



PERSPECTIVES ON PARLIAMENT

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Revisiting parliament's 'Agenda for Change'

The 'Agenda' has been referenced during the roll-out of recent initiatives around the Namibian parliament, but what exactly is it and is it still relevant after so many years?

"Namibia's Parliament, like those elsewhere in new democracies around the globe, struggles with problems of low levels of popular support and trust, weak institutional capacity, and profound subordination to executive dominance."

The above statement could have been written today, because all of those conditions still pertain, but it is actually from the conclusion section of a paper published by the Institute for Public Policy Research (IPPR) back in March 2007.

The paper in question (see link below for full access) called for the full implementation of the Namibian parliament's 'Agenda for Change', which at that point was already almost 12 years overdue in terms of full implementation.

The '[Agenda for Change: Consolidating Parliamentary Democracy in Namibia](#)' report was submitted to parliament in July 1995.

The 'Agenda for Change' was authored and submitted under the National Assembly speakership of the late Hon. Mose Tjitendero, and the chairmanship of the late Hon. Kandy Nehova in the National Council.

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Embassy of Finland
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Perspectives on Parliament is a bulletin produced by the Democracy Report project of the Institute for Public Policy Research (IPPR). Democracy Report analyses and disseminates information relating to the legislative agenda of Namibia's Parliament. The project aims to promote public engagement with 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. The views reported or expressed do not necessarily reflect those of the Finnish Embassy.

Broadly speaking, the aims of the 'Agenda' were to establish parliament "effectively at the heart of democracy in this country", with the two chambers serving as "institutions of living democracy and good governance".

Towards this end the 'Agenda' report contained a raft of proposals to improve the structures and functions of the Namibian parliament.

The authors of the 2007 IPPR paper argued that the "main proposals from the Agenda for Change (1995) document remain viable", and they called for a "New" 'Agenda for Change' because up until then, the efforts of parliamentary leadership had fallen "short of the hoped-for levels to empower Parliament to perform its assigned role in Namibia's democratic vision".

The authors also noted that: "The most important changes involve strengthening the capacity of committees in Parliament to open public access and increase effectiveness of the oversight function that Parliament should perform with respect to the entire spectrum of public and

private responsibilities of democratic governance."

At the time it seemed that a more robust implementation of the proposals of the 'Agenda' was on the cards, as the authors noted that with the "support of the President and the Speaker the discussions on these topics have already begun".

However, this once again largely turned out to be a false dawn, as some of the key proposals, which will be discussed in the following sections of this bulletin, remain unimplemented despite rhetoric over the years or have just been launched on the road to full implementation.

Coming up on 30 years since the 'Agenda for Change' was created and the lack of movement on some of the critical proposals to enhance the functioning of parliament and to build trust in its institutions once again brings into focus some of the political and governance dysfunctions that have undermined effective state institution building since 1990, as noted by the authors of the 2007 IPPR paper.

Click the link to access: [Namibia's Parliament in a Presidential Age: Analysis and Opinion](#)

The Agenda's 'need for checks and balances' ...

3.1 This Report is firmly based on two inter-related constitutional principles, those of "the separation of powers" and "checks and balances". Parliament's scrutinising and debating role is the most important aspect of the idea of the **separation of powers**. The idea is that while the three central institutions of the state are interdependent, they must also possess sufficient autonomy and independence from each other to be able to act as "watchdogs" over each other. They therefore effect **checks** upon each other. For example, under the Constitution, the Executive may propose new legislation, which has to be approved by the Legislature before it can become law. The Judiciary, through the Supreme Court, has the power to rule that proposed legislation is unconstitutional if it violates the Constitution as the "mother of all laws". Equally, the Legislature can initiate and pass laws of its own, but the President, as part of the Executive, can veto such legislation.

3.2 There is an equal need to ensure that a broad **balance** is maintained between the three pillars of democratic rule. For example, the Judiciary, an unelected institution, may extend its role as guardian of the Constitution to interpret the law in a way that usurps the democratic prerogatives of the Executive and Legislature. In turn, if either the Executive or Legislature become too powerful, they may pursue policies which please the majority of people, but which violate the human rights of minorities. The Judiciary must be strong enough to prevent "majoritarian" policies which deny the rights of minorities. There is, thus, a need for constitutional **checks and balances**.

3.4 The purpose of this Report is to assist the process of developing the **balance** between the Executive and the Legislature so that the elected Parliament can act as a more effective **check** on the constituent parts of the Executive.

3.8 Finally, the public service is both powerful and highly centralised, with accountability only being exercised at the centre of government. Appointments to the most senior positions in the ministries are "political" in nature. Limited decentralisation has resulted in activities at regional level being run by junior staff with few powers and little apparent authority even to share information in the regions.

