





Some of the school children who lined up to welcome President Hifikepunye Pohamba before the official opening of Parliament on 19 February 2008

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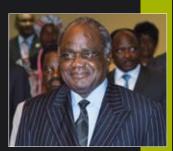
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Cover photo: President Pohamba opens Parliament

FROM THE EDITOR	4
PRESIDENT POHAMBA OPENS PARLIAMENT	-
KAPERE CONGRATULATES PRESIDENT POHAMBA	7
SPEAKER WELCOMES PRESIDENT AT PARLIAMENT	3
KAPERE SEEKS COOPERATION WITH SENATE OF JORDAN)
GERMAN SPEAKER OF PARLIAMENT VISITS NAMIBIA)
THE PRESIDENT OF THE GERMAN FEDERAL PARLIAMENT AND THE SPEAKER OF THE NATIONAL ASSEMBLY (OF THE PARLIAMENT OF NAMIBIA) - A COMPARISON	3
RAISE AFRICA OUT OF THE MORASS, URGES KAURA	
SPEAKER ADDRESSES ASSEMBLY OF IPU	
NDI/SADC PILOT PROJECT ON HIV AND AIDS: THE CASE OF NAMIBIA	
THE ART OF 'LOBBYING A POLITICIAN'	
WOMEN IN POLITICS 2008: ROOM FOR IMPROVEMENT DESPITE GAINS	2
NAMIBIA HOSTS THE FIRST EVER SADC REGIONAL ACP-EU JOINT PARLIAMENTARY ASSEMBLY	
FROM THE CHAMBERS28	3
OBITUARY29)
STAFF ON THE MOVE3(



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Editor the

Every year during the second week of February, after the members have rested from the November-December recess, the President of the Republic of Namibia officially opens Parliament. The year 2008 was no exception. President Hifikepunye Pohamba officially opened the Seventh Session of the Fourth Parliament on 19 February 2008, under the theme "Citizens Rights and Responsibilities in a Living Parliament."

The President urged Namibians to live their lives guided by the desire to ensure that the country was not consumed by violence or civil strife as has happened elsewhere in the world. The Speaker of National Assembly, Dr. Theo-Ben Gurirab, shared the same sentiments, saying he hopes and prays that the whole of 2008 and the following national election year (2009) would find Namibia in a compassionate mode of tolerance.

This year's official opening of Parliament was a colourful event on the grounds surrounding the Parliament Building, with learners from five regions lining the streets supported by their Regional Governors who paraded with learners from their respective regions. The cultural groups did not disappoint the big crowd of invited guests which included members of the diplomatic corps, Regional Governors, service chiefs, heads of various parastatals and members of the public who came to witness the official opening of Parliament.

On a sad note, though, Parliament has lost two of its brilliant members and contributors to Namibia's democratic evolution. These are the late Hon. Kalla Gertze (CoD) and the late Hon. John Pandeni (SWAPO) who passed away on 12 and 14 March this year respectively. Parliament Journal conveys its condolences to the bereaved family, relatives and friends of the deceased. May their souls rest in eternal peace!

PRESIDENT POHAMBA OPENS **PARLIAMENT**



President Hifikepunye Pohamba addressing Parliament

he Seventh Session of the Fourth Parliament of Namibia was officially opened by His Excellency President Hifikepunye Pohamba on 19 February 2008. The abridged statement of the President follows below.

'Our gathering here today is in keeping with Namibia's constitutional provisions and democratic traditions according to which our republic is governed. It is indeed a solemn occasion, when the three organs of State come together for a State function.

I congratulate parliament for including school children from different regions of the country to be part of the programme. I was indeed pleased to see their colourful presence in the welcoming line. I encourage you to continue nurturing and inculcating the values and traditions of democracy and constitutionalism in all our citizens, with special focus on our youth.

as ours, parliament is not a preserve of parliament

assembly where citizens can come to witness the law-making process. A living Parliament is an institution where citizens are welcome to make their voices heard in legislative matters through public hearings and other outreach programmes. A living parliament is one that is accessible to all, including people with disabilities. Indeed, it is a Parliament that is transparent, honest and efficient.

The concept of a living Parliament calls for constructive, in-depth and well informed debates by the elected lawmakers on all matters that are tabled for discussion and debate. It is a Parliament that carries out its constitutional mandate within the parameters of the doctrines of the separation of powers and checks-and balances.

people, presupposes that citizens must play a central role in shaping their democracy. It is the responsibility of all citizens to nurture our democracy Market; so that it can grow deeper roots. It is 🜌 Value-Added Tax Amendment Act; our collective responsibility to mould a 💓 Appropriation Act; democracy that is uniquely Namibian, M Electricity Act; informed and shaped by our shared 🜌 Companies Amendment Act; traditions and historical experiences as 🗾 Medicines and Related Substances a people who endured many years of oppression, yet rose together in unity Management Act; to defeat the tyranny of apartheid Motor Vehicle Accident Fund Act; colonialism.

A living parliament gives expression 🜌 Affirmative Action (Employment) to a living Constitution from which

of elected lawmakers only. It is an all organs of the State derive their respective mandates and authority. This is further highlighted by the fact that it is during this month that we commemorate our Constitution Day. As citizens in a democratic State, our duty and responsibility are to cultivate an unshakeable sense of tolerance and peaceful co-existence.

> We should live our lives guided by the desire to ensure that our country is not consumed by violence or civil strife as has happened elsewhere in the world. Our citizens should always exercise their democratic rights in a peaceful manner that fosters the growth of our democratic ideals. This will enable our nation to safeguard the peace and stability that prevails in our country today. A living Parliament should be at the centre of those endeavours.

The year 2007 witnessed increased A government by the people, for the legislative activities in parliament, resulting in the enactment of new laws. These include:

- Control Amendment Act;

- Income Tax Amendment Act;
- 🜌 War Veterans Act; and
- Amendment Act.



In a free and democratic society such Chief Justice, Mr. Peter Shivute, leading members of the judiciary for the official opening

These laws are aimed at further These include: consolidating our gains towards social W Public Office-Bearers and economic development of our country. They are intended to improve the levels of efficiency and service Sectional Titles Bill; delivery by putting in place appropriate 💹 Road Traffic and Transport measures as well as administrative and regulatory mechanisms.

Through its work, our parliament Mamibia Board of Trade Bill; continues to promote our national MARChitectural and Quantity interest by ratifying and acceding international agreements. Our country stands to benefit from the implementation of these bilateral Mational Youth Council Bill; and multilateral legal instruments. In Mamibian Constitution Second the previous session, our parliament ratified the following international agreements:

- Memorandum of Understanding on the Development and Management 🌌 National Planning and of the Trans Kalahari Corridor;
- Treaty between Namibia and China on Extradition;
- Multilateral Agreement between the Governments of Angola, Comores, Madagascar, Mozambique, Namibia and South Africa on co-ordination of Maritime Search and Rescue Services:
- Convention on the Rights of Persons with Disabilities and its Optional Protocol;
- International Convention for the Unification of Certain Rules of Law relating to Bills of Landing of 1924 and the Protocols of 1968 and 1979:
- Agreement between the Government of Mauritius and the Republic of Namibia on Mutual Exemption of Visa Requirements;
- Accession to the Association of African Diamond Producers.

These agreements have now become part and parcel of our laws and statutes. As such, Namibia and her citizens are now bound by their provisions.

During the course of this new session, parliament will have a hectic schedule to consider many pieces of legislation. It is also expected to ratify international agreements and conventions.

- (Remuneration and Benefit) Commission Amendment Bill;
- Amendment Bill;
- Criminal Procedure Amendment Bill:
- Surveying Bill;
- Chemical Weapons Convention
- Amendment Bill (I must point out here that there will be thorough consultations with relevant stakeholders before this Bill is tabled);
- Construction Industry Council Bill;
- State Finance Bill;
- ጆ Prevention of Organized Crime Amendment Bill;
- Industrial Property Bill;
- ጆ Trade in Wildlife Bill; and
- Mati-Terrorism Bill.

For democracy to take root in our society, we as political leaders and policy makers, need to involve the citizenry in the policy making process. It is only fitting and necessary that the participation of the general public in the legislative process is encouraged. It is pleasing that our Parliament has embraced the utilization of Information and Communications Technology.

With the improved website, our Parliamentarians and the administrative staff have access to the Internet and related facilities to assist them in executing their daily duties. A Constituency Channel and Parliament Studios have also been introduced to foster communication between the seat of Parliament and other parts of the country.

The popular "Parliament Bus" continues to visit different parts of Namibia to provide information and educate our communities, especially those in rural areas. Another outreach initiative is our Parliament's participation at Trade Fairs and Agricultural Shows in the country to exhibit educational materials to the public. The "Schools' Project" has been introduced, whereby the Parliament Bus visits schools to inform and educate learners about **Parliamentary** activities. These outreach activities are commendable and should be expanded further.

I would like, once again, to wish all the Honourable Members of Parliament a fruitful and successful new Session of Parliament. I have no doubt that you will harness your collective wisdom to find solutions to issues of national importance and public interest that will come before you during this session.

It is now my distinct pleasure to declare the 7th Session of the 4th Parliament of the Republic of Namibia officially open.'



KAPERE CONGRATULATES **PRESIDENT POHAMBA**

The Chairman of the National Council. Hon. Asser Kapere, thanked President Hifikepunye Pohamba for opening the 7th Session of the 4th Parliament of Namibia on 19 February 2008.

ristly, I congratulate the President on his election as the President of the SWAPO Party at the recent SWAPO Party Congress. This is a clear testimony of the trust that people have in your splendid leadership ability. The Members of Parliament and the people of Namibia wish you continued wisdom as you strive to uphold the hopes and aspirations of our people.

