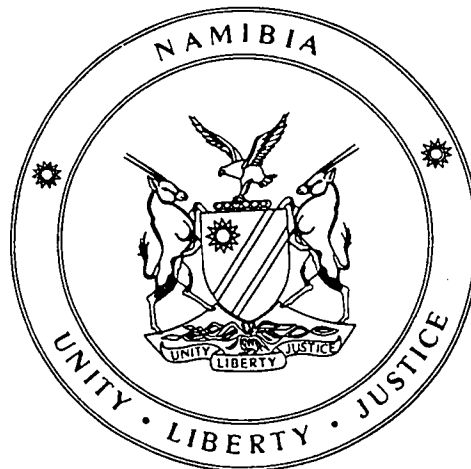




**REPORT ON THE
NATIONAL DEMOCRATIC INSTITUTE
ON INTERNATIONAL AFFAIRS**

**SEMINAR ON
PARLIAMENTARY ASSISTANCE TO THE
NATIONAL ASSEMBLY AND COUNCIL
OF NAMIBIA**



July 15-23, 1993

**By Mark E. Talisman
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July 28, 1993**

INITIAL OBJECTIVES

It was the view of the NDI consultants who have been working with the government and parliament of Namibia that in the progression of various seminars and ongoing consultancies since the inception of the country, that it was now time to bring parliamentary consultants who could assist in answering specific questions relating to the development of various aspects of the legislative process. The specific focus was to be on the whips who are so critical to the operation of their nascent two chamber parliament.

As a consequence, Mr. Joseph Mbewe, the Minority Whip of the Zambian Parliament, Mr. Alan Ganoo, the Attorney General and Minister of Justice of Mauritius, Ms. Margaret Lewis, Chief of Staff for the Democratic Majority of the Ohio State Senate and Mark Talisman, a Washington based consultant on the organizations of parliaments were invited to consult for ten days with the leadership and back benchers of the three year old Namibian lower house, the National Assembly, and the seven month old upper house, the National Council.

THE BACKGROUND

Carol Martin, the NDI consultant in residence in Windhoek, the capital of Namibia, was the organizer of the entire project having interviewed the principals about their goals for this consultancy including actual lists of specific questions which local parliamentary leaders and their colleagues felt urgently needed to be answered.

Ms. Martin clearly has gained the abiding trust of the entire governmental leadership from the President to the clerks, easily moves around the government buildings; is viewed with great respect and trust and is able to balance carefully and skillfully the local needs to know everything about creation of constitutional governmental activities whilst not allowing herself to be the actual implementor or subordinate staff assistant to the leaders or their staff.

This sensitive and highly productive partnership which Ms. Martin has created has clearly allowed their to be a productive series of activities which has been laid upon an early entry by NDI. From the outset of the consultants arrival in the capital, it became abundantly clear that NDI as an institution was highly regarded and trusted.

This close partnership arrangement clearly stems from NDI having committed early in the brief but intense history of the past four years of transition from the "Struggle" for independence from South Africa, to the actual three years of government building of the past three years. Having been their to help in the very formative stages of constitution and institution building, NDI has been able to suggest methods of going about such seminal and highly sensitive pursuits with alacrity and effectiveness as evidences continually to the newly arrived consultants from both public and private comments, speeches and conversations in depth which occurred with the highest officials in Namibia as well as ordinary functionaries all of whom universally were able to articulate specific activities of NDI in detail and with very positive results.

It is important that such commentary on NDI be clearly understood since it has become the vital foundation upon which these latest consultants were to begin their effort to respond to the specific questions and details which had been raised in advance for their to be ideas presented and proposed solutions to be laid before the leadership and backbenchers to consider during various opportune forae which had been planned jointly by Ms. Martin, the Speaker of the National Assembly and the Chairman of the National Council and their colleagues and the government from the President, the Prime Minister to other ministers and permanent secretaries.

THIS PROGRAM

As regards the atmosphere and context of the beginnings of this particular consultancy, it could not have been done in a more congenial and appropriately respectful and dignified environment thus assuring that all of the elements were in place for the goals which had been set out for this endeavor could realistically be achieved.

THE GOALS

1. The Chief Whip of the National Assembly and his fellow whips from both houses and all parties were to be the particular focus for this entire program. Yet a number of others including the Namibian parliamentarians and their staff also clearly wanted very much to be presented directly with comparative analyses of various like and different parliamentary models of differing constructions and ages in Africa and elsewhere.

Obviously the consultants present from Zambia and Mauritius presented the capabilities to make such presentations. Both were created and operated after the Commonwealth Model, although each had other elements woven into their specific parliaments. In fact, Mauritius also included use of the Napoleonic Code within major elements of the British Model. Zambia's example clearly had interesting aspects of direct interest with the complication of local political history and a recent political reversal for the longstanding and dominant Ruling Party which had been ousted making Mr. Mbewe the Opposition Whip, a role he was clearly trying fathom whilst in Namibia.

The American Congressional experience, under the circumstances described, might appear to be less than helpful, since it would appear that Namibia would automatically fall into the Commonwealth Model sphere of influence. Yet, as the hours of initial conversation were added to the advance briefings, the exact opposite was true. In point of fact, Namibian leaders had worked hard from the outset, to pick and choose carefully elements from many models as they developed and approved their constitutions and parliamentary structure.

For example, rather than emulating entirely the British or Commonwealth variant thereto, regarding national leader, by empowering the prime minister with the executive function Namibia's president in not a mere figure head but the dominant executive head of state with the prime minister sitting on the floor of the assembly reporting to the president.

The prime minister is active in his legislative capacity moves the legislative program along in the parliament organizing the cabinet ministers as the first minister, all of whom were appointed to their respective ministers by the President. In fact, in some cases, specific ministers had to be convinced personally by the president to serve at personal sacrifice. (The president was able to do so because of the real and clear sacrifice he himself made to serve in his capacity.)

Therefore, presentations to allow the hosts to understand all aspects of the American legislative experience were to prove to be highly worthwhile along with the others models being outlined.

The Chief Whip and all of the other whips are also much more powerful and somewhat unique among the various parliaments in that the Chief Whip sits WITH the government in its cabinet meetings, participates in governmental strategy sessions over which the president presides, then sits to the right elbow of the Prime Minister on the Floor of the National Assembly. The Chief Whip in this case is a voluble personality of great insight and strength known widely for his speaking abilities extemporaneously on the Floor and in the Hustings around the country. He is acutely aware, as he poignantly said several times on the Floor of the Assembly at during the conference and subsequent meetings that he is older and therefore, as a "child of the Fifties" was of the "Lost Generation" who were not able to be educated, were imprisoned instead, and had to live by their wits in the heart of the struggle for "dignity and freedom" which only recently had been won.

While it said that the Dr. Peter Katjavivi, the current Vice Chancellor of the University of Namibia, was the source of inspiration for the creation of this seminar, it clearly could be said that the Speaker was the spiritual G-dfather and the Chief Whip was its soul!

Education of the whips clearly was vital to assure their critical role in the smooth functioning of the both houses of parliament. Yet the first session after the formal opening and the retreat at Midgard all weekend and the subsequent follow through meetings at the Parliament during the week following Midgard found many other parliamentarians and staff joining in broadening and widening the levels and degree of participation significantly among the entire spectrum of participants in the legislative and governmental process.

THE METHODOLOGY

Prior to the May seminar and this one, a two volume digest of 20 other parliaments was produced by NDI staff and consultants and provided first to the National Council (the upper chamber). It proved to be very popular and helpful. It must now be provided more widely to members of the National Assembly as well as they are all asking to have it to study.

Carol Martin, along with Washington NDI input, designed a series of opportunities for the consultants and their parliamentary hosts to interact in very productive ways. It must be clearly understood that the formal settings were only a part of the most fruitful settings which were put in place for such purposes or example, Mbewe and Talisman arrived at Windhoek Airport the evening of July 15th, greeted at the plane side on the tarmac, and wisked to a dinner being held

a restaurant on the outskirts of the town at which the Prime Minister, the Chairman of the National Council, the American Ambassador and his wife, a number of key staff from both houses of parliament and others were already gathered to meet and greet and begin the acculturation process for the visiting consultants.

This informal event broke the ice easily and with great effect readying things for the next morning's more formal presentations.

The formal preestablished program which was to be accomplished was carefully created with the initial and continuing watchful participation of the Speaker of the National Assembly. Dr. Mose P. Tjitendero is a highly educated professor having also lectured at the University of Massachusetts at Amhurst. He has taken enthusiastically if not reluctantly to his designation as Speaker. He has, in fact, been a highly persistent driving force asking Ms. Martin and NDI for specific assistance in democracy and institution building with very directed requests for help building the parliament in particular.

The instant consultancy was as previously indicated, in direct response to the specific suggestion by Chancellor Katjavivi long series of entreaties by the Speaker and the formatting for each session was either engendered or refined by him in constant consultation with Ms. Martin.

The actual schedule which is attached demonstrates the Speaker's close identification with each aspect of the program:

THE BEGINNING

The formal opening of the entire consultancy program took place at the dining room of the National Assembly with the Prime Minister, Speaker and Chairman of the National Council presiding. As First Minister, following carefully the protocol of the Commonwealth, he delivered an action-oriented presentation setting the framework for the rest of the entire endeavor. With good humor and pointed seriousness, the tall and articulate leader made it clear that Namibians and their leaders cherish their achievements in building democracy very dearly. He expressed specific gratitude to NDI, Ms. Martin and to the newly arrived "International Faculty" for their continuing commitment toward assisting his colleagues and him in moving the process of democracy building along in very specific ways. Then, he formally declared the conference and related consultancy open.

The Prime Minister scolded the large number of permanent secretaries who were present at the luncheon for never responding to the opportunities to learn and leaving early on Friday to "their farms" for the weekend. He "encouraged" these permanent secretaries to the cabinet ministers to attend the first session to be held following the formal opening luncheon. A number took his admonition to heart and did appear at the session presenting the formats in a number of other parliaments.

THE FIRST SESSION

After the formal luncheon opening, the group moved to a large and attractive hearing room with large horseshoe seating arrangement in which the speaker hosted the first formal session which allowed the consultants immediately to begin the process of briefing the attendees of parliament, their staff and permanent secretaries of various ministries. The Speaker actually presided over this first session of several hours of both presentations of the basic outline of the Namibian legislative process by Vekuii Rukoro, the Deputy Minister of Justice. His presentation was thorough, easy to follow and very clear. This presentation was brilliantly placed at the outset allowing indigenous talent to demonstrate clearly the local capability to demonstrate understanding of its own process first before other parliaments were discussed. Then came the thorough presentations of the other parliaments in the region and elsewhere followed by a thorough question and answer session about each presentation and related details.

There were a number of questions first about their own parliamentary process as presented. In fact, the nature and the breadth of the questions about their own system was therapeutic and very helpful to each person present no matter their particular assignment since the presenter, Mr. Rukoro was able to answer authoritatively while engaging the International Faculty in comparative analysis.

The Speaker conducted the session with alacrity, holding presenters and questioners to precise allotments of time so as not to warp the schedule in any way or allow unrelated matters to divert the group from its goals of understanding other parliamentary models in detail. The seriousness of presentations, questions and answers and discussion which ensured set the tone for the balance of the consultation over the following eight days.

It was clear by the clarity and pointedness of each question that the presentations by the four members of the International Faculty was timely and of interest. The curiosity evidenced by each participant was surprisingly candid as the conversation which ensued focused clearly upon how each aspect of each parliament functioned and whether, if adopted, within the context of the Namibian experience, each could also work as well as in their original contexts.

There were many questions about the function of the whip in other parliaments; the relationships between the government and the parliaments or legislatures; the relationship and relative power between the two chambers in a bicameral parliament; how to keep members active and voting; how the opposition functioned in other countries and many other questions as well.

Overall this session was judged to be highly useful in clarifying a number of questions about their own interrelationships among the branches of the government and parliaments two chambers.

MIDGARD

Arrangements were made to depart from the parliament building in Windhoek immediately following the first session. Two buses were provided for the members of the two chambers who agreed to spend the entire weekend in a country setting at a farm known as Midgard about an hour and a half outside of the capital. A number of senior staffers also joined the group of members and the NDI consultants and staff.

