTION Coalition.

Journey to an ATI law

- **21 March 1990** – The [Namibian Constitution](#) becomes the supreme law of the land, guaranteeing freedom of expression and the media in Article 21(1)(a). Freedom of expression is by that time understood to implicitly include the right to information.
- **April 1990** – Namibia becomes a member of the United Nations (UN), ratifying the UN Charter. With that it also subscribed to the [Universal Declaration of Human Rights \(UDHR\)](#), which expressly recognises access to information as a human right in Article 19.
- **30 July 1992** – Namibia ratifies the [African Charter on Human and Peoples Rights \(ACHPR\)](#), which recognises access to information as a human right in Article 9.
- **28 November 1994** – Namibia ratifies the [International Covenant on Civil and Political Rights \(ICCPR\)](#). Article 19 of the ICCPR expressly recognises access to information as a civil right.
- **7-9 October 1998** – The 'Promotion of Ethics and Combating of Corruption' national consultative conference is hosted by the Namibian government in Windhoek. [The conference recommends](#): "That an affirmative obligation be placed on Government as well as on other public institutions that operate on taxpayers money to disclose maximum information to citizens. A Freedom of Information Act should be passed and Constitutionally safeguarded." The Namibian prime minister at the time and host of the conference was Hage Geingob.
- **3 August 2004** – Namibia ratifies the [United Nations Convention Against Corruption \(UNCAC\)](#), which calls for the implementation of ATI mechanisms in numerous articles.
- **November 2015** – Namibia becomes a signatory to the [Sustainable Development Goals \(SDGs\)](#). SDG 16.10 calls on states to implement ATI frameworks as a prerequisite for sustainable development.
- **April 2016** – The signature development blueprint, the [Harambee Prosperity Plan \(HPP\)](#), of the Geingob administration is unveiled and rolled out. In Chapter 3 (Effective governance and service delivery) the plan aimed for "Access to Public Information: To ensure that our citizens have access to relevant Government information ...". This was not formally or substantially achieved by the time the HPP ran out at the end of March 2020.
- **June 2016** – The Ministry of Information and Communication Technology (MICT) convened an ATI bill drafting workshop in collaboration with the ACTION Coalition and other stakeholders. The workshop produces an early draft of the ATI Bill that would eventually make its way to parliament.
- **August 2016** – The Ministry of Information and Communication Technology (MICT) releases the final draft Revised National Information Policy. The draft states that government would "draft and implement Access to Information (ATI) legislation in accordance with internationally accepted best practices". The draft revised policy is not finalised or approved by late June 2020, at the time of compiling this timeline.
- **23 August 2016** – Namibia ratifies the [African Charter on Democracy, Elections and Governance](#), which calls on states to guarantee access to information in Article 19.
- **Late 2016** – The National Anti-Corruption Strategy and Action Plan 2016-2019 is launched. One of the actions listed in the strategy is to have an ATI law implemented in Namibia by the end of 2019. This did not happen.
- **17 April 2019** – During the [2019 State of the Nation](#) address, president Hage Geingob stated: "We recognize that access to information is a critical component of the electorate's ability to hold elected leaders to account. To that end, the anticipated Access to Information Bill will be tabled in Parliament during 2019." This did not happen.
- **17 June 2020** – Exactly four years after the initial draft was created, new MICT minister Peya Mushelenga tables the long-awaited ATI Bill in the National Assembly.

Muharukua secures Opuwo Rural for PDM

• ESTHER SHAKELA

With the by-election of 2 July 2021 the Popular Democratic Movement (PDM) held on to the Opuwo Rural Constituency, in the Kunene Region, with the election of Melchizedek Uakaisua Muharukua.

The by-election was held following the death on 6 April 2021 of constituency councillor Uaurika Kakuva after a short illness.

Kakuva was also elected during a by-election on 10 March 2020 to replace Kazeongere Tjeundo, who entered the National Assembly as a PDM parliamentarian in March 2020. Kakuva was re-elected as constituency councillor in the regional elections of November 2020.

Five political parties contested the 2 July 2021 by-election, namely the PDM, the National Unity Democratic Organisation (NUDO), the Rally for Democracy and Progress (RDP), the Swapo Party and the Independent Patriots for Change (IPC).

Muharukua's election does not influence the composition of the

National Council, where the ruling Swapo Party only just maintains a two-thirds majority. The councillors from the Khorixas, Opuwo Urban and Epupa constituencies represent the Kunene Region in the National Council.

Some controversy dogged the candidacy of Melchizedek Uakaisua Muharukua, as it was alleged that he had no political history with the PDM, but was rather a long-time card-carrying member of the Swapo Party. Muharukua's Swapo Party membership was reportedly confirmed by the Swapo Party's Kunene Region coordinator, Tuarungua Kavari. Muharukua has denied the Swapo Party membership.

According to official figures, the Opuwo Rural Constituency is home to about 14 850 people. The Electoral Commission of Namibia (ECN) reported a voter turnout of 42% for the by-election of 2 July 2021. The Kunene Region has six constituencies, namely the Kamanjab, Opuwo Urban, Opuwo Rural, Outjo, Khorixas and Epupa constituencies.