I am sure you will agree with me that keeping the hopes of a nation alive is no small task. I also trust that you will further agree with me that President Pohamba has acquitted himself very well of that task.

Secondly, I congratulate the President for his encouraging, inspirational, touching and articulate message to Parliament this afternoon. Comrade President, you touched on very significant issues pertaining to the political, economic and socio-cultural situation which has an influence on the activities and decisions of Parliament.

further express our gratitude for and appreciation of your outstanding ability to steer this nation in a democratic manner by upholding the supreme law of our country through consolidating the effective functioning of the three branches of the State.

Parliament sincerely appreciates your reminder to us today of our duty to uphold and give meaning to our independence by ensuring that all Namibians enjoy a dignified and



President Hifikebunye Pohamba (centre) flanked by the Chairman of the National Council (left) and the Speaker of the National Assembly (right).

prosperous life. We profoundly thank you for your ongoing firm and wellguided crusade towards the upliftment of the living standards of the Namibian people. Your clarion call for the effective and prompt implementation of the National Development Plan Three and Vision 2030 is well received At this juncture, let me place on by us parliamentarians.

We fully support your vision to maintain peace, stability, democracy and the socio-economic and cultural development of our people, most importantly in the rural areas. Furthermore, Parliament echoes your commitment to be responsive to our people's immediate needs, such as government's response to the current natural disasters and your continuous emphasis on the importance of the education and health sectors, to mention but a few.

Also, today we are blessed by the presence of His Excellency, the Father of our Nation and Founding President of the Republic of Namibia, Dr Sam Shafiishuna Nujoma. Your Excellency, Comrade Nujoma, we thank you for your continuous support on issues of great significance which brings positive changes in the lives of the Namibian

We feel graced with your esteemed presence this afternoon and wish you good health and renewed strength. We will always salute you for having been a brave, committed, exemplary,

and unwavering leader, both during the liberation struggle and in a free, independent and democratic Namibia. Comrade Father of the Nation, we will certainly continue to tap from your fatherly wisdom.

record our heartfelt gratitude to Your Lordships, Chief Justice Peter Shivute and Judge President Petrus Damaseb and the Supreme and High Court Judges, who continue to play a critical role in Namibia's enduring democracy and rule of law. Your contributions are indeed invaluable and appreciated.

We also acknowledge the presence of Lieutenant-General Martin Shalli, Lieutenant-General Sebastiaan Ndeitunga and Prison Commissioner Evaristus Shikongo whose attendance adds much flair to this event. Further. I thank you your Excellencies, high commissioners, ambassadors members of the diplomatic corps for gracing this event with your esteemed presence. Your continuous support to Namibia in realising its development agenda is well received and valued.

This event would not have been as colourful and spirited if it was not for the members of the Namibian security services, the National Brass Band, cultural groups, the school children and the hard work of the parliamentary r contribution official opening

Vol.6 No.1, January-April 2008 staff. Thank you for your contribution to the success of the official opening of Parliament.

SPEAKER WELCOMES PRESIDENT AT PARLIAMENT

Tollowing is the statement made by the Speaker of the National Assembly, Hon. Dr. Theo-Ben Gurirab, on the occasion of the opening of the 7th Session of the Fourth Parliament on 19 February 2008.

'Once again, we are gathered in this august Chamber of elected representatives of the people. This is an annual reunion of the three branches of State: executive, legislature and judiciary. The President of the Republic is here. The Justices, in their colourful robes, are here. Members of both Houses of Parliament, representing different political parties, are here. And, not least, the public is too.

As we come together for this day, we remember those who have passed on, during the past year, others who are suffering and need healing, and we welcome the newborns. Life and change continue. We should be grateful and count our blessings for yet another moment in history to serve the people, and to do so as their servants- not as masters above them.

After all, democracy is a Government of the people, by the people and for the people. As one great statesman eloquently said, "The ear of the leader must ring with the voices of the people." All of us will do well by seeing to it that what we think, say and do, as defenders of the State, will have empowering impact on the well-being of our people and for the stability of the Republic.

The Executive, the Legislature and the Judiciary are assigned separate jurisdictions in the Constitution. But

it enjoins them through interlocking mandates to work together for the good of the nation, as well as for individual citizens. Checks and balances between these premier authorities of the State serve to ensure a balance between the rule of law and accountability of government.

Government, parliament and the courts share a common cause to promote stability, national reconciliation and creation of socio-economic opportunities for all Namibians. But we can achieve these things only by eliminating first social disparities, practices of exclusion and corruption in our Republic.

Politics of transition and succession come with challenges. Lately, Africa's woes seem to have no end. Innocent men, women and children are dying. There is no end in sight. This is bad news which cannot continue forever. It must not be treated like business as usual. No African can escape the blame. What is lacking is political will and concerted action by all of us, because Africa is bleeding and crying out for help. People want bread and butter and not to have machetes brandished at them or to be shot, just

for being different. Politics inspires the youth when a cause is invincible and without scandals.

When political bickering and acts of violence based on ethnicity become the way, humans approach a brink of anarchy and mayhem. This makes everyone of us accomplices and losers. There is high degree of suffering and sense of hopelessness. But for this we cannot today blame outsiders or history. That blame game sounds hollow under the present circumstances.

Democratic elections are the heart and the pulse of a free people. Elections empower the people to make informed choices about leaders and political parties. Political opponents are not supposed to be enemies. They are only competitors who are marketing their ideas and policy alternatives on the minds of voters for the ballot box. Political pluralism, including cultural and ethnic diversity, are inherent characteristics of constitutional democracy. They useful instruments for helping to advance the ideals of unity, reconciliation, fairness and transparency.



School learners lining up for the official opening of parliament

Ours is a noble duty to continue striving for common values, citizens' constitutional rights and accompanying civic responsibilities, mutual trust, as well as ensuring resolution of disputes through dialogue and the court of law.

I hope and pray that the whole of this eventful year, 2008, and the next election year, 2009, will find Namibia in a good form and a compassionate mode of tolerance as we continue building our nation, agreeing to disagree peacefully and serving all of our people without fear, favour or prejudice. Doing that will make us winners, yet again. African renaissance still remains an authentic inspiration, but it needs its true believers to ensure that its mission will not end up a mere forlorn mirage.

Since we last met, you have moved on and up and now combining both the powers of the State and of the SWAPO Party. We warmly congratulate you and extend our full support and cooperation. Perhaps, I should say, we commiserate with you. You have an eminent team of capable co-workers at the Party Headquarters, about them later on an appropriate occasion.

At the same time, we recognize the presence here of Comrade Dr. Sam Nujoma, our First President and Father of the Namibian Nation. We welcome you, Comrade, and salute you for your brilliant legacy and outstanding service to our people and Africa.

On that pleasant note, I now have, once again, a distinct honour and personal delight, on behalf of Parliament, kindly to invite you, Comrade President, to address the Joint Session of Parliament and declare the 7th Session of the Fourth Parliament officially open.

KAPERE SEEKS COOPERATION WITH SENATE OF **JORDAN**

he Chairman of the National Council Honourable Asser Kapere has paid a record visit, from 24 to 27 March 2008, to the Senate of the Kingdom of Jordan that would signify the foundation of relation between the two Upper Houses of Parliaments.

This was the first ever exchange visit undertaken by a Chairperson of the National Council to the Jordanian Parliament since Namibia's independence in 1990. During his visit, Hon. Kapere held behind-camera discussions with the President of the Senate, Mr. Zaid Al-Rafai; the Chairman of the Foreign Affairs Committee, Mr. Faisal Al-Fayez; the Speaker of Parliament (House of Representatives), Mr. Abdul Hadi Al-Majali; and the Kingdom's Prime Minister, Mr. Nader Al-Thahabi.

Apart from parliamentary issues, Chairman Kapere and the Jordanian lawmakers discussed the possibilities of cooperation between the two countries in the areas of trade and education.

A Brief summary of the Jordanian

addition to legislation, functions of the Jordanian Senate (Al-Ayan Council) chiefly involve the interpretation of the constitution and the trial of erring ministers as well as being in constant contact with the Prime Minister on governance issues. The Senate is composed of prominent members of the Jordanian society, appointed by the King for eight-year terms. It has 55 members, half the number of deputies in the House of Representatives.

The King appoints the Prime Minister, all members of the Senate and the House of Representatives, all judges, and all major posts in the civil and military services. The King signs and executes all laws and may veto any legislation. The King's veto may be overridden only by a two-thirds majority in both houses of parliament. The King may convene, suspend or dissolve the legislature as he sees fit.

As the Senate is independent from the executive, its members are likewise not drawn from the Cabinet. Members, mostly over the age of 60 years, were either high ranking officers in the armed forces, long career diplomats, or experts on various fields such as health and education. Four members of the current Senate are from the Muslim **Brotherhood** opposition Party.



Hon. Asser Kapere receiving a gift from Mr. Abdul Hadi Al-Majali, the Speaker of the Jordanian Parliament

the House of Representatives are elected for fouryear terms by universal suffrage (women were enfranchised in 1973). The House of Representatives has 110 members, traditionally half from the East Bank and half from the West Bank, with the majority of seats held by Sunni Muslims and a few reserved for non-Arabs and non-Muslim minorities.

Basic Information about Jordan

The Hashemite Kingdom of Jordan is a constitutional monarchy with representative government, situated northwest of the Arabian Peninsula. It is bordered by Syria to the north, Iraq to the northeast, Saudi Arabia to the east and south, and Israel to the west. Its full official name is Hashemite Kingdom of Jordan. The term "Hashemite" refers to the monarchy's claim of decent from the Prophet Notables (Senate), constitutes the Muhammad's grandfather, Hashem. The Kingdom has a land area of 89 206 square km with a population of just branch of the government. As over five million people. 71 percent of the population lives in rural areas while 29 percent live in urban areas. The principal language is Arabic, with Islam as the principal religion.