Having created the New Members Program at the Institute of Politics at Harvard University and participated in its operation since its inception in 1972, it should be understood that it should not be taken for granted for any hard working and stressed members and staff of any legislative body are willing to commit a highly valuable free weekend to intense discussions about what they do during the rest of the week. It was further learned that this particular weekend of July 16-18 was the end of a school holiday which meant they would not be with their children only returning at the very end of Sunday as their children were going to bed. That is called real commitment as 27 participants agreed to come and did.

Midgard itself was a farmstead of 15,000 hectares of land developed over the past 65 years by a Afrikaner (cum Junker) farm family now of great means. Mr. and Mrs. List, the hosts, let it be know very early in the weekend that everything which would be seen in the vast spread was made by them and their own hard work (with the help of four "couples" {whites} and 80 workers {blacks}) and that all which we would eat was produced by them on the farm! The milk, cheeses, smoked meats, vegetables etc. were an impressive array of their labor.

This is not an establishment which can be booked by the casual traveller either passing by on the road (not easy to do) nor by travel agents since the Lists took only referrals and not public reservations. As if to confirm loudly the general state of reconciliation within the borders of Namibia on all subjects and matters, the Lists were called by the Speaker of the Namibian Assembly to arrange for this retreat of black and white parliamentarians and staffers. One could only imagine what had gone on within the rooms of this sprawling farmstead in years past before and during the "struggle" for freedom by the dominant populations seeking liberation.

It was particularly striking to look around the great room in which the participants were to meet to see a framed picture of the President of Namibia, Sam Nujoma, among the various memorabilia which had been gathered over the previous tumultuous 65 years of the Lists' life in the area.

Mr. and Mrs. List mingled among the participants a number of times during the busy weekend asking after the welfare and happiness of those present. As the participants gathered on the second night to relax at the bar in the lower level and watch eagerly to see whether the Ruling Party snooker players would beat the Opposition playing over a vast pool table manufactured in Los Angeles and now the object of the hot battle 150 miles from the nearest town on the Southwest corner of Africa!

Both the hearty groaning boards of food at all meals and the remarkably therapeutic times of relaxation were the context to allow the process at Midgard to produce the necessary, complex results of the review of the Namibian legislative process. The actual agenda at Midgard which is attached in Appendix 2 will provide the detailed outline of the agenda. What is of greater importance is the manner in which the process developed and concluded.

Each of the International Faculty members either presented at every session or all of the faculty served as a panel joining together to give an overview among all of the systems about which they had specific and extensive knowledge. After such presentations extensive dialogue and questions developed. In each case, the moderator who had been chosen from among the Namibian participants governed the time allocations and concluded each session.

In this way, everyone participated in one way or another and allowed a feeling to develop of camaraderie and great freedom to allow each participant to feel sufficient comfort to ask any questions no matter what knowledge base each had. That consistently allowed basic questions to be asked like, "Please tell me the difference between the role of the government and the parliament", a question honestly asked by a participant with such innocence and the urgent need to know. It also allowed very complicated questions to be developed through challenging debates among the faculty and the participants like the various roles played by whips across the world; the relationship of staff to members; how staff are developed and trained; and a series of very complicated debates about standing rules and orders in various countries compared to those recently codified in Namibia.

Of great interest for specific reasons specific to the development of regional and local government was the specific session on this topic. Here the faculty could relate to various models which were found to be very interesting to the participants.

Among all of the various techniques to move the discussions along smoothly the most interesting to all appears to have been smaller groups into which all participants were divided. Through these smaller groups four major topics were explored with the intention of having a program of action to be developed after the Midgard Process concluded on Sunday afternoon and everyone returned to Windhoek and the new workweek session of the parliament.

THE SMALL GROUP TOPICS

- 1. Legislative Process (How Our Laws Are Made)***
- 2. Staffing***
- 3. Standing Rules and Orders***
- 4. The Committee Process***

After a very long session on the first day caused a good humored revolt among the participants who simply did not want to have an 8:00 PM first session instead to be replaced by a night off to have a drink and play snookers. While many did just that, two of the groups chose quietly to meet and begin the process of outlining their topics for the following morning session. It worked for each group in their own way as each adjusted accordingly. The sessions the following morning were earnest and long.

Each group began to develop working papers which were then refined and finally reported to a plenary session by a rapporteur who had been previously designated.

(please see Appendix 3)

This final detailed presentation by each small group was followed by a lunch filled with excited conversation which seemed to be focused upon the "next step" which was what should transpire when everyone returned to the parliament. Was there a way to implement any of the recommendations from the "Midgard Process"?

It was agreed that the notes or memos from the smaller groups would be refined and made presentable. Arrangements were made to have the whips and others meet together no later than the following Wednesday for lunch at the Parliament to determine next steps. Deputy Speaker Kameeta and Carol Martin were deputized to visit with the Speaker no later than Tuesday to brief him fully on what transpired at Midgard. It was vital to make sure the Speaker knew everything and there were no surprises.

There was a notion that to integrate the thoughts developed at Midgard, certainly as regards the committee recommendations, as well as the other topics, that the Standing Committee was to meet the following Monday, July 26th chaired by the Speaker. Therefore, it was imperative that the Midgard recommendations serve as "background papers" and that it would be recommended to the Speaker that he appoint subcommittees for at least three of the smaller group topics, committee process, a combination of the legislative process and standing rules and orders and finally, staffing.

The briefing of the Speaker was reported to have been good resulting in continuing enthusiasm on the part of the Speaker.

The luncheon was well attended. One SWAPO member assumed the chair, however, out of turn and to the consternation of others present. That false start was not helpful. Finally, to the relief of most, it was decided that Deputy Speaker Kameeta would take a small number of colleagues to visit once again with the Speaker to persuade him to agree to appointment of subcommittees to absorb the ideas of the Midgard process and allow those subcommittees to work on specific official recommendations back to the Standing Committee for further recommendations to the Floor of the National Assembly for implementation.

COOPERATION BETWEEN THE U. S. AND NAMIBIAN PARLIAMENTS

At an early morning meeting with the Speaker on Thursday, July 22nd, Carol Martin and Mark Talisman were immediately briefed first by the Speaker indicating his desire to subcommittee the three topics from Midgard. Then, personal letters from the Speaker to the U. S. Speaker and Congressman Louis Stokes were discussed and approved to be written to be hand carried to them by Talisman. They are to be delivered Thursday, July 29th by Talisman. (See Appendix 7)

Similar letters were prepared by the Chairman of the National Council, Kandy Nehova and will also be delivered to Senators Mitchell and Dole on Thursday.

In both cases, with these intentions and the appropriate briefings, it is hoped that each U. S. House of Congress will allow Namibia's chambers to join those newly democratized countries' parliaments in Eastern and Central-Europe and the republics of some of the former Soviet Union which are receiving all manner of technical assistance through the official commission appointed by Speaker Foley currently ably chaired by Congressman Martin Frost of Texas.

Both Namibian houses of parliament need desperately to have technical assistance like basic computerization; organization of a serious library to serve all of the government linked through the basic computer system; legislative information service; staff training; parliamentary procedure training and the like.

It is now hoped through the letters being transmitted this week that a dialogue for the first Black African democratic country can be jumpstarted with the Frost Committee and the U. S. Congress.

THE NATIONAL COUNCIL

The upper chamber of the Namibian parliament is just seven months old. It is currently suffering an inferiority complex actually justified by its lack of appropriate levels of funding to provide for stationary, staffing, training and a host of other needs. The aforementioned chairman, Nehova, is a man of great standing in the country having suffered greatly for years of long imprisonment causing sight impairment and other disorders which miraculously did not impair his intellect, strong desire to assure democracy and an even stronger sense of justice and fairness which reviles at any notion which might impair reconciliation or any aspect of this young countries democracy.

Chairman Nehova wants badly to visit the United States to look at the committee process and the rest of the upper chamber in the U. S. He is desperately in need of staff assistance and is fully aware of the need to provide serious organized training of incoming staff knowing how necessary it is if staff are be able to function. Arrangements are being made through Helen Picard's Cultural Affairs Office at the U. S. Embassy in Windhoek to arrange such a visit next Spring when the Chairman's schedule will permit it.

This distinguished leader spent the entire weekend at Midgard, participating fully in each session. He asked questions throughout never even letting a social time pass without quiet and persistent queries.

THE AMERICAN EMBASSY

Ambassador McCaullie and his wife were actively involved in all stages of this entire project. He participated in the opening ceremony wishing the participants well. He hosted a cocktail party at his residence for all of the Midgard participants and others for over two hours, speaking admiringly of what he had heard about the process to that time. The ambassador then invited Martin and Talisman to meet with him and some staff the following morning to brief them about the details of the program. The USAid officer was too busy to join Picard, Major Gary Walker the Defense, and Army Attache, and the First Secretary, Carl Troy, a very engaging and interested person, each of whom listened to the report of the previous five days events and then a question and answer and discussion of the impacts resulting from the various NDI activities from the inception of the country.

Clearly, the AID problem continues of how to measure the impact of such democracy programs. Talisman raised this issue frontally. The Ambassador indicated that the "Democracy Committee" at the Embassy would be dealing continually with such issues. But that he was impressed with the fondness and straight forward accolades he continually heard about NDI's work in Namibia including the Midgard process and related activities.

Talisman then raised the need to fund multiparty training programming and parliamentary staff training over the next year. He waid that he would be "pleased to entertain and seriously consider seriously such requests from the Namibian parliament and NDI".

After two hours, with other appointments backing up, the Ambassador asked that the Martin and Talisman return the following morning. They did for more extensive discussion. The issue of computerization was raised in detail as a result of the various visits made around the parliament and library the previous three days. The Library issue was raised as well indicating the need to utilize the computer and microfilm for containing the overflow which already exists of newspapers along with the need to be able to link the various ministries and the parliament on line with each other.

The Ambassador then sheepishly indicated he had "identified a person with both library and computer skills with a great of time on her hands who may be willing to help out". In fact, he said, she was waiting outside the door to his office having been unwilling to enter before being asked by us. It was Mrs. McCaullie! Having spent another one and a half with the Ambassador, we then spent another hour with Mrs. McCaullie.

Carol Martin knew already that the Swedish Ambassador indicated their embassy's willingness to help gather gifts in kind ranging from computer hard and software to books in whatever language needed and parliamentary information. Surely, it was surmised, there were other

embassies willing to help in the same way. Would Mrs. McCaullie be willing to convene a committee of other embassies' staff and distaff for the express purpose of meeting the needs which have been identified. The answer was YES!

Mrs. McCaullie and Carol Martin were to have begun this process the week following the parliamentary project finished its immediate agenda.

Further, Talisman was going to contact the Library of Congress to solicit software which would be installed thus standardizing the computers in the library and the Speaker's office and others as they came on line. Such contact is already underway with answers expected in a week or so.

Similarly, should the U. S. Congress' Frost Committee choose to cooperate then this project will progress dramatically. But the "McCaullie Committee" in its own right has the possibility of not only soliciting among themselves significant contributions but will also cement those relationships for further good and substantive works.

THE DEPUTY MINISTER OF TRADE AND INDUSTRY (As only one of his many responsibilities)

Martin and Talisman also visited with Wilfried Emvula, a young and dynamic regional government leader, who had been tapped to serve as the Deputy Minister for Trade and Industry. He presented a closing presentation on the floor of the National Council closing out the consideration of the budget for his ministry. He did so with dignity and order of presentation as he defended and advocated for his R14 million budget, one of the smallest among all of the budgets segments.

During a nearly two hour meetings he complained plaintively of the need to relieve his unbelievable workload which consists of his national ministry role which is enough for any full-time occupation; his parliamentary role as a member of the National Council; his role as a highly dependable regional representative who would now be far away from his depicting constituency which was feeling separation anxiety; He actually set up a committee of well chosen associates to sit with constituents weekly to whom he could then talk frequently to keep in touch and make sure in his absence local constituency needs would be met as if he were there.

He is given no phone allowance. No travel allowance is provided either other than the small MC's allocation. No stationary exists nor does postage.

Friends are providing for some of his needs. He reflects the high degree of frustration voiced by his Chairman, Kandy Nehoya. These issues need to be addressed and resolved satisfactorily very soon if the Upper Chamber is to survive and thrive as an equally independent body as everyone appears to still advocate.

Then the Deputy Minister listed a number of priorities which he wished to see addressed effectively for strengthening the national economy and for job development. Oil concessions,

agricultural irrigation utilizing brackish water and meeting the need to provide 4,000 housing units quickly were quickly ticked off as essential goals to achieve. Talisman promised some suggestions by the following week and specific connections to do so were completed by the following Tuesday through exchange of faxes between the Deputy Minister and highly competent experts in each area of interest. Hopefully, fruit will be born in the very near future.