Opuwo By-election result:

Candidate	Political Party	Number of Votes
Melchizedek Uakaisua Muharukua	Popular Democratic Movement (PDM)	2 330
Tjambiru Kazepanda	Swapo Party	486
Maundu Heinz Hariki	National Unity Democratic Organisation (NUDO)	414
Rikambura Kaiho	Rally for Democracy and Progress (RDP)	141
Tjituri Howards Kaihepere	Independent Patriots for Change (IPC)	80

Revamped parliament website unveiled

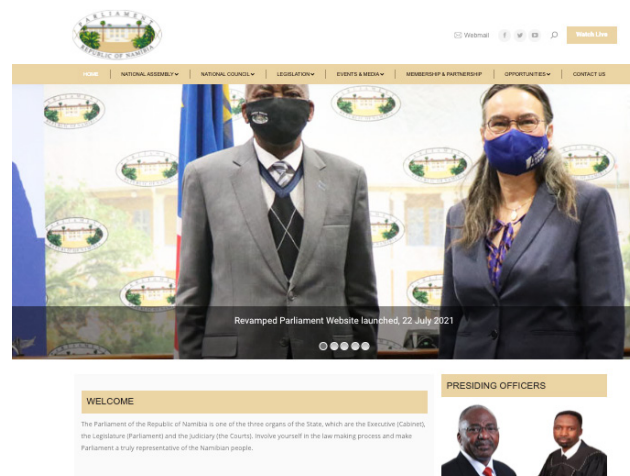
On 22 July 2021, a new parliamentary website was launched at the online address www.parliament.na with the promise of affording the public greater access to parliamentary documents, activities, events and sessions.

One of the main promised features of the new website is that parliamentary sessions – of the National Assembly and National Council – would be live streamed via the website, by clicking the static 'Watch Live' tab on the website header.

While this is certainly a welcome addition and move to encourage viewership of parliamentary debates, the 'revamped' website still has some serious shortcomings.

For instance, when viewed on 23 July 2021, a day after the launch of the 'revamped' website, the following issues were encountered:

- In the 'National Assembly Members' section, under 'Members of Parliament' in the drop-down menu under 'Legislation', MPs who have long-since resigned from the NA still appear among the 'Members';
- Evelyn !Nawases-Taeyele appears twice in the line-up of MPs;
- Also, the 'Parliamentary Papers' section in the drop-down menu under 'Legislation' is incomplete – most of the parliamentary papers for the last decade are not accessible through the website;
- The selection of 'Order Papers' for all years since 2014 is incomplete, and those that are there are not available in an orderly or sequential manner;
- Similarly, there are only a handful of haphazardly arranged 'Minutes' available on the website;
- The 'Archive' is far from complete;



- In 'Membership & Partnership', under 'National Organisations', Ombudsman is spelled "OMDUSMAN";
- In the footer section of the website, disclaimer is "Disclaimer".

These issues indicate that the website, despite being launched, is not complete yet.

The revamping of the website was made possible with support from the Konrad Adenauer Stiftung (KAS).

The revamping of the parliamentary website is part of processes to take parliament online. KAS had also donated tablet devices to the National Assembly earlier in the year in support of this initiative.

The Genocide reparations controversy



Alexander Honisch/Shiri Media

Ovaherero protest their exclusion from formal genocide negotiations between the Namibian and German governments



Image: Google

German Foreign Minister Heiko Maas



Image: Namibian Parliament on Facebook

Prime Minister, Saara Kuugongelwa-Amadhila

• BRADLEY TJONGARERO

On 8 June 2021, Namibian Prime Minister, Saara Kuugongelwa-Amadhila, briefed the National Assembly on the 'Conclusion of the Negotiations on Genocide, Apology and Reparation between the Republic of Namibia and the Federal Republic of Germany'.

Eleven days earlier, on 28 May 2021, German Foreign Minister Heiko Maas made a statement officially recognising the crimes committed by Germany's colonial troops at the beginning of the 20th century against the Ovaherero and Nama people as genocide. Maas said that "as a gesture of recognition of the immeasurable suffering inflicted on the victims, we want to support Namibia and the victims' descendants with a substantial programme to the tune of 1.1 billion euro for reconstruction and development".

The gesture was not well-received in Namibia.

What are the issues?

Members of the affected communities, public interest organisations, and opposition members of parliament (MPs) have called out the Namibian government for: The perceived paltry 1.1 billion euro reconstruction and development package over decades; and the inadequate representation of the views of the traditional authorities of the affected communities.

What is the controversy?

In 2015, Dr Zed Ngavirue was appointed as the special envoy to negotiate on behalf of the Namibian government and serve as liaison during the negotiations. The Namibian government created a technical committee to represent victim communities, but before, during and upon the conclusion of the genocide negotiations, some of the direct descendants of victims of the German genocide had complained that they were being excluded.

What are the affected saying?

The Ovaherero Traditional Authority (OTA) and the Nama Traditional Leaders Association (NTLA), as well as Namibian opposition MPs, have expressed dissatisfaction with the outcomes of the negotiations. In a joint media statement on 16 May 2021, the OTA and the NTLA said that Germany had co-opted the Namibian government into a "meaningless and sell-out" agreement "which makes a mockery of the three negotiating Pillars that the SWAPO Government set for itself".

In contrast, the Forum of German-speaking Namibians (FDN) said in June 2021 that "we regard the negotiations as having been conducted in good faith, according to the letter and spirit of the motion in parliament by the late Kuaima Riruako, between the two governments, and with the participation of representatives of the affected communities. We therefore strongly appeal to all Namibian citizens to desist from exploiting the ongoing process to incite violence, thereby destabilising our nation".

What is the Namibian government saying?

An official statement came from the Namibian Vice President Nangolo Mbumba on 4 June 2021. Mbumba indicated that "the amount of 1,100 billion Euro does not adequately address the initial quantum of reparations". The same was echoed by Kuugongelwa-Amadhila in her parliamentary briefing.

What happens now?

A joint declaration will be signed by the foreign ministers of Namibia and Germany. Once signed, the joint declaration will be brought to the National Assembly for consideration and ratification. The German president is supposed to come and issue an official apology in the Namibian parliament. Opposition MPs have already threatened to disrupt such an occasion.

** This is a developing situation and we endeavour to keep you up to date.*