Originally called Transjordan, the country was established by Britain in 1921 as a semi-autonomous emirate. On 25 May 1946, Transjordan became an independent Kingdom allied to Britain. In 1947, the United Nations voted to partition Palestine into a Jewish State and an Arab State and to internationalise Jerusalem, but the plan was rejected by the Arabs. Following a combined attack on Israel in 1948 by the armies of Egypt, Syria, Iraq, Transjordan and Lebanon, Israel held Jerusalem while Transjordanian troops held eastern Jerusalem and the West Bank.

The Kingdom's name was changed to Jordan on 26 April 1949, and the Hashemite rule over both banks of the Jordan River was formalized by the Jordanian Parliament in April 1950. In the Six Day Arab-Israeli War of 1967, Israel conquered East Jerusalem and the West Bank, but Jordan continued

to claim the West Bank until 31 July 1988 when, in response to intifada (the mass Palestinian uprising), and Palestinian claims to self-determination, King Hussein relinquished sovereignty over the West bank.

Under the 1952 Jordanian Constitution, the monarchy is by far the most powerful and predominant institution of government. The current monarch, His Majesty King Abdullah II bin Al-Hussein, on the throne since 7 February 1999 following the death of his father King Hussein I, is the Head of State, the Chief Executive and the Commander-in-Chief of the Armed forces. The king exercises his executive authority through the Prime Minister and the Council of Ministers. or Cabinet. The cabinet is responsible before the elected House of Deputies which, along with the House of legislative branch of the government. The judicial branch is an independent Commander-in-Chief of the Armed Forces, the King declares war, and signs treaties.

April 2008) in Windhoek. He came in his dual capacity as the President of the German Federal Parliament - the second-highest ranking official of the Federal Republic of Germany - and as the Vice-Chairman of the Konrad Adenauer Foundation (KAS). On the whole, the visit proved fruitful, with opportunities for constructive dialogue, although it cannot be denied that sensitive and possibly frustrating issues were also touched upon, notably the Zimbabwean crisis.



Hon. Prof Dr Norbert Lammert, Speaker of the German Parliament

GERMAN SPEAKER **OF PARLIAMENT SITS NAMIBIA**

By Patrick Milton, MA

aking a short detour from the Inter-Parliamentary (IPU) Union Conference of parliamentarians and speakers of parliament held in Cape Town, Norbert Lammert of the Christian Democratic Union (CDU) spent a two-day working-visit (16-17) seen to fare well in this regard.

The highlights of Lammert's visit included meetings with the Founding President (Dr. Sam Nujoma) and the current President (Hifikepunye Pohamba). He also held dialogues at the National Assembly, and a book launch at the Goethe-Centre. The topic chiefly discussed with President Pohamba was bi-lateral trade relations where the president proved particularly enthusiastic about the prospects of intensifying trade between the two countries. Lammert expressed his agreement over the desirability of an increase in trade, but pointed out that perceptions of stability in Africa and Namibia in particular were an important consideration on the part of business communities in Germany. However, Lammert stressed that Namibia, as a stable democracy, was



Hon. Prof Dr Lammert meeting with the former President of Namibia, Dr Sam Nujoma.

on the lamentable Zimbabwean crisis. which he directed towards the two most important figures of the Namibian ruling elite, proved disappointing. Lammert's enquiries on the position of the Namibian government with regard to the Zimbabwean crisis were met with evasive diplomatic niceties. Nujoma's and Pohamba's response to Lammert's reasonable claim that carrying out re-count after re-count until one has reached the desired outcome of the acting government, eliminates all democratic credibility, was that one needs to have faith in the (ZANU-PF) dominated electoral commission.

Less controversial issues were covered during Lammert's visit to TUCSIN which, for 30 years, has given students a second chance to improve their high school leavers' examination marks, thus permitting entry to university level education. TUCSIN is supported by the Norbert-Lammert-Foundation which was founded in 2002. The foundation awarded TUCSIN further N\$ 60,000 during a series of speeches on 16 April, at which Lammert was the key speaker. In his speech, he stressed the importance of education and underlined the role of an educated professional class in attaining the by the Bundestag (federal parliament),

Lammert's probing line of questioning economic edge over other countries which acknowledge a special German in a competitive system.

> Lammert spent the morning of his second day in Windhoek (17 April) at the National Assembly, meeting members of the foreign affairs committee and the Deputy Speaker of the National Assembly, Hon Doreen Sioka. The topics covered included cooperation between Namibia and Germany and the mutually expressed desire to establish reciprocal relations between the two country's foreign affairs committees. The issue of possible German reparations for alleged genocidal activities committed by the German colonial government from 1904 against Herero, Damara, Nama and San communities was also broached by a journalist present. Reference was made to an official motion adopted by the Namibian government in 2006 and submitted to the German government, asking for debate and dialogue on the alleged 'genocide'. Lammert predicted that a motion proposed by the Left Party in Germany, which seeks to secure German reparation payments for the descendants of the victims of the alleged 'genocide' will probably be rejected by the majority of German MPs. He approvingly referred to motions passed

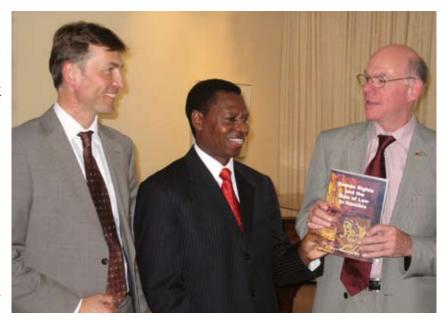
responsibility to Namibia, but argue that direct reparations to specific groups are less effective and desirable than development aid to Namibia in general.

Later that morning, Lammert delivered a keynote speech at a book launch for the publication Human Rights and the Rule of Law in Namibia, edited by Nico Horn and Anton Bösl. The political analyst Joeseph Diescho acted as master of ceremony. Several other high ranking officials and academics were also present, including Chief Justice Peter Shivute, various other judges, members of the Ministry of Justice (and Attorney-General), law professors, lawyers, representatives from human rights organisations and civil society, as well as the media. In an affable style Lammert expounded the crucial characteristics a state must possess in order to truly constitute a Rechtstaat a state governed by the rule of law. As indispensable pillars of the democratic state governed in accordance with the rule of law, Lammert identified the possibility of changing the government via popular vote, and the 'indisputable independence of the judiciary', whose absence 'eliminates the democratic system'.

He argued that democratic rule and an independent judiciary is mutually dependent on each other and reinforces each other in a symbiotic fashion. Although Lammert did not comment on the degree of independence enjoyed by the judiciary in Namibia, one might conclude, as Amoo and Skeffers do in their article 'The rule of law in Namibia' (contained in the collection of essays presented at the book launch), that the degree of judicial independence is relatively high. In his speech Lammert argued that democratic systems vary widely from country to country and that the differences are often as significant as the similarities. He also mentioned that such differences are often especially pronounced with regard to the balance of power between government and parliament.

Referring to the diversity of democratic systems, Lammert conceded that he saw in the German system and its institutions little that could serve as a model for other countries. However, he added that if pressed to identify German institutions which should be emulated by others, he would name the political foundations, such as the Konrad Adenauer Foundation, whose new office in Windhoek he officially opened during his short but eventful visit.

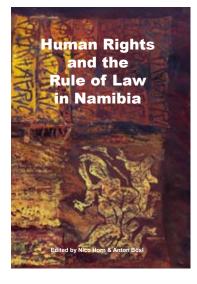




Dr Bösl (KAS Resident Representative), Chief Justice Shivute and Prof Dr Lammert launching the Human Rights and the Rule of Law in Namibia publication.



Honourable guests and members of the legal and media fraternity attending the book launch at the Goethe Zentrum, Windhoek.



PRESIDENT OF THE BUNDESTAG AND SPEAKER OF THE NATIONAL **ASSEMBLY: A** COMPARISON

by Cornelia Glinz Lawyer, Intern at the Konrad Adenauer Foundation

THE PRESIDENT OF THE **BUNDESTAG**

The President of the Bundestag (the German Federal Parliament) represents parliament and the Legislative Branch of the State. According to protocol, he/she is the second-highest ranking official in the country after the President of the republic (Chancellor). The current President of the Bundestag is Prof. Norbert Lammert of the ruling CDU (Christian Democratic Union) Party.

The President is deputised by several Vice-Presidents of the Bundestag. Their numbers change regularly and each represents a faction of the various parties represented in the Bundestag. Since 2005 there have been six Deputy Presidents.

Legal Basis

The legal basis for the President of the Bundestag and his/her deputies is enshrined in the German Basic Law (the Constitution). In addition, the German Parliament passes bylaws which function as internal rules of procedure. These determine the detailed regulations governing the institution and functions of parliament. are explicit regulations election concerning the of President as well as his/her remit.

Election of the President

The election of the President and the Vice-Presidents takes place in the first session of the parliament following each general election. During this first

session, the oldest (most senior) MP acts as chairperson. Traditionally, the President is proposed by the strongest faction in parliament and is elected through a secret (ballot) election by fellow MPs. In the first, and if required, the second ballot, the President requires an absolute majority of all MPs. If these two ballots fail to produce a definite result, a third ballot takes place between the candidates with the most votes. In this third ballot, the simple majority of the emitted votes suffice. The newly elected President initiates the election of each Vicepresident. Both the President and the Vice-Presidents are elected for the whole legislative period and cannot be recalled.