A CONCLUSION FOR THIS PHASE OF NDI'S WORK

It has been reported on Tuesday July 27th that the previous day, Monday, July 26th the Standing Committee of the National Assembly, chaired by the Speaker, convened as planned to consider preceding on the establishment of parliamentary committees. It was, to the knowledge of both Martin and Talisman to have been an arrangement in which Deputy Speaker Kameeta would present the results of Midgard and then the Speaker would suggest the establishment of subcommittees on the three subjects as planned.

Martin reported that the opposite in fact has happened! Kameeta proceeded, at length, to read out the results of all of the four working groups. During that presentation, apparently, the Speaker conferred quietly with his Secretary of the Assembly, Andre Killian at which point a member raised a "point of order" demanding that the "Speaker pay attention to the important matters being discussed". It was reported that the Speaker looked angry and responded by indicating that since little time remained, he was simply going to form six committees and fill each with five members and that would be that.

Unfortunately, this development, at the hands of a continuing problematic member and his outbursts, now has created a serious bind since the Assembly adjourns on Friday, July 29th foreclosing any correction of this series of events resulting in a decision which is difficult. The Speaker having appointed five members from the Ruling Party for each of six committees presents him with a dilemma since there are simply not enough members of his party who are not members of the government, too. Even with the activation to committee membership of deputy members of the Assembly the mathematics simply will not work. Midgard produced a solution of Joint Committees as a solution allowing members from both houses to sit on joint committees on topics of national import.

Carol Martin and Talisman agreed late Tuesday afternoon that Martin should proceed to meet with the Speaker on Wednesday urgently to see if he will reconsider his decision and revert to the subcommittee the detail work to report back to him forthwith. While all may be lost as regards the committee process, there might be a miracle to pull out of the unforeseen events which caused them to occur even yet, if the Speaker can be made to see he is setting precedents of great import far into the future.

CONCLUSION

With Important Work yet to be Accomplished

Everyone who has worked in Namibia with the leaders of the parliament, its staff, reporters, support staff and even people in the "streets" universally indicates during briefings and writings that the example of democracy being developed there is exceptional, based upon genuine reconciliation and with a true commitment toward advancing these ideals. One's reaction to these consistently praiseworthy commentaries appear to sycophantic and naive since daily news and deeper analyses clearly are filled with endless examples in that very region of the World of single party, autocratic, antidemocratic governments with little hope of changes of the type being described extant in Namibia.

Many other prospectively developing democracies are now appearing wishing to pursue the very goals which Namibia sought out with such fervor and focus over that past decade and particularly the past four years.

As Benjamin Franklin was being transported on his chaise on the shoulders of four prisoners from Philadelphia's city jail for the last time as the Constitutional Convention ended its work late that afternoon, nine months after it had begun its critical work, an old, witch-like lady in her 80's screamed out, "What have you given us, Franklin?" to which Dr. Franklin responded with alacrity, "We have given you a democracy, if you can keep it!" And so it is in Namibia and the entire region, to be sure.

The institutions which have and are being put in place during these first three years have to be tested, worked (in the political sense) to be sure of their strengths and workability, and refined as these real-life tests demonstrate the need for specific changes to make the parliamentary and governmental infrastructures work properly and well.

It is hoped that the individual and cumulative impact and effect of each of the initiative, including this last intense endeavor, by NDI's consultants and faculties, with the ongoing efforts on the ground by Carol Martin, Pat Keefer and others goes a long way in assisting the real time parliamentary players and their staffs and supporters in moving rapidly and successfully toward the very goals which they have clearly enunciated to be achieved.

Yet, it has been widely acknowledged that sustaining multiparty activities in a culture and a region where one party governments dominate is not easy or simple. Therefore, it is imperative that activities be developed and put in place soon over the course of the next year to deal directly with the encouragement of well designed teaching and seminar activities which are aimed directly at strengthening parties to play their important contrapuntal roles each thereby to strengthen the other.

It is to be wondered whether the real importance of such carefully designed programs to strengthen the parties' capabilities, not in their precinct political roles, but in their parliamentary functions and capabilities better to understand and to implement their roles of "loyal opposition"

throughout the parliamentary process from committees to the floors of both bodies to their public presentations and abilities to sharpen legislation all along the process. It is hoped that the responsible leadership of the appropriate American government agencies and departments as well as the Congress and NGO's interested in democratization in their rhetoric should also be able to provide moral and substantive support in this important regard.

It is clear there is a vast difference between providing hard goods in a foreign aid program for which accountability is relatively straightforward and assisting in "meaningful" ways in the process of democratization such as the activities in Namibia. Continually, one hears an unwillingness to take on the responsibilities required to fund and to therefore to track the "progress and achievements of goals" in the area of democratization.

Yet it may be true in this heady and truly miraculous field of endeavor of building democracy and its institutions as was indicated by a Supreme Court justice when queried as to how he could identify pornography. He confidently retorted instantly, "I know it when I see it". While that should be considered a flip a response to such a profound series of global developments like the deadly serious events in Southern Africa as so many people of good will carefully pick their way through "mine fields" reaching toward democratic possibilities, the miracle is that Namibia has already arrived in safe territory and are working hard right now to strengthen their democratic tendencies enormously each day.

By all fair accounts, they are clearly succeeding in their own way, pace and with the advice and counsel with which they feel most comfortable. There are facts on the ground which are indisputable.

1. The Namibian National Assembly is meeting regularly, passing our legislation regularly to the seven month old National Council which, itself, is meeting regularly, reviewing those Assembly passed legislation and sending it on to the President for his disposition.

2. The Ruling Party and the Opposition composed of six different parties sit on the floors together in each house. It is true that the opposition needs strengthening but that will occur or not depending upon how counsel as requested is provided or not by experts being requested urgently by the leadership of both houses.

As the Prime Minister unwound on the Floor looking toward the Opposition opposite him on the Floor of the Assembly, he roared "Never do we find alternative suggestions or amendments from your side, only do you cut up our program continually in the Opposition! We need to have you taught how to be the LOYAL OPPOSITION", he cracked as he extended his long arm and index finger jabbing at the opposite side of the chamber. A member shouted back, "When we are in charge we will then bring forward OUR program and not until then!", thus completing missing the role of a real loyal opposition.

3. The relationship between the parliament and the President and his government appears solid and works well together. Debate rhetoric on the floor of the Assembly is active and mostly

"civilized" but tame when even compared to the Commons in London. The point is that it an ongoing process believed in by the participants. Gallery watchers fill the sessions interested in the process as well.

4. The news media is learning its appropriate roles. Although, the principle Opposition paper is controlled and a party organ. The government news media appears to be finding its voice. Its coverage is lively while it worries about its responsibilities to be free from controls. Meetings with authorities of the National Broadcasting Company affirm deep awareness and desire for freedom of activities. In fact, the Prime Minister himself affirmed his government's strong support for such press freedoms even complaining plaintively about how badly he is sometimes treated as he goaded the DTA's (Opposition) paper in its continuing slavish mouthing of its patron's party line. "Never can one find a cartoon of one of it's own leaders in its editorial pages, only ours!", he jabbed.

5. The Speaker of the National Assembly and the Chairman of the National Council encourage, in fact demand, continuously to have more and more assistance from bona fide expert assistance from whatever source proves to be trustworthy and beneficial. This openness has apparently proved to be salutary and highly beneficial as benchmark events have demonstrated. The approval and implementation of the Constitution clearly was and remains a seminal achievement. It is being taught each morning to Namibian citizens on the NBC radio series, "Know Your Constitution" with great impact.

The development and printing of the Standing Rules and Orders in record time was another benchmark cited by governmental players. This activity of rules and orders is recognized as being an ongoing work in progress which will have to be adjusted as experience warrants.

Each seminar which has been conducted has been requested in its outlines by the leadership and has been implemented with their active participation. Without such serious levels of participation each project would not have succeeded as they were adjudged to have without such important activities of such clear consequence to real life problem solving and institution development.

6. Staff training is agreed by all Namibian parties of interest to be of such an essential nature that the ways of doing so must be developed and accomplished in the very near future. There is universal frustration in the parliament's two house that there is not sufficient staff present and when potential staff are identified that a serious program of staff training must be available quickly to allow a transition into the workplace with the least amount of time being wasted thus assisting the benefitting the ongoing legislative process as seamlessly as is feasible.

Similar intense training must be provided for a parliamentarian in each body so as to allow the Speaker and the Chairman to attend to floor business quickly and effectively without the current delays which by necessity develop as clerks and the Secretary search the rules endlessly.

7. As Carol Martin winds down her effective term of service in Namibia with the parliament and government, obviously finding an effective replacement is a priority without fail. Allowing any vacuum to develop by NDI would be a great error. Carol has had the strength and ability to keep a sufficiently arms length arrangement with the principles with whom she has worked so as not to be co-opted and become a subordinate staff member or the like. This studied and continuous effort took great effort on her part as there were clearly daily efforts to have her take over substantive functions which would have been a great error. Yet NDI's position in country is about as magnificent an example how well a consultant group can provide assistance in exactly the manner in which the parties to be served have wanted such help.

During the course of only ten days, NDI was mentioned so many different times in many different favorable ways that it verged on being embarrassing. It was clear the at the new American Ambassador McCaullie began to understand the extent to which the members of the leadership of the parliament, the Prime Minister and others assumed the importance of their relationship with NDI. The Ambassador clearly expressed is amazement at the level of appreciation expressed for NDI's efforts an projects and the clear understanding of the nature of the relationship NDI has at all levels of the government which is respectful and geared toward responding to the wishes of the government.

Yet, there is a great deal left to accomplish as has been outlined above. It can only be hoped that there will be the wherewithal to assure the goals of this young and vibrant democracy can be met with the speed and effectiveness which has thus far characterized efforts thus far.



Appendix 1

Opening Address by the Prime Minister,
The Honorable Hage G. Geingob
At the Seminar for Parliamentary Whips
And Legislative Staff
At Noon on July 16, 1993

&

Namibia's Legislative Process
as presented by the
Honorable Vekuii Rekoro
Deputy Minister of Justice

**ADDRESS
OF
THE RIGHT HONOURABLE HAGE G. GEINGOB
PRIME MINISTER OF THE REPUBLIC OF NAMIBIA
ON THE OCCASION OF THE OPENING OF
THE SEMINAR FOR PARLIAMENTARY WHIPS
AND LEGISLATIVE STAFF**

**WINDHOEK
16 JULY 1993**

Mr Speaker of the National Assembly
Mr Chairman of the National Council
Honourable Members of the Parliament
Your Excellency
Ladies and gentlemen

I always welcome opportunities that contribute to the enhancement of our democratic institutions, and am therefore delighted to be here on the occasion of the opening of the seminar for parliamentary whips and legislative staff.

As you know, ladies and gentlemen, prior to independence, we had held elections for a Constituent Assembly. Subsequently, this Constituent Assembly drafted the Nation's Constitution. One outstanding feature of this process was that our supreme law was crafted by Namibians themselves and its importance can best be recognized by the fact that it was an attempt to institute democracy in a country that had known no democracy or self-determination for over a century. The last three years have proved time and again that our supreme law can stand the test of time as an instrument that will protect all the fundamental values in a true democracy. I refer to the two outstanding, but certainly not unique, features of our constitution, that is, its guarantee of the protection of human rights and freedoms, and the separation of powers of the three organs of the state, that is, the executive, the legislature, and the judiciary. Of course, these concepts are fundamental to many of the constitutions but, for us in Africa, and particularly in Namibia, it was a considerable departure from the set pattern.

Last year, we took another important step in the strengthening of our democratic institutions with the election of the National Council, Regional Councils, and local governments. The election of the National Council established the second house of the legislature, to provide the necessary checks and balances, and to provide review within the parliament.

Debates in the National Assembly have generally been of high standard, and this is particularly so when specific substantive issues are being discussed. Happily, similar patterns are shaping up the conduct of proceedings in the National Council.

But we realize that our National Assembly is only three years old, and our National Council merely 7 months old. They have worked well independently and together in spite of the fact that there were no national precedents for us in Namibia. The establishment and workings of parliamentary committees also take on additional dimension in this evolving democratic milieu.