3.9 In current circumstances, it remains possible for the ruling party to "unify" those institutions (the public service, public bodies, state agencies and commissions) which are constitutionally supposed to be separate and to act independently of each other. This could weaken the complex system of checks and balances that provide for accountability within and outside the state on which a modern citizen-based democracy like Namibia depends.

A Parliamentary Service Commission is coming ... again

The creation of the service has been imminent a number of times over the years. Could it finally be happening this time?

In late January 2023 it was reported by [one of the daily newspapers](#) that a five-day meeting at Swakopmund of members of the National Assembly had resolved that a Parliamentary Service Commission should be created.

The report stated: “The National Assembly has resolved to establish a parliamentary service commission that would, among others, deal with the recruitment of staff. Parliament also resolved to create a protection unit to provide security services to the legislature.”

The report quotes a senior National Assembly Secretariat official stating: “For example, in the rules, now we have added something that will make provision for the establishment of a parliamentary service commission and the creation of a parliamentary protection service. As of now, parliament staff members are recruited by the Public Service Commission. So, the whole idea is we want to have our own commission and to also create a parliamentary protection service.”

Whether knowingly or not, the reporting and statements created the impression that this was seemingly the first time that an attempt was being made to set up a parliamentary service commission.

However, based on earlier reports, it appears that there have been earlier attempts to set up such a commission within the last decade.

‘Long-awaited creation’

In late September 2019, the same newspaper that published the January 2023 report, [published an article](#) with the introductory paragraph stating: **“THE long-awaited creation of the Parliamentary Service Commission (PSC) will be done by next month to establish a buffer between the lawmaking houses and Cabinet.”**

The article goes on to state: “Speaker of the National Assembly Peter Katjavivi promised in 2015 that the PSC would be established by the time the term of the current parliament ends in March 2020.”

“He told *The Namibian* this week that plans are at an advanced stage to set up the PSC.

“If everything goes according to plan, this may be submitted in the House in October 2019 before parliament closes for the year,” he said.”

According to the report, at that stage, in September 2019, “plans are at an advanced stage to set up the PSC”.

Those plans that were at an “advanced stage” at that point in 2019 appear not to have advanced far enough as since then no PSC has materialised.

What appeared to be the imminent setting up of the PSC in September 2019 followed fully five years after the Namibian Constitution had been amended to incorporate a provision, among others, for the creation of such a service, in line with the ‘Agenda for Change’ proposal of about 20 years earlier.

The constitutional provision that establishes a Parliamentary Service Commission was introduced through the Namibian Constitution Third Amendment Act 8 of 2014.

Article 52 (4) states in this regard:

“The laws referred to in Sub-Article (1) and Article 73A(1), shall create a Parliamentary Service Commission which shall be composed in such a manner, perform such functions and exercise such powers as may be prescribed by such laws.”

Troublesome areas

In a 2007 paper published by the IPPR, the authors stated that the Namibian parliament, specifically the National Assembly, was experiencing persistent issues, namely “the difficulty in retaining staff at professional levels (ICT and legal), the weakness in conducting effective oversight through the committee system, and inadequacy in promoting robust public participation”.

The creation of a Parliamentary Service Commission is supposed to effectively and efficiently address these troublesome areas, as per the 1995 ‘Agenda for Change’ report that broadly outlined the functions of such a commission (see image titled ‘PSC in the Agenda’).

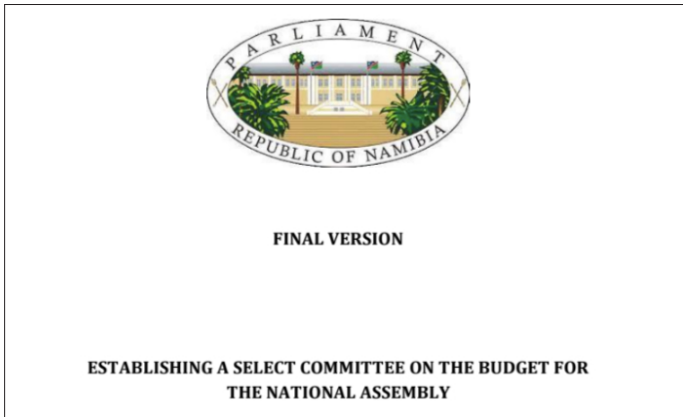
At the time this bulletin was being compiled, the 2023/24 National Budget was being tabled and discussed in the National Assembly it remained to be seen whether adequate provision had been made to finally establish a Parliamentary Service Commission or to at least take the initial steps.