Duties and Responsibilities

One of the central duties of the President is to give direction to parliamentary sessions. He opens and closes the sessions; announces items on the agenda and grants MPs the floor. In general, the President ensures compliance with parliamentary order. The President is expected to carry out these duties neutrally and impartially. Furthermore the President is the external representative of the Bundestag. He/she also heads the administration of the Bundestag exercises domestic authority and police power in the Houses of Parliament.

The Praesidium

The President and the Vice-Presidents together form the Praesidium of the Bundestag. The Vice-Presidents support the President with his work. Whilst parliament is in session, the Praesidium meets regularly to discuss issues concerning the direction of parliament.

THE SPEAKER OF THE **NATIONAL ASSEMBLY**

The Speaker of the National Assembly of Namibia is the fourth-highest ranking official in the country after the President, the Prime Minister and the Deputy Prime Minister. The current Speaker is Hon. Dr. Theo-Ben Gurirab from the ruling SWAPO Party. He became Speaker in March 2005, with

Doreen Sioka (SWAPO) as Deputy Speaker. In Namibia there is only one Deputy Speaker. Both positions of the Speaker and Deputy Speaker are currently filled by the ruling party, so minority parties are currently unable to provide a deputy.

Legal Basis

Article 5 I of the Namibian Constitution provides regulations governing the election of the Speaker, the Deputy Speaker as well as the termination of their terms. The National Assembly can also pass Standing Rules and Orders which are rules of procedure which determine the conduct of its business and proceedings according to Article 59 of the Constitution. This contains detailed rules on the election of the Speaker and the Deputy Speaker. It also stipulates the procedures to be followed in the case of the absence of the Speaker and the Deputy Speaker. Furthermore, it provides for their special tasks.

Election of the Speaker

As in Germany, the Speaker is elected during the first session following the election of a new National Assembly by a majority of 37 voting MPs who are present. During this voting process, the Secretary of the National Assembly acts as chairperson. A voting MP can nominate another MP as Speaker of the house. An absent MP can be nominated by an attending MP with the former's consent. If only one person is proposed as Speaker, he/ she will not even be elected but will be declared as duly elected Speaker of the National Assembly without further ado. Only if there is more than one candidate, an election by secret ballot will be conducted. In the case of a tie, fresh nominations are carried out by the Secretary. The election of the Deputy Speaker then follows the same procedure. The Speaker and Deputy Speaker do not necessarily remain in office throughout a whole legislative period (of 5 years). They can be removed from office at any time by resolution of the National Assembly (for, example through a vote of no confidence).

Duties and Responsibilities of the Speaker

The Speaker's duties and responsibilities are comparable to those of the German President of the Bundestag. One of the principal duties of the Namibian Speaker is presiding over sittings of the National Assembly. To perform this task he/she also has the authority to make rulings concerning the conduct of proceedings, apart from the Standing Rules and Orders.

Unlike the President of the Bundestag, does not attend Speaker proceedings of the Whole House Committee during which bills are voted on. But in the event of a tie (or disagreement), the Speaker may cast the deciding vote at ordinary sessions. Similar to his German counterpart, the Speaker acts as a spokesperson for and representative of the National Assembly in his dealings with the Head of State, the National Council and other authorities. But unlike the German system, the Speaker does not constitute the administrative part of the National Assembly. Instead, this task is performed by the Secretary of the National Assembly.

Office of the Speaker

The Office of the Speaker provides executive support services to the Speaker and the Deputy Speaker in the execution of their duties.

Conclusion

On the whole the President of the Bundestag and the Speaker of the National Assembly (Namibia) are similar in meaning and function. The legal underpinnings of the two are also very similar. What is distinctive about the Speaker is his vote casting right in the case of a tie, which gives him significant influence in the legislative process. By contrast, the President of the Bundestag has a higher-standing ceremonial importance, manifested in his role as the external representative of parliament. His functions with regard to official matters of state are more significant, which is reflected by the fact that the President of the Bundestag is the second-highest ranking official of the state.

Portrait of the Speakers



Dr.Theo-Ben Gurirab Speaker of the National Assembly

Legislative Profile:

Elected Speaker of the Fourth National Assembly on the 20 March 2005.

Prime Minister since 27 August 2002 until 19 March 2005.

Minister of Foreign Affairs since 1990. Member of the National Assembly since 1990.

Personal:

Born 23 January 1939, Usakos, Erongo region. Resides in Windhoek, Khomas Region.

Education:

Primary and Secondary Education and Teacher Training in Namibia. B.A., Temple University, USA, 1969. M.A., Temple University, USA, 1971. Honorary Doctorate (Law), UNAM,

Career:

Exile, 1962-1989.

Associate Representative, Swapo Mission to UN and USA, 1964-72. Head, Swapo Mission to the UN, 1972-86. Swapo Secretary for Foreign Affairs, 1986-90.



Prof. Dr. Norbert Lammert President of the Bundestag

Legislative Profile:

Elected President of the Bundestag in his 16th period since 2005.

Vice-President of the Bundestag from 2001 to 2005.

Member of the Bundestag since 1980. Since then different functions in different ministries.

Personal:

Born 16 November 1948, Bochum, Germany. Resides in Berlin.

Education:

Studies of Sociology Oxford University 1971 Ruhr Universität Bochum 1972 PhD, Ruhr Universität Bochum, 1975

Career:

Since 1966 member of the CDU. 1975 to 1980 member of the municipal council of Bochum.

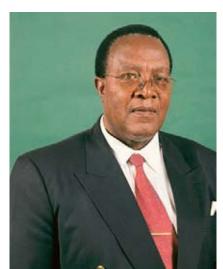
1991 to 1997 deputy chairperson of the CDU on regional level.

Since 2001 deputy chairman of the Konrad Adenauer Foundation.

RAISE AFRICA OUT OF THE MORASS, **URGES KAURA**

A Member of Parliament and President of the Democratic Turnhalle Alliance (DTA) Honourable Katuutire Kaura has called on young Africans to "wake up and change the ugly picture through which the continent was categorized".

Hon. Kaura made this call when he officially opened the meeting of the Democrat Union of Africa (DUA) Executive and Campaign Managers at Parliament in Windhoek on 8 March 2008. The Democrat Union of Africa is a regional organisation of the International Democratic Union (IDU) and a working association of democratic parties in Africa and likeminded political parties of the centre and centre right.



Hon Katuutire Kaura

In his opening remarks, Hon. Kaura informed the meeting, attended by members of the diplomatic corps, that the unity of Africa was "the sine qua non for the upliftment of Africa out of the quagmire of civil wars, ignorance, disease and poverty". For too long, the DTA leader said, Africa had been seen through the prism of Tarzan movies. "Africa is seen in Europe and North America as a continent of savages and

cannibals that are slaughtering each other along tribal lines. Yes, Europe fuels these civil wars and tribal conflicts in the D.R.C (Democratic Republic of the Congo), Rwanda, Burundi, Sierra Leone and so on so that they can continue exploiting our raw material with impunity. We Africans fail to wake up and realize that we are taken for a ride as long as we are receiving a few shillings from our former master. We cut each others' throats with relish.

"I say wake up young Africans wake up. Change the picture through which Africa is categorized. This must be the African century. The Asian Tiger has woken up. Asia is no longer classified as underdeveloped. For how long is Africa going to be classified as an underdeveloped continent wallowing in the morass of civil wars, refugee problems and HIV/AIDS."

Hon. Kaura urged follow DUA memberparties "to raise the continent out of the morass of backwardness, uselessness and raise it to the high ground of peace, democracy, accountability and prosperity." That, he stressed, is our collective responsibility and a road we must travel with compassion, dedication and selflessness. According to Hon. Kaura, the great men and women of Africa – Mrs. Angie Brooks of Liberia, Kwame Nkrumah of Ghana, Gamal Abdul Nasser of Egypt, Julius Nyerere of Tanzania, Jomo Kenyata of Kenya, Kenneth Kaunda of Zambia, Emperor Haile Selassie of Ethiopia and

many others - have left the continent with the road map we must travel with diligence and fortitude. They left for us the OAU (Organisation of African Unity) and today the African Union. Let us strengthen and follow that road map in order to leave something behind for posterity, he appealed.

Hon. Kaura reminded fellow Africans that they were sitting on a treasure chest which they must not continue to play with as their fore fathers did. They were found playing with diamonds around the Kimberley area by Cecil John Rhodes, the big colonialist after whom North and South Rhodesia were named. Mother Africa is known for hiding its treasures until after independence. Botswana was known as a poor country without minerals. Only to the surprise of Great Britain diamonds were discovered immediately after Botswana's independence.

It is the African century, Hon. Kaura "The African lion must declared. wake up like the Asian Tiger. We must move from the state of being providers of raw material to Europe and North America to becoming manufacturers of products that would be sold on European markets" in the same way as China, Japan, Korea and India do.

Hon. Kaura emphasised that African this renaissance could only become a reality by making democracy, accountability, and multi-



Members of the Democrat Union of Africa (DUA) at their recent meeting in Windhoek (photo courtesy of Die Republikein).

Resolutions DUA from Meeting

The Democratic Union of Africa (DUA) held its annual Campaign Managers and Executive Meeting from 7-9 March 2008 in Windhoek. The purpose of the meeting was to share best practices in local election systems and campaig strategies among the centre-right member parties of the DUA. The theme of the conference was 'All politics is local.' Starting from this first principle, the DUA member parties discussed and resolved the following:

- Local government is essential. Delivering good quality services to people in their communities is the primary duty of all elected representatives.
- For effective local government parties have a responsibility to offer the electorate skilled candidates of the highest quality.
- To ensure high quality candidates, parties should select candidates locally, using a rigorous process and give training to all potential candidates.
- Candidates for local government office should be aware of the needs of the communities they wish to represent.
- Every voter should be consulted directly by their candidate for their views on how local services can be improved to better serve their community.
- During the election campaign candidates should campaign on issues not personalities and inform the electorate what they would do if elected.