It is in this context that I welcome this Seminar that aims to help us streamline and improve the legislative process and to clarify relations between the recently constituted National Council and the National Assembly. The Seminar would also provide an excellent opportunity for the new legislators to appreciate the legislative process. They will no doubt also gain insight into the processes of how a bill becomes a law; the importance of standing rules and orders and provisions for interactions between the National Assembly and the National Council; the importance of operationalizing Committee Systems; and most importantly, access to information critical to the workings of parliament and support structures. This seminar would also, hopefully, make distinctions between the state and the government clear. I say this because often many legislators and others do not see the fact that the three organs, that is, the legislature, the executive, and the judiciary are the organs of state and not of government. Government is the Cabinet. One manifestation of this distinction is the fact that in the Parliament we have the Government AND the opposition.

This seminar should, therefore provide a great learning experience for us all and would help us give meaning to the hopes and aspirations of Namibia as a democratic nation.

Finally, I would like to take this opportunity to thank the National Democratic Institute for International Affairs for its support in this endeavour. NDI is, of course, not new to Namibia. I recall with appreciation its contribution towards the strengthening of democratic institutions ever since early 1989 when it supported the civic education process during the voter registration exercise. Again, in October/November 1992, it joined hands with the NBC to help us with the voter education programme prior to the regional and local elections. I also thank the NDI for its support of the Symposium: "Parliament and Democracy" for the National Assembly members in 1991, and another symposium on comparative parliamentary organisation and structures for the Members of the National Council in May 1993. These activities and the present symposium are the concrete ways in which NDI continues to help us strengthen democracy through a strong internalization process.

No doubt the members of the Parliament will benefit greatly from this seminar because it offers an opportunity for them to discuss issues that we all too often take for granted. But the seminar should also be of great benefit to the Permanent Secretaries from a more fundamental perspective; for, it gives them an opportunity to learn first hand the process of law making.

With these few words, ladies and gentlemen, it is my honour to declare this Seminar opened.

I thank you.

Abbreviations:

- NGO = Non-Governmental Organization
- PSC = Public Service Commission
- CCL = Cabinet Committee on Legislation
- AG = Attorney-General
- MOJ = Ministry of Justice

1 General Cabinet policy documents and instructions/

Parliamentary debates/

etc

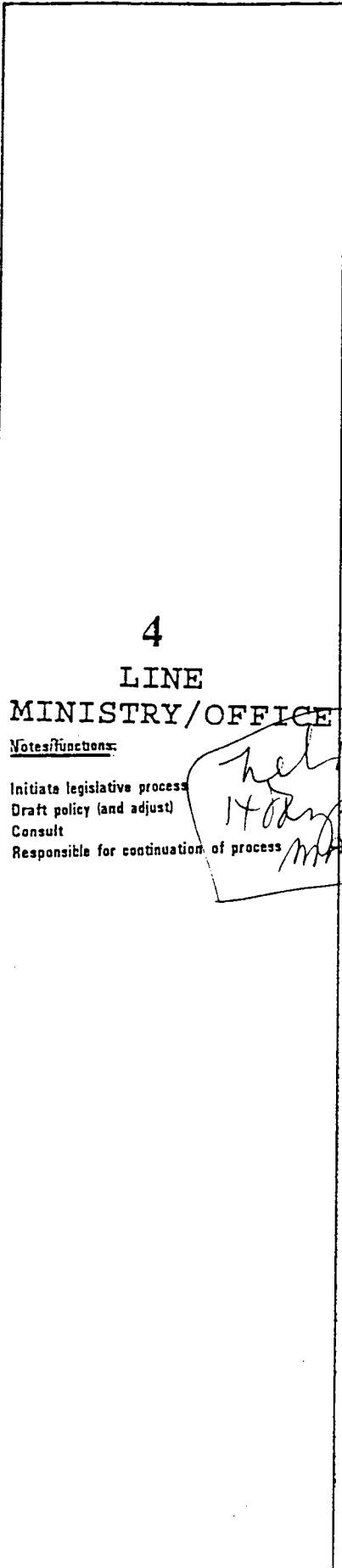
2 General public; interest groups/

Advisory bodies/

NGO's; consultants/
etc.

3 Other Ministries/ Offices - eg. PSC; Treasury

Law Reform and Development Commission



held 14 days maximum

Submit for (legal) advice

(legal) Advice

Submit comprehensive draft Cabinet memorandum plus laymens' draft (or extensive policy directives)

comments/further instructions ("certificate")

Submit Cabinet memo. (normal procedures); recommend approval in principle

Cabinet resolution

Submit all documents; indicate (senior/available) contact person

Refer for final review as Bill

Final confirmation (comments)

Alert for Parliamentary procedures (i.e. 2nd Reading Speech)

Dep. Sec. (Ch. Sec.)

2 copies 8/1/11



Appendix 2

Themes Discussed
at the Parliament Seminar
and at
Midgard

Sign-up Sheet
for the four Working Groups

Questions Posed by
Chairman Nehova
The National Council



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8-9 AM - Meeting of Implementers of each group

9-10 AM - *Pres Conf* PARLIAMENT AND DEMOCRACY IN NAMIBIA
LEGISLATIVE - STAFF TRAINING

10:30-11:30 AM *House Whip* July 1993

2:30-3:30 PM *N/C Whip* in Constitution Room following Pres Conf -

Consultations with Whips: "Coordination of the Legislative Process." Themes to be discussed include:

10:30 AM?

How can whips coordinate within their respective parties?

How can whips coordinate amongst themselves in each Chamber?

How can whips coordinate amongst themselves between Chambers?

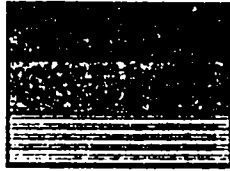
What is the status and the nature of protocol amongst whips of the same Chamber?

What is the status and the nature of protocol amongst whips between Chambers?

What is the status and the nature of protocol amongst whips in joint meetings of the two Chambers?



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Private Bag 13323
Windhoek 9000
Namibia



TEL: 061-2889111
2882561
2882578
FAX: 061-230188

To all Deputy Ministers and backbenchers!

MEMORANDUM

Take note of the following:

Please indicate on which committee you want to serve.

Names must be submitted to Standing Committee tomorrow

CHIEF WHIP:

DATE:

1/7/95

TIME:

16:30

PLEASE READ AND CHECK AND SEND BACK TO THE WHIPS.

- | | | | |
|---------------------------|--------------------------|-----------------------------|--------------------------|
| 1. Cde. H. Geingob | 14. Cde. H. Witbooi | 27. Cde. D. Tjongarero | 40. Cde. I. G. Nathaniel |
| 2. Cde. M. Garoeb | 15. Cde. L. Amathila | 28. Cde. P. Malima | 41. Cde. M. Huesbschle |
| 3. Cde. H. Pohamba | 16. Cde. R. Kaperwa | 29. Cde. N. Ndaitwa | 42. Cde. J. Hoebe |
| 4. Cde. T. B. Gurirab | 17. Cde. N. Bessinger | 30. Cde. N. Ithete | 43. Cde. W. Konjore |
| 5. Cde. H. Toivo Ya Toivo | 18. Cde. M. Hausiku | 31. Cde. K. Dierks | 44. Cde. W. Biwa |
| 6. Cde. H. Hamutenya | 19. Cde. P. Ithana | 32. Cde. M. Shivute | 45. Cde. P. Shoombe |
| 7. Cde. P. Mwehshange | 20. Cde. H. Angula | 33. Cde. J. Nyami | 46. Cde. S. P. Wohler |
| 8. Cde. E. Tjiriange | 21. Cde. H. Ruppel | 34. Cde. B.R. Kukurak | 47. Cde. M. Tjiltendero |
| 9. Cde. B. Amathila | 22. Cde. J. W. Wentworth | 35. Cde. I. Indongo | |
| 10. Cde. G. Hanekom | 23. Cde. H. T. Hishongwa | 36. Cde. B. Uulenga | |
| 11. Cde. N. Angula | 24. Cde. J. Ekandjo | 37. Cde. A. von Wietersheim | |
| 12. Cde. N. Iyambo | 25. Cde. K. Mbuende | 38. Cde. Z. Kameeta | |
| 13. Cde. J. Mutorwa | 26. Cde. P. Tsechama | 39. Cde. D.P. Botha | |

Comments:

Hishongwa
Mutorwa
Hishongwa

Lect Cttee on Natural Resources:

- ~~R. Kukuru~~ (A) Padukeni Suonke (A) M. N. N. N.
- R. Kukuru (B) W. Konjore (B) J. Ekandjo
- M. M. M. (C) W. Biwa (C) F. M. M.

Lect Cttee on Human Resources:

- ~~R. Kukuru~~ (A) Padukeni Suonke (A) B. M. M.
- M. M. M. (B) W. Biwa (iii) (B) Dr. K. K.
- M. M. M. (C) W. Konjore. (C) D. D.

Lect Cttee on Economics:

- R. Kukuru (A) W. Biwa (iii)
- J. Nyamu (B)
- M. M. M. (C)

Lect Cttee on Security:

- J. Nyamu (A) W. Biwa (i) (A) R. Kukuru
- N. Ndaitwal (B) W. Konjore (B) M. M. M.
- M. M. M. (C) I. G. Nathanial M. M. (C) D. D.

Lect Cttee on Reg/Local Gov:

- J. Ekandjo (A) Padukeni Suonke
- M. M. M. (B) W. Konjore
- (C) JOHN MUTORWA

Lect Committee on Foreign Affairs:

- J. Nyamu
- R. Kukuru
- M. M. M. Nandi - Ndaitwal

Standing Comm. *H. K. S. K.*
ESTABLISHMENT OF ~~SELECT~~ COMMITTEES RELATED TO
MINISTRIES

Propose inclusion of deputy ministers

1. To appoint Select Committees with the power to examine and enquire into all such matters as may be referred to them by the Assembly and report from time to time.
2. In addition to the powers granted to them, these Select Committees shall be empowered to examine the expenditure, administration and policy of the specific Ministries and associated public bodies and to study and report on all matters relating to the mandate, management and operation of the Ministries of Government, which are assigned to them by the Assembly. In general the Committees shall have power to review and report on :
 - (a) all legislation relating to the Ministry concerned;
 - (b) the program and policy objectives of the Ministry and its effectiveness in the implementation thereof;
 - (c) the immediate, medium and long-term expenditure plans and the effectiveness of implementation thereof by the Ministry;
 - (d) an analysis of the relevant success of the department, as measured by the results obtained as compared with its stated objectives; and
 - (e) other matters, relating to the mandate, management, organization or operation of the Ministry as the Committee deems fit.
3. It is suggested that the following Select Committees be appointed to shadow the various Ministries as indicated:
 - a) Select Committee on Natural Resources
 - i) Agriculture, Water and Rural Development;
 - ii) Fisheries and Marine Resources
 - iii) Mines and Energy
 - iv) Wildlife and Conservation, *Tourism*,
 - v) Lands, Resettlement and Rehabilitation
(excluding Resettlement and Rehabilitation)

b) Select Committee on Human Resources

- i) Information and Broadcasting
- ii) Education and Culture
- iii) Health and Social Services
- iv) Labour and Manpower Development
- v) ~~Lands~~, Resettlement and Rehabilitation (excluding Lands)
- vi) Housing
- vii) Home Affairs (excluding Police and Prisons)
- viii) Youth and Sport / *♀ Women Affairs*

c) Select Committee on Economics

- i) Finance
- ii) Trade and Industry
- iii) Works, Transport and Communication
IV Mines + Energy

d) Select Committee on Security

- i) Defence
- Sub* ii) State Security
- iii) Home Affairs (only Police and Prisons)
- iv) Justice
Foreign

e) Select Committee on Foreign Affairs

- i) Foreign Affairs

f) Select Committee on Local Government *Regional*

- i) Local Government (excluding Housing)
- ii) *Lands, Resettlement + Rehabilitation*
- iii) *Housing*

COMPOSITION OF SELECT COMMITTEES

1. The composition of the Select Committees shall be as follows:

SWAPO	9	
DTA	4	
UDF	1	
ACN	1	
FCN	1	
NPF	1	
NNF	<u>1</u>	
TOTAL MEMBERSHIP	18	QUORUM 10

2. Chairperson

The Chairperson of a Select Committee is chosen by the Select Committee itself except when the Assembly directs otherwise.

3. Sub-Committees

That the Select Committee be empowered to appoint Sub-Committees for each Ministry they shadow.