This was almost 28 years after the ‘Agenda for Change’ framework had been tabled in parliament.

The Staff who serve Parliament	
E1	The staff of Parliament, together with that of the Offices of the Auditor-General and Ombudsman, should be established as the Parliamentary Service, independent of the Public Services Commission, so that their scrutiny and investigatory roles are not liable to be compromised;
E2	The independent Parliamentary Service should be subject to the oversight of three Parliamentary Service Commissioners, leaving all day-to-day personnel management under the direction of their senior officials; and
E3	Current staffing proposals for Parliament, while sufficient overall for it to perform its chief functions adequately, should be reviewed by the leaders of the two chambers on the creation of the Parliamentary Service so that the organisational structure and establishment reflect the needs of Parliament.

Image: PSC in the Agenda

National Assembly budget committee taking shape



The creation of the committee also flows from the 'Agenda for Change' framework

In March 2021 the Standing Committee on Standing Rules and Orders and Internal Arrangements of the National Assembly resolved to prioritise the creation of a Select Committee on the Budget for the National Assembly.

As the name suggests, the Select Committee on the Budget would be seized with matters related to the annual budget of the National Assembly.

When he motivated the creation of the committee in October 2021, Hon. Elifas Dingara referenced the 1995 'Agenda for Change' framework as the inspiration for the creation of the committee.

In his speech in the National Assembly chamber, Hon. Dingara stated: "The process to set up a Budget Committee for Parliament has been a dream that has come a long way since the adoption of the first legislative reform, namely the "Agenda for Change" under the able leadership of the late Dr Mosé Tjitendero, the Founding Speaker of our National Assembly."

"Since then the successive Speakers, the late Dr Theo-Ben Gurirab and current Speaker, Prof. Peter Katjavivi, have been preoccupied with the realisation of the implementation of some of the concepts outlined in the "Agenda for Change"," he said.

Functions

According to the document that was used to motivate the creation of the Select Committee, the terms of reference of the committee are the following:

1. The Committee shall meet once a month when the National Assembly is in session. The Committee may, however, decide to convene extraordinary meetings at any time in order to deal with urgent matters that fall within its terms of reference that need to be considered between regular meetings of the Committee.
2. The Select Committee shall review the budgetary estimates required for the operations of the National Assembly before it is submitted to the Ministry of Finance;
3. The Select Committee shall be part of the Speaker's consultation team with the Minister of Finance and the Director General of the National Planning Com-

- mission during the budget consultation process;
4. The Select Committee shall review all aspects of the planning, budgeting and financing of all activities of the National Assembly;
5. The Select Committee shall monitor the financial performance of the National Assembly to ensure programs are executed as planned;
6. The Select Committee shall consider and report to the Committee on Standing Rules and Orders and Internal Arrangements on any other matter of budgeting or finance as may be referred to it by the Speaker or the Committee on Standing Rules and Orders and Internal Arrangements;
7. The Select Committee may call on the Secretary or any staff member from the Secretariat to appear before it and provide information needed for the formulation of the budgetary allocation of the National Assembly;
8. The Secretary shall designate the Financial Adviser of the National Assembly or his/her representative to be part of the Secretariat of the Select Committee; and
9. The Select Committee shall consider any other matter related to its Terms of Reference assigned to it by the Committee on Standing Rules and Orders and Internal Arrangements.

Aside from these terms of reference, the committee will also have to deal with the following matters:

1. Engagement with stakeholders to move forward by establishment of the Joint Parliamentary Standing Committee on Budget (that will look into the funding of the Parliament as a whole).
2. Lobbying for the development of relevant legislative reforms to formalise the budget committee concept as is the case with other parliaments.
3. Establishment of a fully-fledged budget office with a mandate derived from the proposed legislation.
4. Ensure prudent spending of financial resources by creating mechanisms that will ensure profound oversight over fiscal discipline.

Composition

According to the March 2021 motivation document, the following was decided about committee membership: "The Task Force established by the Committee on Standing Rules and Orders and Internal Arrangements has proposed that the Select Committee must consist of five (5) Members taking into account political diversity. The Task Force further proposed that members with experience/knowledge in budgeting, finance or accounting must be part of the committee."

See the following image for the names and political party affiliation of committee members.

SELECT BUDGET COMMITTEE	
Hon Mike Kavekatora	Chairperson (RDP)
Hon Evelyn Nawases-Tauele	Deputy Chairperson (Swapo)
Hon Nico Smith	Member (PDM)
Hon Eliphias Dingara	Member (Swapo)
Hon Joseph Kauendenge	Member (NUDO)