- Candidates must institute social action projects to promote and enhance their standing with the electorate.
- Most important of all, once elected candidates must deliver on their election promises, continuing to communicate and consult regularly with the people they represent.
- Local government serves as a spring board for future members of parliament and presidential candidates.
- For effective decentralisation, central governments must have limited interference in the affairs of local governments in their respective countries.

Member parties of DUA of both government and opposition expressed the importance of transparent election processes. Polling day is not the start or end of the election process and no election can be declared free and fair on the basis of one day in the election cycle. Parties have a responsibility to ensure the electoral law is upheld as electoral commissions can not always be relied upon to ensure fair play. Parties must be ready to scrutinise and check every step in the election process documenting any irregularities and using the courts to challenge disputed results.

The DUA is pleased to note that steady progress has been made toward democracy in many African countries. DUA is alarmed that some countries, who were once on the road to full democracy, have since slipped back towards dictatorship. The continuous postponement of elections in Cote D'Ivoire is a particular issue and we urge them to respect the timetable for election.

Furthermore the DUA expresses deep concerns over the planned elections in Zimbabwe on 29 March. The DUA is alarmed that foreign observers from democracies from all parts of the world have been banned from observing the election. The current economic and political situation in Zimbabwe, together Mugabe's history of using government deliberations.

security forces to arrest, intimidate and grievously assault opposition activists means that the elections in Zimbabwe will not represent the will of the people until human rights are re-established. The DUA calls upon Zimbabwe to restore her citizens' human rights in particular the right to life and liberty, private property and freedom of speech (www.du-africa. org/).

SPEAKER ADDRESSES ASSEMBLY OF IPU

he Speaker of the National Assembly Hon. Dr. Theo-Ben Gurirab was one of the speakers at the 118th Assembly of the Inter-Parliamentary Union (IPU) which was held in Cape Town, South Africa, from 13-18 April 2008. Following is the abridge speech of Dr. Gurirab:

'As I take the floor to make my contribution, I think of similar major parliamentary conferences we hosted in Windhoek, Namibia, one of IPU Plenary Assembly, and the other of CPA Africa Region in 1996 and 2002 respectively. I think also of conferences held under the aegis of Franco-African Dialogue, Luso-phone Initiatives and others that have been equally important. All contributed to further enlarging areas of sharing best practices, promoting regional integration and exchanging technology and enhancing skills development. These paramount transformation with President Robert issues continue to pre-occupy our



Namibian Parliamentarians at the plenary session of the 118th Assembly of the Inter-Parliamentary Union.

threatening state of the world economy. Spillover effects on African economies cannot be excluded and developing countries are thus facing serious challenges. While economists are debating degrees of severity of such challenges, the impact of economic hardship is felt by those affected by underdevelopment, poverty, disease and hunger. Stability, nation-building and social developments are demanding problems for all of us.

I commend the host parliament and its leadership for inviting us to debate issues of poverty, unemployment, HIV/AIDS and recommend to workable solutions for action by our governments. National parliaments have an important role to play in determining in which ways our governments and partners such as the private sector, labour unions, parliamentary political parties and civil society operators can work together in driving forward economic growth, creation for the benefit of our communities.

The aforementioned socio-economic challenges remain high priority areas in the formulation of national budgets while, at the same time, governments are expected to embark upon prudent fiscal policies and better

We are very much aware of the sustain macroeconomic stability and productivity over the long term. In Namibia, poverty reduction, income distribution and sustainability of the welfare of our citizens are overarching goals for our government. The following national policies, programmes and legal framework speak to what we are doing:

> Vision 2030: This is our long-term development framework ensures social transformation and national development in the next 22 years. It is an integrated programme that will take Namibia from the present into the future, a vision that will guide us in making deliberate efforts towards improving quality of life of our people and rendering poverty a thing of the past. That's where we want to go.

Millennium Development Goals (MDG): Namibia has aligned the Development Millennium (MDGs) with Vision 2030. Our country is thus firmly committed towards poverty reduction and employment reduction of poverty and meeting the MDGs that ensure making a difference in the condition of living of our people, through hard work and generous support from our friends and partners. Similarly, Namibia has formulated poverty reduction strategy options that we are implementing. These development initiatives are closely coupled with targeted implementation management of public expenditure to of the decentralization programme.

This is intended to improve service delivery and fast-track transformation in rural and peri-urban areas of the country.

Participatory Poverty Assessments (PPA): The involvement of local communities in systemic poverty assessment efforts is being carried out through the PPA. It focuses on the root causes of poverty. By this we want to further strengthen government's initiatives and teamwork with social partners with a view to creating employment and empower the people with knowledge and skills for self-help.

Resource allocation from the National Budget over the past few years has been earmarked for protecting the poor, stimulating growth and creating more employment and capacity building development opportunities. The Government's budget strategy is summed up in three focal areas:

- To improve the social safety net to reduce poverty, particularly in least developed areas of our mineral-rich but still poverty stricken country.
- foster human resource development through provision of better healthcare; increased education programmes promotion of gender equity.
- To invest in improving competitiveness and accelerating growth, with the addition of new jobs, and by investing in more skills development for workers and the youth. This means that the country needs to do more
- Improving social welfare of vulnerable and marginal groups to achieve progress. To this end the Government has set aside substantial resources from the national budget to provide social grants and welfare coverage for rable children,
 war veterans.
 being availed

 Vol.6 No.1, January-April 2008 orphans and vulnerable children, pensioners and war veterans. Resources are also being availed

skills development, particularly for the youth, is a continuing national goal. Namibia continues to dedicate a major share of its national budget to education, health, housing, public safety and security. In this regard, the government has introduced the Education and Training Sector Improvement Programme (ETSIP) to ensure high quality educational and training outcomes over a short-term.

Unemployment continues to pose a serious challenge for our country. Government, in the 2008/09-2010/11 Medium Term Expenditure Framework (MTEF), is addressing this challenge in various ways. On the supply side, education and vocational training has received a substantial input. On the demand side, the Government is investing in those sectors with potential for employment creation such as mining, agriculture, tourism, fisheries, **SMEs** promotion, infrastructure development, beneficiation, ICT and engineering.

Furthermore, the Government's Policy on Land Reform is a major commitment towards addressing inequality, access to capital and ensuring ownership rights for many Namibians. Efforts to enhance full participation of women in the process of decision-making and access to capital, in both public and private sectors, are ongoing major concerns.

We are working hard to contain and reverse the spread of HIV and AIDS. We are enhancing equitable access for infected and affected persons to treatment and essential social services. We are also combating stigmatisation which demeans their humanity and makes them targets for discrimination.

National parliaments, aided by friends and partners, should see to it that one of the important resolutions adopted by the 115th IPU Assembly in Geneva in 2006 on "The role of parliaments in overseeing the achievement of the MDGs, in particular with regard to the problem of indebtedness and the eradication of poverty and corruption" is implemented fully.

I urge national parliaments, consistent with our oversight obligations, to engage and urge our governments to put programmes and initiatives in place that will effectively tackle the challenge of poverty and empowerment of the people. Even after we have left Cape Town, the clarion call of "Pushing Back the Frontiers of Poverty" will continue to ring loud and clear in our minds and stir our hearts for action."

NDI/SADC PILOT PROJECT ON HIV AND AIDS: THE CASE OF NAMIBIA

By Mrs. Boemo Sekgama



HIV and AIDS is the single greatest threat to the security and development of much of Africa, making it impossible to attain many of the globally agreed Millennium Development Goals. Without accelerated efforts to

prevent HIV infection and mitigate the consequences of AIDS, poverty and human suffering in Africa¹ can only intensify. Namibia has made important achievements in economic and human development. This includes increased access to health services, education and diversification of the country's economy. These gains, however, are being eroded as a consequence of the HIV and AIDS epidemic.

According to the Ministry of Health and Social Services (MOHSS), Namibia has a generalized HIV and AIDS epidemic, with HIV primarily transmitted through heterosexual transmission. From the 1992 estimate of 4.2 percent, prevalence rose rapidly over the following four years to 15.4 percent in 1996. Prevalence continued to rise for the following six years to a peak of 22.3 percent in 2002. National prevalence showed a small, but not yet significant, decline to 19.7 percent in 2004 as can be seen on the figure on the next page.

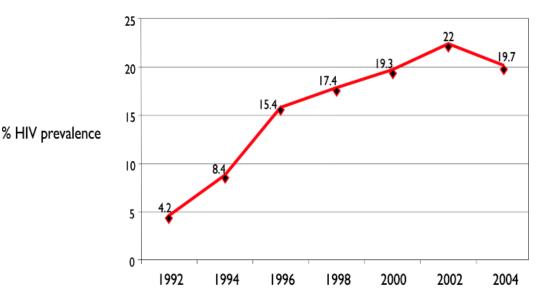
In response to the HIV epidemic, the Government of Namibia (GRN) has demonstrated a willingness to expend both political and financial resources to combat the disease. The national effort to combat HIV is rooted in the Namibian Constitution, which addresses the issue as one involving human rights. The government is currently operating under its Third Medium Term Plan (MTP-III) on HIV and AIDS, launched in 2004, and is a major contributor to the expenditures used to expand service delivery to people living with HIV and AIDS.