4. Composition of Sub-Committees

That Sub-Committees be composed as follows:

SWAPO	4	
DTA	2	
UDF }		
ACN }	1*	
NPF }		
FCN }		
TOTAL MEMBERSHIP	7	QUORUM 4

*That the smaller parties decide amongst themselves on which Sub-Committee they will be represented and by whom. If they feel that more than one party should have an interest in a particular Sub-Committee, they be allowed to participate in meetings but with no vote.

5. Chairperson

The Chairperson of a Sub-Committee is chosen by the Committee itself except when the Select Committee directs otherwise.

6. Reports by Sub-Committees

Sub-Committees report to the Select Committee who has appointed them. If the Select Committee does not agree in total to the report of a Sub-Committee, the Sub-Committee's report shall constitute a part or an annexure to a Committee's report. A Sub-Committee cannot report to the Assembly.

7. Reports by Select Committees

(a) A Select Committee is not competent to present a minority report.

(b) If a Select Committee is unable to agree upon a report, it may make a special report to that effect and the draft report which it is unable to agree upon, shall constitute a part of or an annexure to the Special Report.

8. Duration

Unless the Assembly otherwise orders, all members nominated to a Select Committee shall be members for the duration of the Assembly.

PERTINENT QUESTIONS TO BE ASKED AT THE SEMINAR

By Chairperson Nehova, 14 July 1993

1. ORGANIZATIONAL STRUCTURE(S) OF A BICAMERAL PARLIAMENT
 - A. Sharing of staff by both chambers
 - B. Interaction of chamber's staff
 - C. Joint sessions of chambers
 - D. Openings of chambers or parliament
 - * Who does that?
 - * Is it separate?
 - E. Tabling of bills in both chambers
2. STATUS AND PRESTIGE OF CHAMBERS IN THE POLITICAL ORGANIZATION
3. STATUS OF CHAIRPERSON/DEPUTIES OR SPEAKERS OF THE CHAMBER
 - * Does the principle of parity apply?
 - * Is one lower or higher?
4. WHAT IS PARLIAMENT?
5. WHAT IS THE UPPER HOUSE AND WHAT IS THE LOWER HOUSE?
 - * Historical Background
6. VETO POWERS OF BOTH CHAMBERS, IF ANY?
7. RENUMERATION OF POLITICAL OFFICE BEARERS (HEAD OF STATE, PM'S MINISTERS, DEPUTY MINISTERS)
8. STATUS AND RENUMERATION OF PARLIAMENT PERMANENT SUPPORT STAFF
9. ORDER OF PROTOCOL
 - A. Who sets it up?
 - B. What are the guidelines or principles followed to make order of protocol?
10. WHAT PRINCIPLES ARE FOLLOWED IN DETERMINING THE RENUMERATION AND FRINGE BENEFITS OF MP'S IN BOTH CHAMBERS?
11. WHO DETERMINES THE RENUMERATION OF MEMBERS OF BOTH CHAMBERS OF PARLIAMENT AND HOW IS IT DONE? IS IT DEBATED PUBLICLY?
12. LEGISLATIVE EXPERTS TO ASSIST MP'S. DO LEGISLATIVE EXPERTS (IF THERE ARE ANY) SERVE BOTH CHAMBERS?
13. ASSISTANT TO WHIPS AND MP'S REGARDING STAFF, OFFICE FACILITIES AND OFFICE EQUIPMENTS.



Appendix 3

Namibian Parliamentary Seminar Program
July 16, 1993
Windhoek

Midgard Program
July 16-18, 1993

List of Participants

International Faculty



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THE PARLIAMENT AND DEMOCRACY IN NAMIBIA LEGISLATIVE - STAFF TRAINING

SEMINAR AGENDA

JULY 1993

Friday, 16 July 1993

2h30 Luncheon at Parliament Restaurant for International Faculty, Participants and Permanent Secretaries.

4h00 Welcome and Introductions

4h30-16h00

An Overview of the Legislative Process in Namibia
The session will be led by Vekuii Rukoro, Deputy Minister of Justice, who will prepare materials in advance, including a tracking chart that outlines the different stages and the approximate time required for each.

Themes to be discussed include:

1. Proposing Legislation (the Ministries)
2. Agreement in Policy and Principle (the Cabinet)
3. Drafting Legislation (the Ministry of Justice)
4. Submission of bills to the National Council for consideration:
 - a. What is the procedure by which a bill is submitted?
 - b. What happens should the NC accept the bill?
 - c. What happens should the NC reject the bill?
 - d. What happens should the NC modify the bill?

Evaluation of the Namibian process by international participants and suggestions on how to improve and streamline the process.

6h00-16h15 Break

6h15-17h45

Overview of the Legislative Process: Key Stages and Activities

Panel Discussion by International Participants, each of whom will provide an overview of the practices in his/her country concerning the following issues:

p45 - Stanger's not allowed in Comm sessions? why not public invite?

Legislative Structures

1. How is the legislature organized?
2. What leadership positions exist?
3. What powers do the parliamentary committees have?
4. What are the institutional relationships between key offices in the legislative process?

8h00 Depart for Midgard Farm

0h00 Check-in and Dinner

*Alan Vango
Whips
+ Speaker paper
3 days in Advance
"Whip notice"*

Saturday, 17 July 1993

0h00-10h30

Review of the Namibian Standing Rules and Orders

Themes to be discussed include:

1. What rules and procedures have been developed to govern parliamentary functioning?
2. Do the rules and procedures reflect the spirit of a democratic parliament?
3. What role will the committee system play in the development of legislation?
4. How is the balance between the need for discussion and the need for orderly, efficient law-making handled?

→ Recourse to already extant in H. of Comm's

0h30-11h00 Break

1h00-12h30

Relationships Between the Regional Councils, the National Council and the National Assembly, and with Constituents

*p33 - ref to Comm -
p43 -
p42 =
Question in Assen to Comm
yet rules should be less strict in Comm's
Report on Act by the Assembly
nat'l*

Themes to be discussed include:

1. How can the Regional Councils meaningfully represent regional concerns?
2. What mechanisms can the Regional Councils use to influence legislation regarding those concerns?
3. What is the importance of checks and balances between the National Council and the National Assembly?
4. What are the mechanisms of these checks and balances?
5. How can a Member respond to the needs of his/her constituents?
6. How does one define constituents in a proportional representation system?
7. How can constituents be encouraged to communicate and interact with their Member of Parliament (especially in the context of high illiteracy, the absence of broadcast signals and great distances)?

2h30-14h00 Lunch

4h00-15h30

Legislative/Executive Relations, Access to Information, and Parliamentary Support Structures

Themes to be discussed include:

Legislative/Executive Relations

1. What is the nature of the relationship between the parliament and the government?
2. How can parliament play its role of watching over government actions without impeding the legitimate functioning of the executive?

Access to Information

1. How willingly does the government share information with the parliament?
2. Are government gazettes received in a timely fashion?

GAO-
 LOC-
 TAC-
 Technassen office

National
 Liaisons-
 Alliances

Criticism
 office
 15 yrs
 Comm. Oversight

yes!

Cong Record
 - Federal Register ←
 - White House/Pres Documents

Computer online

legis Ref service parl library

3. How available are consistent and reliable summaries of pending legislation (impact, intent, provisions, supercessions, etc.)? *frequent! up to date - it.*
4. To what extent does parliament have oversight privileges for classified information? *Intelligence? Can be in supp. - closed session. Committee?*
5. Does the whole parliament have these privileges, or does a restricted body exist within the parliament for this purpose? *(NO)*
6. What sanctions are foreseen if classified information is leaked? *severe*
7. How can parliamentarians gain the trust of the government bodies providing the information? *closed session of Assembly + N.C.*
8. What do parliamentarians do with the information provided?
9. How can they check its veracity? *legis ref service / cong & parl library*

Parliamentary Support Structures

1. How should staff be organized: on a legislative-wide, party, committee, and/or personal member basis? *support - yes*
2. What type of training should staff receive? *professional staff of assembly + N.C. - maybe -?*
3. How can staff be used most efficiently? *Computer train -*
4. How should staff be funded? What are the advantages and disadvantages of different funding arrangements? *public funds / party funds*

5h30-16h00 Break

6h00-17h30

Government/Opposition Relations and Party/Parliament Relations

Government/Opposition Relations

1. How do the government and opposition parties relate to each other in parliament?
2. How can the opposition influence public policy in the legislative context?

3. Does the opposition have any statutory positions of importance accorded to it in the organization of the legislature?

Party/Parliament Relations

1. What is the nature of the relationship between a party's parliamentary leadership and its party leadership?
2. How can actions be coordinated between the two, if they are not composed of the same individuals?
3. How do parties relate with each other in the legislature?
4. How does a party define and develop its agenda in the context of parliament?

7h30-18h30 Break

8h30-20h00 First Meeting of Working Groups

0h00 Braai

unday, 18 July 1993

h00-10h30 Second Meeting of Working Groups

0h30-11h00 Break

1h00-12h30 Third Meeting of Working Group

2h30-13h00 Closing Remarks

3h00 Lunch

5h00 Depart for Windhoek

7h00 Arrival in Windhoek

onday, 19 July 1993

8h00 Meeting of the Implementation Group in the Constitution Room

9h00 Press Conference in the Constitution Room

8h00-20h00 Reception at U.S. Ambassador Marshall McCallie's Residence
13 Jeannette Street, Lugwisdorf



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"THE PARLIAMENT AND DEMOCRACY IN NAMIBIA: LEGISLATIVE - STAFF TRAINING

Midgard, Namibia
July 16-18, 1993

INTERNATIONAL FACULTY

Alan Ganoo
Minister of Justice
Attorney General
Port Louis, Mauritius

Margaret Lewis
Chief of Staff, Ohio Senate Democratic Caucus
Ohio, United States

Joseph Mbewe
Chief Whip, United National Independence Party
Lusaka, Zambia

Mark E. Talisman
Parliamentary Consultant
Washington, DC, United States



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THE PARLIAMENT AND DEMOCRACY IN NAMIBIA LEGISLATIVE - STAFF TRAINING

PROGRAM AGENDA

Friday, 16 July 1993

12h30 Luncheon at Parliament Restaurant for International Faculty, Seminar Participants, Permanent Secretaries, and Other Guests

14h00 Introductory Remarks

14h30-16h00

A. An Overview of the Legislative Process in Namibia

The session will be led by Vekuii Rukoro, Deputy Minister of Justice, who will prepare materials in advance, including a tracking chart that outlines the different stages and the approximate time required for each.

Themes to be discussed include:

1. Proposing Legislation (the Ministries)
2. Agreement in Policy and Principle (the Cabinet)
3. Drafting Legislation (the Ministry of Justice)
4. Submission of bills to the National Council for consideration:
 - a. What is the procedure by which a bill is submitted?
 - b. What happens should the NC accept the bill?
 - c. What happens should the NC reject the bill?
 - d. What happens should the NC modify the bill?

Evaluation of the Namibian process by international participants and suggestions on how to improve and streamline the process.

Am's office in role of coordination to CCLE. Ministry requests to have a coordination program.



NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

Suite 503, 1717 Massachusetts Avenue, N.W. Washington, D.C. 20036 (202) 328-3136

■ FAX (202) 939-3166
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"The Parliament and Democracy in Namibia: Legislative - Staff Training"

July 16-18, 1993

TERMS OF REFERENCE

Four years after Independence, the task of strengthening the institutional capacity of the Namibian Parliament remains critical to sustaining democratic governance. To date, NDI has conducted a symposium on "The Parliament and Democracy: Parliamentary Organization and Systems" for members of the National Council in May 1993, voter education programs in preparation for the 1992 local and regional elections and prior to Independence, and a symposium on "The Parliament and Democracy" for members of the National Assembly in March 1991. In cooperation with the Office of the Speaker, NDI has published the Standing Rules and Orders of the National Assembly and the Standing Rules and Orders of the National Council. A parliamentary directory and a handbook on legislative procedure will also be published as part of NDI's program of cooperation.

The current seminar, organized in cooperation with the Office of the Speaker of the National Assembly and the National Democratic Institute for International Affairs (NDI), is intended to contribute to the development of procedures and mechanisms conducive to proficient legislating.