The MTP-III advocates for a multisectoral approach for an effective management and coordination of the HIV and AIDS epidemic in the country. As part of the MTP-III, Namibia is in the final stages of adopting a national HIV and AIDS policy.

There are frequent discussions of an apparent "lack of political will" that has hampered the fight against AIDS in Africa. A primary lesson of the recent NDI/SADC-PF National Endowment for "Public-private partnership"

19

Figure 1: HIV prevalence ratio in pregnant women, biannual surveys 1992-2004, Namibia



Initiative embarked upon by Namibian legislators shows that international organizations have too often failed to harness the political passion captured in the words above. It is not rare to encounter expressions of such deep distress among Southern Africa's parliamentarians. What is rare, though, are programmes targeted to give legislators the skills to translate their will into political action.

The success of this pilot project demonstrated that business and labour need help from Members of Parliament to develop legislation and monitor government and private esponses to the epidemic. Members of Parliament need and value having regular interface with constituencies and stakeholders, to further discuss progress on HIV and AIDS at the workplace and in local communities, to understand areas where further efforts are needed. This paves the way for Members of Parliament to develop their own 'home grown' policy on HIV and AIDS at the workplace. Also to develop guidelines for access to treatment and other issues affecting the budget on HIV and AIDS.

In December 2006, political leaders concerned with the impact of HIV and AIDS in the formal sector, eager to find ways to enhance their

contribution in parliament, set out to gather information that could help change or improve the quality of their debates.

Lessons learned

The NDI and SADC-PF provided a framework for legislators to learn from and interact directly with constituencies. They learned about effective workplace-based programmes to deal with HIV and AIDS and its consequences as well as other unmet needs. The first lesson of this valuable project was the enormous need for structured initiatives that bring legislators into direct contact their constituents around issues of HIV and AIDS. The project involved nine legislators who visited two major corporate programme and three regions/provinces. It gave public-private partnership a chance to display its accomplishments, allowed legislators to understand what a few outstanding programmes had accomplished and to see how much remained undone elsewhere. It allowed many constituents to explain directly to the parliamentarians where additional egislation, programmes, and services were missing. For example, where health insurance coverage is spotty or missing, where government-imposed fees are leading to interruptions in ARV treatment, or where smaller and

larger employers are not implementing policies that protect those affected by HIV and AIDS.

In addition, parliamentarians benefited from other contacts with constituencies where they learned about unmet needs at the workplace, gaps in access to treatment and vital prevention technologies such as femidoms. Given the lamentable level of ARV access in rural parts of Namibia, there is a need for parliaments to guard against selective access, and to continually investigate and advocate for universal access for all. This should transcend partisan alliance during parliamentary debates and be treated as a national emergency.

Legislators are eager to address HIV and AIDS in the work place and advocate for effective policies if there are structured mechanisms for them to exercise oversight of existing interventions and to be directly made aware of gaps and failures to ensure sustained prevention, care and treatment programme are delivered to employees in both the public and private sector.

The oversight exercise by Members of Parliament pointed to an opportunity effective mainstreaming <mark>fun</mark>damental programmes within public-private partnerships eagerness from private companies to seek the support of legislators. Also, to guarantee access to education, prevention, treatment and care interventions that is affordable and consistent with the countries' programmes and policies.

When parliamentarians are directly exposed to constituent needs, they can focus on acute problems and develop consensus around the need for solutions. This can lead to legislation, but also to follow-up inquiries to government ministries and to shifting government budget priorities.

The exercise has left behind a legacy of citizen participation which has opened space for dialogue with parliament. It will be a catalyst to informed debates and political transformation of legislation on HIV and AIDS. A collective partnership of parliamentarians, strong civil society, and public-private partnership will complement effective response to preventing HIV and mitigating the impact of AIDS at the work place.

The outreach has generated a need for parliamentarians to focus on HIV and AIDS legislation, particularly on the economic sector. Concerted efforts for face-to-face interactions with legislatures should be encouraged. It emerged that most companies

When Members of Parliament as 'trustees' of the public mandate are made aware of effective policy interventions like workplace mainstreaming, they can become advocates of such programmes, helping to spread best practices from one employer to another. Strong parliamentary, public-civil society and public-private partnerships can enhance the effectiveness of HIV prevention in the work place.

needed a formalized forum where they could share their challenges with government on improving services to HIV and AIDS victims in remote areas who do not know where and how to access the services that are available.

Long-term commitment at all levels of intervention is essential to ensure that there is the quality and quantity of the capacity necessary. Stakeholders should address the critical issue of availability and retention of capacity to adopt a programme, rather than to follow a project approach at regional and member-state levels.

Structured, effective contact between legislators and constituents is a vital aspect of democratic participation. SADC-PF and NDI have offered parliamentarians the staff support essential for effective parliamentary oversight of responses to the HIV and AIDS and access to information on the epidemic.

Successes and Challenges in the pilot initiative

Most of the successes were achieved through the knowledge shared, process of building public support and engagement in HIV and AIDS activities at the work place. All stakeholders who were part of the oversight intervention at district and village levels became aware of the role of Members of Parliament. They interrogated areas for preventing discrimination, stigma, access to treatment for all as well as the creation of awareness on the public-private partnership framework and its implementation mechanisms. Many people became aware of the immediate risk situations at the work place and deliberated upon possible mechanisms to overcome them.

In scaling up this pilot project the programme will need to take cognizance of the perceptions held by donors, legislatures, employees, and employers mainly based on the perceived absence of legislation on HIV and AIDS. Another issue was how best to include this activity into the district plans for sustainable implementation. This will enhance ownership and thus avoid potential accusation of parliamentary process of running parallel to priorities set by the Ministry of Health.

Similarly, this oversight approach by Members of Parliament requires continuous monitoring and evaluation since parliaments sit for a maximum period of five years before they go to elections, which will be a repository of methods, process and communities' dynamic requests highly influenced by social and economic factors at a given time.

Critical elements to integrate before scaling up

The following critical elements should be integrated, as part of the process towards confidence building, into the next phase before scaling-up:

establish strategic partnerships to systematically ensure high political commitment on HIV and AIDS oversight in the workplace through the Institution of parliament for capacity building for legislatures to better serve their constituents:

The NDI and SADC-PF have learned how to set up effective exchanges between constituents, stakeholders, and parliamentarians. The next step is staff support to assist parliamentarians in pursuing inquiries to government and donor organizations about gaps and problems in implementation of existing programme and to help groups of parliamentarians draft well-crafted legislation to remedy problems they have discovered.

mobilize local authorities, employees and employers in preparation for future oversight visits for active dialogue and to improve on the quality of substantive contributions and oversight;

mobilize domestic resources to sustain this initiative at the end of NED funding at all levels being Local, provincial and national/ resources.

This initial oversight exercise showed how such activities in themselves can lead civil society groups and public and private partners to focus on HIV AND AIDS. So the parliamentarians' activities directly serve as a catalyst as groups pull together their programme and think about gaps and failures in order to be able to discuss them with the parliamentarians. And at the same time, having constituent groups come to the parliamentarians with their accomplishments and their grievances communicates to the parliamentarians what a vital role they can play in the desperate struggle against AIDS.

SADC-PF NDI (National and Democratic Institute) place a high premium on engagement of parliaments in the fight against HIV and AIDS. Both organizations' reputation has been built over several years on commitment to legislative strengthening as well as to the production and dissemination of high quality materials on political oversight on HIV and AIDS issues. —



Mrs. Boemo Sekgama is an HIV/AIDS Officer at the SADC-PF in Windhoek.

THE ART OF **'LOBBYING A** POLITICIAN'

According to the Ontario Federation of Labour, lobbying is the process of trying to influence decision-makers. It is as old as politics itself and just as legitimate. Lobbying can be carried out as a small group or an individual, either through meetings, letter writing, phone calls or brief presentation.

All politicians can and should be lobbied. It is their duty to know what their constituents think and acquaint themselves with all sides of an issue. Those who are friendly to your position may give you more time. However, even those opposed can be affected by a direct show of community support for an issue. You don't have to be an expert to lobby a politician. Concentrate more on the effect of the issue in your community. Stick to the community or personal side of the issue - that's the area where you are the expert. Remember politicians are people. They have the same hopes, fears, dreams and failings as the rest of us. Generally, they want to get reelected.

General Guidelines for Lobbying

Many of us believe politicians know more than we do or they wouldn't be in decision-making positions. We think we aren't articulate enough or that we'll freeze when we approach the politicians. Maybe they'll ask questions we can't answer.

Often, we forget that the politician's job is to serve us. That's why they get elected to office. We forget that it's us - the voters - who hold the power. Once you start meeting the politicians you'll see the "mystery" that surrounds them quickly fades. They're just ordinary people who come from a variety of backgrounds. They're often very responsive to the voters - the people who can affect their future. Many of our fears about lobbying can be addressed by looking at some groups who have lobbied government on issues that touch the average citizen.

Another obstacle to lobbying is the view that it's a waste of time, that we alone can't make a difference. But if our voices aren't heard, then our opponents will be the only group to get the ear of the decision-makers. Even if we don't directly see or speak to the politician because he or she is avoiding us, they do get the message that the issue is important to the community.

Three stages for a successful lobby

- Develop support by publicizing the issue within your organisation and/ or the community;
- Decide the kind of lobby face-toface meeting with the politicians, phone or letter (or a combination of all three);
- Take action.

Members of your lobby delegation should meet beforehand to discuss what you're going to say. Decide what you want to discuss and the points you want to make. Practice making your pitch. If you are lobbying in a group, choose a spokesperson and a recorder.

Keep your politician's interests in mind. Example, pay equity – cutting women's incomes reduces spending in the local community. Some politicians will be genuinely interested in maintaining a strong pay equity law. Others will be concerned with their own interest. Making the point of the impact on the community does work. Remember, stick to your subject. Your goal is to persuade the politician to support your position.

Anticipate questions and arguments and be prepared to respond. Don't be afraid to say you don't know the answer to some points - offer to get back with information and be sure you follow through. The best way to deal with the issue when talking to a politician is to talk from your own experience - why this issue is important to you, your family, or your community. Don't try to cover too much ground confine your comments to specific issues. Explain your position, and don't assume the politician understands your point of view. Speak confidently and persuasively.

Be a Good Listener

Try to determine areas of agreement. Avoid arguments and don't lecture. If the politician favours your position, ask for help in persuading his/her government. Don't worry if you're asked a question you can't answer. Just get back to the politician with the information later. Don't let the politician sidetrack you on to other issues. Politely stick to the issue at hand.

If possible, let the politician know the scope of the lobby. Ask other organisations and unions who live in the constituency to follow up by phone calls and letters. Even relatively small numbers of constituents visiting, calling, or writing a politician in his/her riding can be powerful. Constituents are voters who can help re-elect or defeat the MP in the next election.

Know what you're going to say and what you want from the politician before your meeting. Ideally, you want the politician to support your position. Ask her or him to soften up the other elected members of their party. If possible, try to get a commitment from the politician about what they are prepared to do. Try to prevent outright rejection of your position. Emphasize your areas of agreement, not your differences.

Don't Get Discouraged

Not every politician will be sympathetic or supportive. Don't allow an early disappointment to stop you from continuing to lobby this politician. Sometimes they need to hear things several times before they understand the issue, especially if they've never thought about it before. Sometimes they don't realize the importance of the issue to their constituency.

WOMEN IN POLITICS 2008: ROOM FOR IMPROVEMENT DESPITE GAINS

Women continue to gain ground in politics, but the momentum is slow. Of all the legislators in parliament around the world, 17.7 percent are women, and at the executive level, 16.1 percent of all ministerial portfolios are held by women, an overall increase of two percentage points on the proportion for 2005 for both sectors. For women Speakers of Parliament, the totals are lower, at roughly 10 percent. Among elected Heads of State, women account for almost 5 percent.

These are the findings of the Inter-Parliamentary Union (IPU) and the United Nations Division for the Advancement of the Women Map of Women in Politics 2008, giving data as of I January 2008. The information was released in New York on 29 February 2008. Commenting on the findings, IPU Secretary General Anders B. Johnsson said that they gave reason for cautious optimism "but at this rate, we will not achieve parity in Parliament before 2050". Carolyn Hannan, Director of the Division for the Advancement of Women, said that "the improved availability of comparative data on women in parliament and government is critical for advocating an increased role and greater visibility for women in all areas of political and socioeconomic development".

Parliaments

The global figures conceal some interesting national and regional nuances. Improving on the level of three years ago, there are now 20 countries (up from 18) where women hold over 30 percent of the

seats in lower or single chambers. Importantly, there are now more countries surpassing the 40 percent mark. Rwanda continues to top the list at 48.8 percent women members, followed closely by Sweden with a high of 47 percent and Finland at 41.5 percent. The traditional stronghold of Nordic countries is now being challenged by Argentina and Costa Rica, with 40 and 37 percent women members respectively.

Of those countries above the 30 percent mark, half are from the developing world, and more than three-quarters of them have an electoral quota for women in place. At the other end of the scale, there are seven parliaments with less than three percent women members, and eight with no women at all in the legislature.

countries maintain their overall dominance with an average of 41.4 percent women members. Significant strides have been made in the Americas, where the average is now above 20 percent. Apart from Argentina's 40 percent, Costa Rica, Ecuador, Grenada, Guyana, Peru, and Trinidad and Tobago all exceed 25 percent representation of women. There are also many women Speakers of Parliament in the region, including in Antigua and Barbuda, Belize, Bahamas, Colombia, Dominica, Mexico and Venezuela. Eleven of the world's 28 women Speakers of Parliament are from Latin America and the Caribbean.

The lowest regional average is for the Arab States, with 9 percent. The United Arab Emirates made a leap from having no women in parliament to a total of 22.5 percent. A gloomy picture emerges from the Pacific Island States, where, the average is below three percent women members.

Ministerial positions

The general picture is one of slow progress. The number of countries with no women ministers has declined from 19 to 13. The under-representation of

women in positions of government is featuring more frequently as a key political issue. Unlike in some parliaments, where different measures exist to secure seats for women legislators, in the executive branch of government it is often sheer political will that matters.

There are important achievements in the upper end of the tally. Two countries have surpassed the 50 percent mark for women in ministerial positions: Finland with 58 percent and Norway with 55.6 women ministers. Grenada comes in third with 50 percent. The three front runners are closely tailed by Sweden, France, South Africa, and Spain; countries in which the leadership has voiced a strong political commitment to gender equality.

At the regional level, the Nordic Twenty-two counties have over 30 percent of women in cabinet posts: 12 of these countries are in Europe and six in the Latin America and Caribbean region. In 2005, only 17 countries - mostly in Europe - topped the 30 percent mark. At the bottom end of the scale, 13 countries have no women at all heading ministries, and eight have a proportion of less than 5 percent.

> The regional picture for women ministers shows progress for the Americas and the Nordic States since 2005. The Americas have pushed their average up from 17 to 23 percent, and the Nordics also boast a five percentage point increase, from 42.5 to 47.5 percent. This trend, with the Nordic States and the Americas in the lead, mirrors the pattern in parliaments. Meanwhile, the Arab States have seen a one percentage point increase to 8 percent, and Asia remains stagnant, also around the 8 percent mark.

> As in 2005, the pattern is still for women to be awarded the so-called "soft" portfolios. Some would dispute the term, after all, education and social affairs often carry the biggest budgets. Most ministerial portfolios held by women are related to social affairs, family, children, youth and women's affairs. Next on the list come

education and the environment. On the positive note, this year there are more women heading ministries for trade, employment, foreign affairs, and justice. Defence remains securely at the bottom, with only six defence portfolios out of the 1,022 portfolios held by women worldwide.

Women Heads of State

Women remain a minority in the highest positions of the State. Of the 150 Heads of State at the start of 2008, only seven or 4.7 percent were women. For heads of government, the proportion is still lower, at 4.2 percent, accounting for eight women among the world's 192 heads of government (www.ipu.org).



NAMIBIA HOSTS THE FIRST EVER SADC REGIONAL ACP-EU JOINT PARLIAMENTARY ASSEMBLY

Introduction

The fifteen members of the ACP-EU Joint Parliamentary Assembly (ACP-EU JPA) from the SADC member states and their fifteen European Parliamentary counterparts, met in Windhoek, Namibia on 28 and 29 April 2008, under the Co-Presidency of Co-Presidents Glenys Kinnock and Wilkie Rasmussen.

This was the first ever regional Meeting of the ACP-EU JPA to be organised under Article 17.3 of the Cotonou Agreement and Article 6 of the ACP-EU JPA Rules of Procedure.

The formal opening session of the Meeting heard statements from the Co-Presidents, Hon. Nora Schimming-Chase, Vice-Chairperson of the SADC Parliamentary Forum and the Speaker of the Namibian Parliament, Hon. Dr Theo-Ben Gurirab, who officially opened the Meeting.

Regional Integration and the SADC roadmap

Members discussed the regional integration process in the SADC Region and the involvement of parliamentarians. To this end, the need for regional institutions, in addition to national, for follow-up and implementation of SADC Protocols was seen as an integral process of regional integration. Regional integration was considered as one of the means of achieving the Millennium Development Goals (MDGs), through the formulation of regional policies to address infrastructural and human development. At the political level, regional integration contributes to setting standards for democracy, rule of law and respect for human rights.

Members agreed that, in general, parliamentary involvement in international agreements was one of the least undertaken mandates in their countries. It was appreciated that the SADC Treaty had recently established the SADC Tribunal, which had jurisdiction to hear legal disputes on issues in the SADC Treaty and to serve as last instance for individuals after local remedies against measures of national authorities are exhausted. This was seen as one of the mechanisms of upholding good governance and the rule of law at regional level. It was noted that although the SADC Region has an organised regional Forum of Parliamentarians, this was not recognised formally within the SADC Treaty. SADC Parliamentarians were urged to continue lobbying their respective governments to take the necessary steps to provide for an official parliamentary dimension in the SADC regional integration process, wherein the lack of parliamentary involvement was seen as a democratic deficit at the SADC level.

Economic Partnership Agreements (EPA)

It was acknowledged that the EPA negotiations had presented the SADC Region with complex challenges. The SADC EPA should contribute to strengthening regional integration, reinforcing the gains that have so far been made in advancing objectives and programmes of regional integration. Members were informed that it was difficult, from an economic perspective, to establish customs unions in a region with overlapping memberships such as the SADC Region, as such configurations would have the effect of undermining and complicating intra-regional trade.

Members expressed concern that the adjustment costs of EPAs should be financed, as well as the need for support to address supply-side, infrastructural and general capacity constraints to ensure the effective participation of ACP States in world trade.

In particular, Members called for more effective parliamentary involvement in the EPA process. Whilst acknowledging that parliamentarians would not be able to participate in the actual negotiation process, it was thought that there was scope for parliamentarians to call for information and regular updates through parliamentary mechanisms. Members emphasised that the development dimension should be the cornerstone of the EPAs.