The purpose of the consultations and the seminar is to provide expertise and impart practical knowledge so that Namibians may improve and streamline current legislative procedures as well as to clarify relations between the recently elected second chamber, the National Council, and the National Assembly, and relations between the National Council and the Regional Councils, from which its members are drawn. Seminar participants include the leadership and staff of the National Assembly and the National Council. In addition, the Permanent Secretaries of the various ministries will be invited to attend the specific sessions that provide overviews of the current legislative process in Namibia.

Given the relative lack of parliamentary conventions in Namibia, the production of written guidelines (which can be modified as experience warrants) is a key activity in the program. Working groups will be constituted to focus more critically on specific issues and to oversee the preparation of the written materials. All participants will select a working group, each of which will be led by an international faculty member. The working groups and their tasks are as follows:

I. An Overview of the Legislative Process in Namibia

1. Prepare "How a Bill Becomes a Law."
2. Make recommendations for streamlining and improving the legislative process.

3. Make recommendations about how the institutional relationships between key offices in the legislative process can be improved.
4. Make recommendations about how the effectiveness of legislative structures can be increased.

II. Standing Rules and Orders (SROs) and Codes of Conduct

1. Draft provisions for joint sessions of the National Assembly and the National Council.
2. Compare SROs from other parliaments and make recommendations where gaps are identified in the Namibian SROs.
3. Draft guidelines about the relationships between the Regional Councils, the National Council, and the National Assembly, and for coordination between the National Council and the National Assembly.

III. The Committee System

1. Review existing Committees.
2. Draft the terms of reference of the parliamentary committees.

MSD

*numbers of MP'S
limit*

BAR

*General
House*

IV. Access to Information and Parliamentary Support Structures

1. Make recommendations concerning the following aspects of access to information:
 - i) What can be done to facilitate the timely receipt of government gazettes?
 - ii) How can consistent and reliable summaries of pending legislation (impact, intent, provisions, supercessions, etc.) be made available?
2. Draft guidelines for the following issues:
 - i) To what extent should Parliament have oversight privileges for classified information?
 - ii) Should the whole Parliament have these privileges, or should a restricted body exist within the Parliament for this purpose?
 - iii) What sanctions should be applied if classified information is leaked?
 - iv) How can parliamentarians gain the trust of the government bodies providing the information?

3. Make recommendations concerning the following staffing issues:

- i) How should staff be organized: on a legislative-wide, party, committee, and/or personal member basis?
- ii) What type of training should staff receive?
- iii) How can staff be used most efficiently?
- iv) How should staff be funded?

The Working Groups will reconvene a month after the seminar to evaluate the extent to which recommendations are being implemented and the extent to which they can be further modified.



Appendix 4

Staffing Configuration
proposed by the
Speaker of the National Assembly



NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

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LUNCHEON AT THE PARLIAMENT RESTAURANT 12H30, 16 JULY 1993

I. Namibian Seminar Participants (27)

Participants from the National Assembly (12):

Hon. Dr. Mosé Tjitendero, Speaker
Hon. Dr. Zephania Kameeta, Deputy Speaker
Hon. Moses Garoeb, Chief Whip, SWAPO
Hon. Danie Botha, Deputy Whip, SWAPO
Hon. Michaela Hübschle, Deputy Whip, SWAPO
Hon. Piet Junius, Chief Whip, DTA
Hon. Johannes Gaseb, Deputy Whip, DTA
Hon. Gabriel Siseho, Whip, UDF
Hon. Kosie Pretorius, ACN
Hon. Moses Katjioungua, NPF
Hon. Kephias Conradie, FCN
Hon. Vekuii Rukoro, NNF

Participants from the National Council (7)

Hon. Kandy Nehova, Chairperson
Hon. Zedekia Mujoro, Vice-Chairperson
Hon. Marten Kapewasha, Chief Whip, SWAPO
Hon. Esegiel Uirab, Deputy Whip, SWAPO
Hon. Henock Sheya Ya Kasita, Deputy Whip, SWAPO
Hon. Samuel Cloete, Whip, DTA
Hon. Sitore Huiseb, Deputy Whip, DTA

Participants from Parliament-Related Offices (7)

André Killian, Secretary to Parliament
Findley Harker, Parliamentary Service Clerk
Vero Mbahuurua, Speaker's Counsel
Ulrich Gaoseb, Parliamentary Assistant, SWAPO
Hon. Alois Gende, M.P. and Acting Parliamentary Assistant, DTA
Gottfried Jario, Parliamentary Librarian
Lazarus Uuandja, Personal Assistant to Chairperson Nehova

The Governor of Otjozondjupa (1)

Mbeuta Ua Ndjarakana

II. International Participants (4)

Hon. Alan Ganoo, Minister of Justice, Mauritius
Hon. Joseph Mbewe, Chief Whip, UNIP, Zambia
Mark Talisman, Parliamentary Advisor, USA
Margaret Lewis, Chief of Staff, Ohio Senate Democratic Caucus, USA

III. NDI Staff (3)

Carol Martin, Resident Representative
Anna Wang, Field Representative
Aaron Azelton, Program Assistant

DIVISION NATIONAL ASSEMBLY	DIVISION NATIONAL COUNCIL	DIVISION COMMITTEE SE- VICES	DIVISION LIBRARY AND INFORMATION SERVICES	SUBDIVISION AUXILIARY SERVICES	SUBDIVISION FINANCE	SUBDIVISION PERSONNEL	SUBDIVISION SPEECH
<p>OBJECTIVE: To provide operational assistance and guidance to the National Assembly</p> <p>FUNCTIONS: 1. The arrangement of all legislative and other matters pertaining to all things of assistance and advice concerning procedural and other matters</p> <p>2. The rendering of assistance and advice concerning procedural and other matters</p> <p>3. The rendering of reporting, recording and related services</p> <p>4. The attendance to the requirements of members</p>	<p>OBJECTIVE: To provide operational assistance and guidance to the National Council</p> <p>FUNCTIONS: 1. The arrangement of all legislative and other matters pertaining to all things of assistance and advice concerning procedural and other matters</p> <p>2. The rendering of assistance and advice concerning procedural and other matters</p> <p>3. The rendering of reporting, recording and related services</p> <p>4. The attendance to the requirements of members</p>	<p>OBJECTIVE: To provide operational assistance and guidance to committees</p> <p>FUNCTIONS: 1. The arrangement of all legislative and other matters pertaining to all things of assistance and advice concerning procedural and other matters</p> <p>2. The rendering of assistance and advice concerning procedural and other matters</p> <p>3. The rendering of reporting, recording and related services</p> <p>4. The attendance to the requirements of members</p>	<p>OBJECTIVE: To provide a library and information service</p> <p>FUNCTIONS: 1. The procurement of library materials</p> <p>2. The facilitation of access to library collections and to bibliographic resources</p> <p>3. The building up and preservation of a complete collection of publications</p> <p>4. The provision of a data base to facilitate the retrieval and distribution of information</p> <p>5. The rendering of topical research services</p> <p>6. The rendering of publicity and public relations services</p>	<p>OBJECTIVE: To provide general services</p> <p>FUNCTIONS: 1. The rendering of clerical and office support services</p> <p>2. The management of transport and accommodation</p> <p>3. The management of catering and maintenance services</p>	<p>OBJECTIVE: To provide budgeting and accounting services</p> <p>FUNCTIONS: 1. The preparation of budget estimates</p> <p>2. The management of expenditure transactions and delivery of payment</p> <p>3. The management of creditor matters</p> <p>4. The provision of normal accounting services to meet the needs of the Secretariat</p> <p>5. The maintenance of accounting control systems</p>	<p>OBJECTIVE: To render personnel services</p> <p>FUNCTIONS: 1. The provision of personnel services</p> <p>2. The maintenance of personnel</p>	<p>OBJECTIVE: To render speech services</p> <p>FUNCTIONS: 1. The provision of all legislative and other matters pertaining to all things of assistance and advice concerning procedural and other matters</p> <p>2. The rendering of assistance and advice concerning procedural and other matters</p> <p>3. The rendering of reporting, recording and related services</p> <p>4. The attendance to the requirements of members</p>

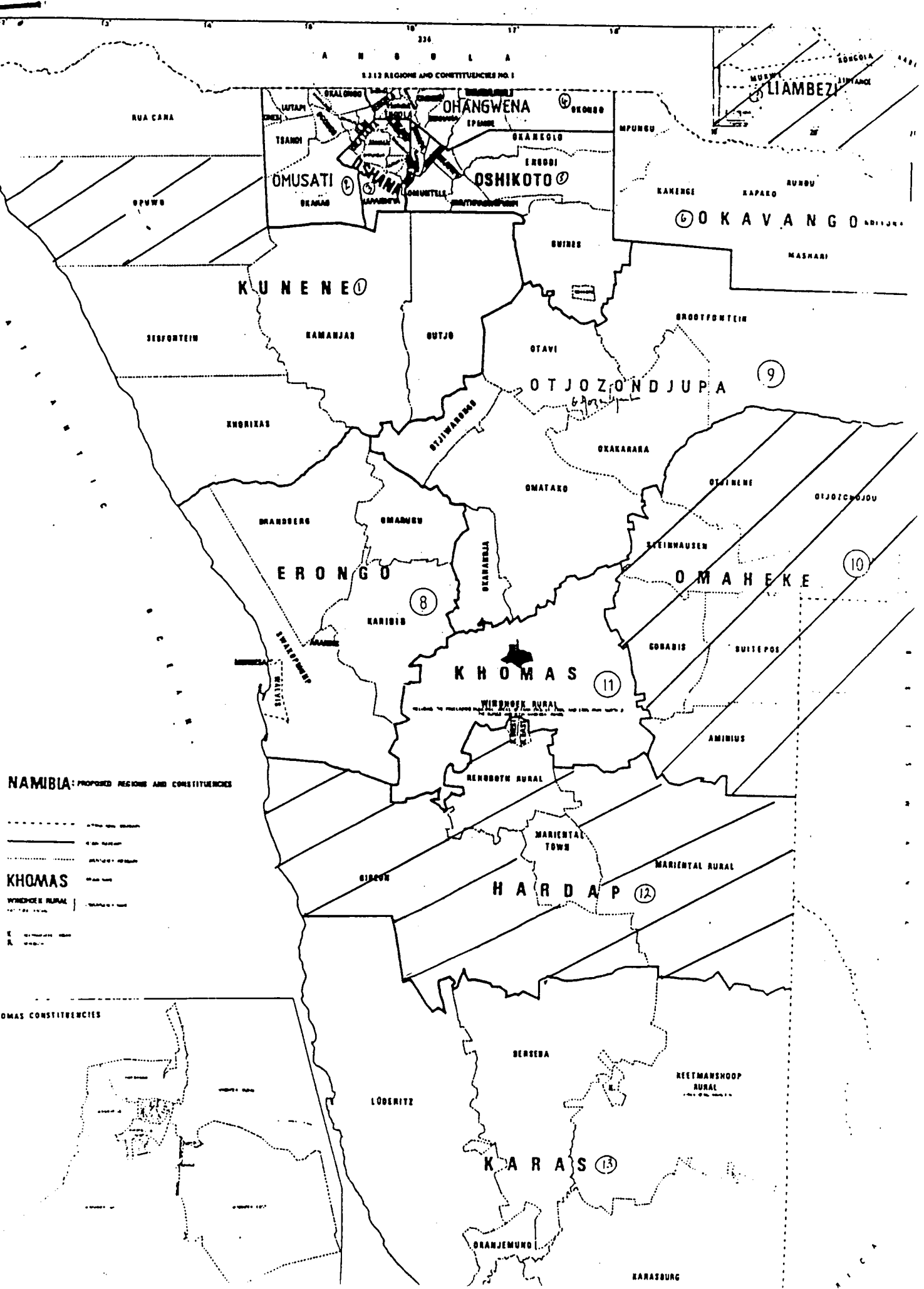
<p>Deputy Clerk: Parliament (Assistant Secretary) (803 420 x 1 - 53 441)</p> <p>Assistant/Parliamentary Service Clerk/Snr (Principal Clerk) (827 045 x 1 - 58 2011)</p>	<p>1 x Deputy Clerk: Parliament (Assistant Secretary) (803 420 x 1 - 68 441)</p> <p>1 x Assistant/Parliamentary Service Clerk/Snr (Principal Clerk) (827 045 x 1 - 582011)</p>	<p>1 x Deputy Clerk: Parliament (Senior Committee Clerk) 863 420 x 1 - 69 441)</p> <p>2 x Assistant/Parliamentary Service Clerk/Snr (Committee Clerk) (827 045 x 1 - 58 2011)</p>	<p>1 x Deputy Chief: Library Service (858 201 x 1 - 63 420)</p> <p>1 x Assistant/Library/Senior/Principal (822 989 x 1 - 58 2011)</p> <p>1 x Assistant/Library/Senior/Principal (Research Officer) (822 989 x 1 - 58 2011)</p> <p>1 x Assistant/Library Officer/Snr/Principal (819 209 x 1 - 53 1421)</p> <p>1 x Library Assistant/Snr (811 590 x 1 - 26 0311)</p>	<p>1 x Chief Clerk (827 045 x 1 - 37 332)</p> <p>2 x Clerk/Snr (811 590 x 1 - 26 031)</p> <p>1 x Senior Typist (817 733 x 1 - 22 9891)</p> <p>2 x Assistant Typist/Typist (80 634 x 1 - 19 209)</p> <p>2 x Private Secretary/Snr (822 989 x 1 - 37 332)</p> <p>1 x Chief Registrar Clerk (812 689 x 1 - 15 519)</p> <p>1 x Registry Clerk/Senior (810 095 x 1 - 14 949)</p> <p>1 x Messenger (87 257 x 1 - 0 634)</p> <p>1 x Cleaner (84 695 x 1 - 6 339)</p>	<p>1 x Senior Accountant/Principal (41 679 x 1 - 63 420)</p> <p>1 x Accountant (831 536 x 1 - 41 679)</p> <p>2 x Assistant Accountant/Snr (813 239 x 1 - 26 031)</p> <p>1 x Record Clerk/Senior (810 095 x 1 - 14 949)</p>	<p>Number and grading of posts to be determined later</p>
<p>10</p>						
<p>1 x Chief Control Officer (858 201)</p> <p>1 x Record Clerk/Senior (810 095 x 1 - 14 949)</p> <p>1 x Personnel Analyst (811 590 x 1 - 5)</p> <p>1 x Private Secretary (822 989 x 1 - 3)</p> <p>4 x Ministerial Privy (811 590 x 1 - 1)</p> <p>1 x Chief: Security (Sergeant at Arms) x 1 - (41 679)</p> <p>2 x Control Secretary (Deputy Sergeant - (827 045 x 1 - 3)</p> <p>3 x Messenger (87 257 x 1 - 0</p>						



Appendix 5

Legislative Districts and Regional
Governments in Namibia

July, 1993



8.112 REGIONE AND CONSTITUENCIES NO. 1

NAMIBIA: PROPOSED REGIONE AND CONSTITUENCIES

- 100 KM
- 62.5 MI
- 100 KM
- 62.5 MI
- 100 KM
- 62.5 MI
- 100 KM
- 62.5 MI

KHOMAS
WINDHOEK RURAL

OMAS CONSTITUENCIES



OMAS CONSTITUENCIES



Appendix 6

Appropriations Bill in 26 Parts
as passed by the
National Assembly
pending review in
the National Council

July, 1993

REPUBLIC OF NAMIBIA

NATIONAL COUNCIL

APPROPRIATION BILL

(As passed by the National Assembly)

APPROPRIATION ACT, 1993

BILL

To appropriate amounts of money to meet the financial requirements of the State during the financial year ending 31 March 1994.

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:-

Appropriation of amounts of money for financial requirements of State.

1. Subject to the provisions of the Finance Act, 1991 (Act 31 of 1991), there are hereby appropriated for the financial requirements of the State during the financial year ending 31 March 1994, as a charge to the State Revenue Fund, the amounts of money shown in the Schedule.

Short title.

2. This Act shall be called the Appropriation Act, 1993.

SCHEDULE

VOTE		AMOUNT APPROPRIATED
NO.	TITLE	
1	President	28 163 000
2	Prime Minister	108 305 000
3	Parliament	8 820 000
4	Auditor-General	3 994 000
5	Civic Affairs	17 299 000
6	Police and Prisons	154 973 000
7	Foreign Affairs	79 520 000
8	Defence	180 744 000
9	Finance	71 866 000
10	Education and Culture	789 772 000
11	Youth and Sport	9 291 000
12	Information and Broadcasting	59 975 000
13	Health and Social Services	440 237 000
14	Labour and Manpower Development	19 812 000
15	Mines and Energy	37 174 000
16	Justice	29 205 000
17	Local Government and Housing	118 695 000
18	Wildlife, Conservation and Tourism	46 513 000
19	Trade and Industry	12 948 000
20	Agriculture and Rural Development	167 714 000
21	Water Affairs	177 467 000
22	Fisheries and Marine Resources	38 014 000
23	Works	331 114 000
24	Transport	286 704 000
25	Lands, Resettlement and Rehabilitation	42 864 000
26	National Planning Commission	7 380 000
	TOTAL	3 268 563 000



Appendix 7

Copies of Letters From
The Speaker of the National Assembly
And The
National Council
To Their
United States Counterparts



National Assembly

Private Bag 13323
Windhoek
Namibia

Tel: (061) 2889111
Fax: (061) 226899

Ref:

22 July 1993

Hon. Louis Stokes
Member of Congress
House of Representatives
WASHINGTON DC

Honourable Stokes

Warm greetings from the newest parliament to the oldest surviving parliament in the world.

As you know Namibia has only achieved its independence a mere three years ago. The quest for the freedom of the nation was instigated and followed through by the Namibian people's own will-power and a sense for a better living for the majority of our people. We could not have done this without the support and warm friendship of many nations such as the United States of America. Through our newly-found democracy we had achieved many goals and we still have a very long way to go, but we can say with optimism that democracy in Namibia is alive and well! I hope that our example of a model democracy will not only rub off on some of our African neighbours, but anywhere on the globe where our experience is of any relevance.

Through the continued support of the USA, Namibian politicians had the opportunity to be introduced and trained in the legislative process on several occasions. This was made possible through the work of the United States-based National Democratic Institute for International Affairs in Namibia which renders a tremendous service to the Namibian Parliament. Just recently, the NDI presented a training workshop for parliamentary whips, which, from feedback from various participants, was a great success.

In an attempt to maintain the good relations between our two countries, I would appreciate it if you could consider the establishment a more formal relationship between the House of Representatives and the National Assembly of Namibia. As the Parliament of Namibia is now a fully-fledged one after the "coming into existence" of the National Council we could only benefit from such relationship.

As Mr Mark Talisman, one of our parliamentary experts responsible for the very successful training workshop for parliamentary whips, is presently in Namibia has very kindly offered to deliver this letter to your office.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.



HON. DR MOSE P. TJITENDERO, MP
SPEAKER OF NATIONAL ASSEMBLY

NATIONAL ASSEMBLY

PRIVATE BAG 13323
WINDHOEK 0000



National Assembly

Private Bag 13323
Windhoek
Namibia

22 July 1993

Tel: (061) 2889111

Fax: (061) 226899

Ref: Hon. Tom Foley
Speaker of the House
House of Representatives
WASHINGTON DC

Mr Speaker

Warm greetings from the newest parliament to the oldest surviving parliament in the world.

Honourable Speaker, as you know Namibia has only achieved its independence a mere three years ago. The quest for the freedom of the nation was instigated and followed through by the Namibian people's own will-power and a sense for a better living for the majority of our people. We could not have done this without the support and warm friendship of many nations such as the United States of America. Through our newly-found democracy we had achieved many goals and we still have a very long way to go, but we can say with optimism that democracy in Namibia is alive and well! I hope that our example of a model democracy will not only rub off on some of our African neighbours, but anywhere on the globe where our experience is of any relevance.

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In an attempt to maintain the good relations between our two countries, I would appreciate it if you could consider the establishment a more formal relationship between your House of Representatives and the National Assembly of Namibia. As the Parliament of Namibia is now a fully-fledged parliament after the "coming into existence" of the National Council we could only benefit from such relationship.

The authority of my position, in as much as it is a new and much-demanding responsibility, is further enhanced by the very effective use of the gavel which you have so kindly given to me.

As Mr Mark Talisman, one of our parliamentary experts responsible for the very successful training workshop for parliamentary whips, is presently in Namibia has very kindly offered to deliver this letter to your office.

Honourable Speaker, I avail myself of this opportunity to renew to you the assurances of my highest consideration.



HON. DR MOSE P. TJITENDERO, MP
SPEAKER OF NATIONAL ASSEMBLY

EMBLV

PRIVATE BAG 1332

WINDHUK



cc " www. gov. by
Senators from Latvia

National Council

Private Bag 13371
Windhoek
Namibia

Tel.: (061) 2889111
Fax: (061) 226121

Ref: July 21, 1993

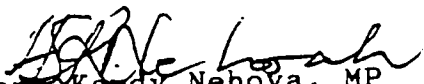
PROPOSED SHOPPING LIST FROM THE NATIONAL COUNCIL TO THE UNITED STATES SENATE

The National Council's needs are categorized into groups of priorities.

- A. During the Chairperson of the Namibian National Council's consultation with some foreign donors in Namibia, it transpired that almost donors are not willing to donate office equipments such as computers. The National Council badly needs "Personal" and "Pocket/Portable" computers for its Private Secretaries to the Chairperson, the Vice-Chairperson, the Secretary to the Office of the National Council and its Private Secretary, the Directors/Deputy Directors and their Private Secretaries, and the Researchers for the Library of the National Council. The numbers of computers and other equipments needed by the National Council are as follows:
1. Five Personal Computers (preferably IBM with WordPerfect Programs and their printing machines);
 2. Three Pocket/Portable Computers and their printing machines (WordPerfect); and
 3. Two Photocopiers (One photocopier for the Chairperson's office and the other photocopier for the National Council's usage).
- B. Since the National Council was just established with new members and will soon have supportive staff, it would be grateful if a program is devised between the National Council and the U.S. Senate for the training of the members of the National Council and its support staff for them to be trained either in the United States or Commonwealth countries (Africa, Europe, Asia, etc.). This kind of a training program could range from six months' training to twelve months' training.

1. The training program could include thorough technical training, that is, Private Secretaries would be introduced to both practical aspects of secretarial work;
 2. Members of the National Council could observe the Senate in session;
 3. Members of the National Council could visit states' Senates at the district levels;
 4. Members of the National Council could visit local authorities in the United States, and
 5. An expert on legislation might be sponsored to work with the legislative staff of the National Council for six or twelve months. This person could come from the U.S. Senate or the Commonwealth countries.
- C. The National Council would appreciate any donation of Legislative Literature. Materials on Order of Protocol and Remuneration of members of the Senate.
- D. In the process of conducting hearings and interviews, it is very important that the National Council has at least six small tape recorders so as to effect its task.
- E. Namibia has Museum materials in Angola, Germany, Finland, Portugal and South Africa for the National Council Museum soon to be established in Namibia. It is the National Council of Namibia's hope that financial assistance would be found to collect and bring the materials to Namibia. The National Council would certainly be grateful if our American friends in or outside the U.S. Senate would help us find that most needed finance for the collection of the above-mentioned materials for the National Council.
- F. The Research Center would help gather Namibia's research and historical literature. The U. S. Senate could help send us a person experienced in setting up a Research Center, which would facilitate the writing and documenting of the Namibian history.

Signed:


Hon. Kandy Nehova, MP
Chairman - National Council of Namibia

- 3 -

cc: Senator Paul Simon.
Senator George Michelle
Senator Robert Dole
Mr. Kevin Kayes

NOTES ON PROCEDURES AFTER NATIONAL COUNCIL INVOLVEMENT

4.b. What happens should the NC accepts the bill?

See Article 75(2) and (3) of the Namibian Constitution. The National Council must render a "report". Its final resolution should therefore be in a standard wording to the effect that it "confirms" the bill "without amendments. This resolution, being the said report, must be conveyed to the Speaker who must then refer it to the President. It seems advisable, although not stipulated in the Constitution, that the Speaker should inform (nothing more) the National Assembly at the earliest opportunity.

4.c. What happens should the NC reject the bill?

See Article 75(5) and (6) of the Constitution. The word "reject" is not used in the Constitution. The NC can "object to the principle" of a bill - but only with a 2/3 majority. Its final resolution should therefore be in a standard wording to that effect. The resolution must further indicate whether the NC, anticipating that the NA may confirm the principle (i.e. not accept the NC's view), proposes no amendments or, indeed, proposes the amendments detailed in the resolution. This resolution must be conveyed to the Speaker as the NC's report. The Speaker must Table the report in the NA and the necessary debate should be initiated by entering it on the Order Paper under the name of the responsible Minister. The re-consideration of the principle should be more or less like the 2nd Reading Debate with the difference that the resolution to be adopted by the NA should be "proposed from the Table". A standard format seems necessary - e.g. "That the House reaffirms the principle of the Bill". The responsible Minister will then start the debate and support such a motion (i.e. he still wants it to be passed as adopted by the NA) or he may move as an amendment (i.e. if he is persuaded by the NC) "(That) the House does not reaffirm the principle of the Bill". Other ("reasoned") amendments seem to be not possible. If the NA agrees to the last-mentioned it is the end of the process - the bill will lapse. If the NA reaffirms the principle it must still handle the amendments/recommended by the NC. Such amendments, if any, should not form part of the motion to reaffirm the principle but should be reflected on the Order Paper and may of course be referred to in the debate on that issue. If the principle is reaffirmed the NA should enter a separate stage comparable to the Committee Stage for the consideration of the proposed amendments - see 4.d below.

If no amendments were recommended, or amendments have been dealt with, the Speaker must submit it to the President.

2/3 MAJORITY

This requirement presents some problems. If a motion in the NC to the effect that the NC objects to the principle of a Bill does not achieve a 2/3 majority it does not necessarily mean that the NC accepts the principle. It can (and should) revert to the alternative of recommending amendments only. If the motion in the NA proposed "from the Table" that the principle of a Bill be reaffirmed does not acquire a 2/3 majority the Bill shall however lapse (i.e. it shall be deemed that the question has been dealt with in the negative).

PRINCIPLE OF A BILL

Normally this is taken to be fully reflected in the long title of a Bill. New legislation (even the re-enactment of existing legislation) presents no problems: the principle (long title) is very broad.

Amendment Bills however contain more than one principle. It seems that the NC can only object against the whole principle (i.e. all the facets thereof). If it wants to object against only a part thereof it should only recommend amendments to the text - if however it wants to enforce the 2/3 majority procedure it seems that they should object against the "whole principle" and add recommendations on amendments (although this does not really reflect what it wants to achieve). *without amendments.*

4.d. What happens should the NC modify the bill?

See Article 75(4) of the Constitution. The NC's final resolution should perhaps be worded that it "confirms the principle of a Bill subject thereto that the following amendments are proposed: ...". This report must be conveyed to the Speaker who should Table the report and place the consideration of the report on the Order Paper under the name of the responsible Minister (and the proposed amendments should also be reflected in the Order Paper).

The procedures to be followed should be very much the same as for the Committee Stage. In view thereof that the NA may then effect amendments on its own initiative too, it seems that the Bill should be dealt with again through all the clauses - the only exception being that in respect of those clauses where the NC proposes amendments those amendments should be put as a question to the Committee by its Chairperson (i.e. it should not be necessary for the responsible Minister to do it. The report of the Committee of the whole House must be conveyed to the House and a further confirmation (preferably not on the same day) by the whole House seems necessary (i.e. the same as the 3rd Reading Stage* but the resolution should be in a different wording). The Speaker must thereafter submit it to the President. The Constitution does not provide for alternatives - i.e. any further interaction between the two Houses.

(*Although the Standing Rules & Orders of the National Assembly provide for a "Report Stage" between the Committee Stage and the 3rd Reading Stage, since its inception the NA has never activated the "Report Stage" of the legislative process).

TAX/APPROPRIATION BILLS

The NC can only propose amendments - it cannot object to the principle.

SELECT COMMITTEES

On the face of it it seems that the NA, when dealing with any report from the NC, cannot utilize the possibility of referring it to Select Committees - eg. to try to reach a less rigid solution to the conflict. However, one may (and perhaps should) argue that the Constitution when using words like "reconsider", "pass", "reaffirms" does not prescribe to the NA how to do it. Reference to a Select Committee is in effect only an intermediate process. But in the case where the NC objects to the principle of a Bill the NA cannot adopt a compromise solution - the only alternative seems to be to reaffirm the principle and then modify the contents either as suggested by the NC and/or with its own amendments.

AMENDMENTS DURING CONSIDERATION OF BILL IN PARLIAMENT:
INVOLVEMENT OF CCL, ATTORNEY-GENERAL AND LEGAL DRAFTERS

1. We don't really have any guidelines in this regard.
2. Our Legal Drafters cannot attend the debates of the National Assembly. They are just too busy - especially during sessions to finalize Bills for that session.
3. The best solution will be to follow the full procedures as with the preparation of a Bill - but that would of course be ridiculous. A few basic rules can however still be observed, viz -
 - 3.1. the line Ministry (this may mean not just the Minister!) should stay involved (but they should realize that even an hour's delay can be disastrous);
 - 3.2. the Attorney-General still has his/her responsibility;
 - 3.3. the Legal Drafters need some time (Ministers are sometimes quite surprised when they realize how many consequential amendments are necessary).
4. The question of whether the Legal Drafters should or may directly assist other members of the NA has not really received any attention yet. Under the present circumstances they can hardly afford to do anything more.
5. In this regard it is advisable that Committee Stages should not be scheduled for the next sitting day after the Second Reading Stage. The Secretary of the National Assembly will/should, if possible, arrange a longer process on controversial Bills.



Appendix 8

The Prime Minister's Response
To the Opposition's Questions on the Size
Of The Civil Service in Namibia

**RESPONSE
OF
THE RIGHT HONOURABLE HAGE G. GEINGOB
TO THE QUESTIONS OF
HONOURABLE P. JUNIUS**

**WINDHOEK
3 JUNE 1993**

Mr Speaker, I am pleased to respond to Honourable Junius' questions, as follows:

1(a) Number of persons in public service employment are as follows:

Public service excluding defence force, police force and prisons personnel and the Ministry of Education and Culture personnel	25 611
Ministry of Education and Culture personnel	23 575
NDF personnel	7 817
Police and Prisons personnel	5 118
TOTAL	62 121

These figures include political office bearers.

1(b). Honourable Member wishes to know the number of public servants whose services are only nominally needed. As Honourable Junius knows, rationalization means correcting the irrationalities. For us this has meant building one rational structure to remove the inefficiencies of past 11 irrational structures. Number of persons who are only nominally employed can truly be arrived at only after the rationalization exercise is completed

and individuals have been matched against the posts in the new structure.

1(c) The exact number of essential posts remaining unfilled can also be provided only after the rationalization exercise is complete. However, in order to give the Honourable Member an idea, I will provide some 1993/94 staffing figures: Within the public service, including teachers, defence force, police force and prisons there are seventy-five thousand four hundred and sixty-one (75 461) posts on the establishment, of which sixty-three thousand two hundred and twenty-eight (63 228) are funded but only sixty-two thousand one hundred and twenty-one (62 121) are filled. Incidentally, political office bearers are included in these figures.

2(a) The Honourable Member has asked me to enumerate, in broad terms, steps the rationalization exercise entails. I am pleased to provide a sketch.

Rationalization involves a number of steps as follows:

1. articulating the essential functions of government and identifying the ministries required to carry out these functions;
2. identifying functions that could be carried out by other levels of government;
3. identifying activities that could be floated as parastatals; or privatized;
4. determining how best the functions allocated to ministries can be carried out, and determining the optimum size and level of staff required;
5. identifying suitable staff from amongst the present staff to fill the identified posts and perform the functions;
6. establishing mechanisms to transfer staff from central to other levels or organs of government for activities entrusted to these levels or organs of government;
7. establishing mechanisms to transfer staff to the private sector or parastatals wherever an activity is privatized or is carried

out by a parastatal; and

8. dealing with redundancies, keeping the human element to the fore.

In line with this thinking, structures and functions of all the ministries and departments have largely been examined with a view to removing duplication, and bringing about efficiency. At the same time, this examination aimed to identify activities that could best be carried out by other levels of government, such as, local government, or by private or parastatal enterprises. Some, but by no means all, of the possibilities being considered include:

1. abolition of certain departments through consolidation;
2. transformation of certain functions into parastatals or transferring them to private enterprise. The posts and telecommunications function has already been transferred to a newly created parastatal. Legislation to transform Namibia Press Agency (NAMPA) into a parastatal has already gone through the National Assembly. Certain functions, such as, government vehicle maintenance, government audit and government capital works are, to some extent, already being carried out by the private sector;
3. transfer of certain functions, such as, the running of under-five clinics, and provision and running of public libraries and nursery schools to local authorities;
4. creation of a Teaching Service Commission to manage personnel functions related to teachers;
5. minimizing new recruitment in public service by encouraging internal transfers and promotions; and
6. working out suitable mechanisms to encourage early retirement by the provision of early retirement incentives package.

Report on the first phase of this exercise was submitted to me in

November. The report examines the public service's structure and size at all levels, the effectiveness of systems, methods and procedures applicable to various functional areas, and the level and distribution of personnel in the service; and addresses the question of streamlining the machinery of government.

This report was considered by the Cabinet in December 1992 and was referred to the various offices and ministries for further consideration and review. The various offices and ministries have now submitted their proposals, and these proposals are being considered by the Cabinet with a view to their implementation.

2(b) Yes, it is the intention of the government to offer early retirement to some public servants.

2(c) In the first instance, public servants over the age of sixty will be targeted for retirement. Sixty, as the Honourable Member knows, is the retirement age anyway. In the second instance, public servants between 55 and 59 will be targeted. Subsequently, public servants between 50 and 54 will be targeted. Let me make it clear that we will use this facility only to retire those civil servants who are redundant or only nominally employed. There will be no blanket redundancy or early retirement provisions. The best people, regardless of their age, will be retained. Our approach will therefore be: to be selective in offering early retirement.

2(d) The Honourable Member is perhaps aware that, in 1989, the colonial government had given the public service personnel the opportunity to buy back up to five years of pensionable service on preferential loans from government itself and were allowed to privatise their pensions. Most of the public service personnel had opted for this facility. As a consequence of this action, it is suspected that some one billion rands left the country. In addition, it has created some difficulties for us in developing an early retirement package. For instance, if a person has already taken his or her benefits in 1989, should his or her years of service be calculated from 1989? Naturally, these considerations determine the cost of any early retirement schemes. We are looking at all of these issues and therefore no rand figure can yet be given.

2(e) On this question, I can be specific. The rationalization exercise will be completed before the end of this calendar year and it is hoped that its

implementation will be completed by the end of this financial year.

2(f) As soon as the rationalization exercise is completed, before the end of this calendar year.

3(a) The Honourable Member has asked about the time frame over which I envisage the implementation of the recommendations for eliminating shortcomings that impair functional efficiency of the public service. I have no doubt that the Honourable Member is aware of the causes that impair functional efficiency. In any case, let me restate them. Functional efficiency has been impaired by years of neglect of human resource development. We are now correcting this. So far the government's effort has resulted in the training of more than 13 000 public service employees. This effort will continue indefinitely. In addition, there is also the question of attitudes. We need to counter negative attitudes which are tantamount to involuntary sabotage. In doing so, we will know who are true Namibians. Efficiency can only be enhanced if each public servant realizes that he or she is the transmission belt for the implementation of policy. Only then can full functional efficiency be achieved. I should mention that I know of no organization that can say one day that it has achieved functional efficiency. It has to be a continuing process. I have no doubt that the Honourable Member, as a Namibian, will appreciate the need for this process to continue for some time.

3(b) Yes. The whole process of rationalization is carried out in conjunction with the Public Service Commission. As I have already stated, guided by the overall rationalization document, each Office and Ministry carried out its own rationalization exercise, which was then submitted to the Cabinet. Cabinet approved document is sent to the PSC to check for any overlaps and to check terms and conditions of the various levels of employees. Subsequently, the document comes back to the Cabinet for final approval. At every stage everything is committed in writing in the form of minutes and memoranda. Subsequently, some documents incorporating decisions are released by my Office.

3(c) Yes, affirmative action will be applied as per the provisions of the Constitution. The Public Service Commission Act has enjoined the Commission to apply Affirmative Action. Procedures and mechanisms are already committed to paper. We don't have to re-commit them to paper for

the rationalization exercise. I must, however, say that this question is old wine in a new bottle. Surely, the Honourable Member did not expect that I will fail to recognize the old question in new garb. Any way, I am pleased to have answered it again.

Mr Speaker, this concludes my answers to all the questions of Honourable Junius.

I thank you.