Human rights

Members took note of the situation regarding the respect for human rights and the rule of law in the SADC Region. Whilst there had been substantial progress in the region in the observance of human rights partly as a consequence of the reduction in internal armed conflicts, the recent past has also seen some significant deterioration of the human rights situation. Members emphasised that human rights do include social and economic rights, on which there had been little emphasis so far, but which were acknowledged to be just as important as civil and political rights. Further, ACP States were urged to comply with various international human rights conventions that they were party to, and ratify those they had not. The host country, Namibia, was commended for the efforts that it had undertaken, in part through the establishment of the Office of the Ombudsman, to establish mechanisms for the protection and defence of human rights.

Peace, security and stability

The impact on social stability of the situation in Zimbabwe was of deep concern. There were calls for a democratic outcome in Zimbabwe and widespread support was expressed for the SADC initiatives and the role of the SADC PF in this regard. Concerns were also raised over the situation in the DRC, in particular in Kivu with the involvement of external forces making the conflict even harder to resolve. There could be no military solution, and there are clear needs for support for post-conflict reconstruction from the European Union.

Food security and rising food prices

Members agreed that the SADC region had great potential for food self-sufficiency, but the recent rise in fuel and food prices were extremely harmful for the regional economy as well as for the health and lives of the population. Extreme weather conditions have affected harvests and higher oil prices restrict or hamper transport and market access for food products. The rise in biofuel production has also hit food supplies, and there were calls for the introduction of second-generation biomass consumption as soon as possible. There also needs to be investment in greater agricultural yields through development of infrastructure for improved market access, research, technology and support to smallholders to promote their ownership of food security policies. Furthermore, the SADC initiatives in the area of political stability and security would favour food security in the region.

Water and energy resources

Members discussed water and energy in the region and concluded that there was potential for improvements in the management of resources at the regional level. Water is not only important for consumption at local level but also crucial for agriculture and energy production. There needs to more investment in the construction of dams for water conservation and hydro-electricity as well as the promotion of energy from biomass products. Solar and other renewables should be promoted also in rural communities with, i.a., local production and maintenance. There is also a need for forward planning and capacity building in regional cooperation to develop regional energy contracts, in which SADC should become more involved.

Elections and election observation

Members heard about the activities of the SADC Parliamentary Forum in election observation missions and called for further development in their capacity to conduct such operations. Discussion covered elections in general, considering such issues as the design of electoral systems (with more countries considering changing from 'first past the post' to proportional representation or a combination of the two), the need for a continuous voter registration process, balanced access to media, misuse of government resources in the campaign and possible state funding of political parties.

There was a particular focus on the March 29 elections in Zimbabwe. SADC PF had not observed this election as it had not been invited in its own right. The European Union had, however, financed training of eleven thousand electoral monitors for the election there. Members expressed concerns over the delay in the announcement of the Presidential results in Zimbabwe. In that respect, they called for the expeditious release of the results by the Zimbabwean Electoral Commission (ZEC).

Fisheries

Members heard a report on the recent JPA fact-finding mission to the Seychelles to examine the tuna industry. Fish stocks there, and elsewhere, were threatened by overfishing and climate change and it was crucial to find a way of reconciling sustainable fisheries policy and profitability. The projected erosion of preferential tariffs threatened the future of this industry.

It was vital that ACP countries like Seychelles receive additional funding to meet the cost of implementation of the new Illegal, Unregulated and Unreported fishing regulation and SPS. Other SADC countries face similar problems as do ACP countries elsewhere, in the Pacific for example, and perhaps a regional fisheries agreement would be a good idea. This should be followed up by the JPA in its forthcoming plenary and regional meetings in that region.

Conclusions

Members expressed gratitude to the Government and Parliament of Namibia, SADC Parliamentary Forum and the European Parliament for facilitating the 1st Regional Meeting of the ACP-EU Joint Parliamentary Assembly in Southern Africa. They agreed that this Regional Meeting had been an extremely useful and successful event

Finally, members called on the ACP-EU JPA Bureau to draw up specific recommendations for convening of future Regional Meetings based on the experience drawn from this first meeting, and called on the Co-Presidents to present the conclusions of this Regional Meeting both at the next meeting of the Bureau and the 16th Session of the ACP-EU JPA in Port Moresby and to forward them to the European Commission, SADC Secretariat, SADC-PF, the European Parliament, the Pan-African Parliament, the SADC Governments and the National Parliaments of SADC and EU Member States

Source:

Website of the ACP-EU Joint Parliamentary Assembly: http://www.europarl.europa.eu/intcoop/acp

Hon. Eunice Ipinge

Hon. Eunice Ipinge (SWAPO) was sworn in as Member of the National Assembly on 4 March 2008 by Chief Justice Peter Shivute. Previously, Hon. Ipinge worked as National Programme Officer for the United Nations Development Fund for Women (UNIFEM) between 1990 and 1994 in Namibia. In 1995 she was appointed coordinator and simultaneously became the founder member of the Gender Training and Research Programme within the Multi-Disciplinary Research Centre of the University of Namibia (UNAM). Between 2001 and 2006 Hon. Ipinge served as Secretary of SWAPO Party Women's Council. In 2006, upon expiry of her term, she returned to UNAM to resume her coordinating role at the Gender Training Research Programme until March 2008 when she became Member of Parliament.



Hon. Juliet Kavetuna

Honourable Juliet Kavetuna was sworn in as a Member of the National Assembly by the Honourable Chief Justice, Mr. Peter Shivute, on 17 April 2008. She replaced the late former Minister of Regional and Local Government, Housing and Rural Development, Hon. John Pandeni, who passed away in a car accident in March this year. Kavetuna came in at position 65 on the SWAPO Party national election list of 2004. Prior to her appointment she was the Secretary General of the National Youth Council. This is the first time that she joins the legislative organ of the state and she will be a backbencher.



Honourable Peya Mushelenga has been appointed as Chairperson of the Standing Committee on Economics, Natural Resources and Public Administration. Hon.Mushelenga replaced Hon.Hage Geingob, who was appointed as Minister of Trade and Industry on 8 April 2008. Hon. Mushelenga has been the Deputy Chairperson of the committee and is also a Member of other standing committees of the National Assembly.





Hon Kaveri Kavari

Honourable Kuveri Kavari of the Congress of Democrats (CoD) was sworn in by Chief Justice Peter Shivute as Member of the National Assembly on 29 April 2008. Hon. Kavari replaces the late Hon. Kalla Gertze (CoD) who passed away in March this year.



Honourable Anna Bayer has been sworn in as SWAPO Party Member of the National Assembly on 30 April 2008. Hon. Bayer replaces Hon. Peter Tsheehama who resigned from the National Assembly recently because of ill-health. Hon. Bayer was a SWAPO Party member of the Second National Assembly from 1995 to 1999.





Hon. Peter Tsheehama

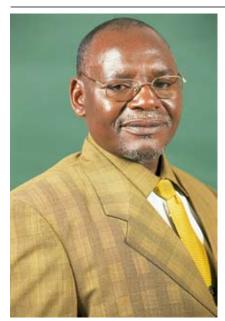
Honourable Peter Tsheehama has resigned from The National Assembly due to ill-health. The Speaker of the National Assembly, Dr. Theo-Ben Gurirab, announced the resignation of Hon. Tsheehama in the National Assembly on 29 April 2008. Earlier, Hon. Tsheehama did not retain his portfolio as Minister of Safety and Security in a Cabinet reshuffle announced by President Hifikepunye Pohamba on 8 April 2008.

OBITUARY

The late Hon. Reinhard Kalla Gertze

Congress of Democrats (CoD) MP Reinhard Kalla Gertze passed away on 12 March 2008 in Windhoek. He was 47 years old and leaves behind his wife, Ria, and five children. The late Gertze joined the National Assembly in 2005. Parliament Journal conveys its deepest sympathy and heartfelt condolences to the bereaved family, relatives and friends.



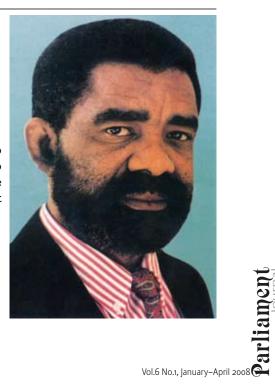


The late Hon. John Alfons Pandeni

MP John Alfons Pandeni (SWAPO) passed away on 14 March 2008 in a car accident near Kombat, some 20km from Grootfontein. The late Pandeni was 57 year old and leaves behind his wife, Julia, and four children. He joined the National Assembly in March 2005 when he was appointed Minister of Regional and Local Government, Housing and Rural Development. He held this position until his passing away. Government accorded Hon. Pandeni a hero's honour as he was buried at the national Heros' Acre on 29 March 2008. Parliament Journal conveys its deepest sympathy and heartfelt condolences to the bereaved family, relatives and friends.

The late Hon. Nikolaus Onverwag Bessinger

The late Hon. Nikolaus Onverwag Bessinger, former SWAPO Party MP who passed away on 25 March 2008 in Windhoek. The late Hon. Bessinger, who was accorded a hero's funeral on 5 April 2008, served as a Member of the Constituent Assembly. Parliament Journal conveys its heartfelt and deepest condolences to the bereaved family, relatives, and friends.



Ms. Cheryl Kahatjipara

Ms. Cheryl Kahatjipara, Private Secretary to the Directorate Library and Computer Services at the National Assembly has resigned with effect from 31 January 2008. Ms Kahatjipara joined the National Assembly on I November 2002.



Mr. Werner Petrus

With effect from 31 March 2008, Mr. Werner Petrus has been transferred from the National Council to the Ministry of Youth, Sport and Culture and National Service. Mr. Petrus joined the National Council as a driver on 1 April 2000.

Mr. John Ekongo

Mr. John Ekongo, Personal Assistant to the Chairman of the National Council, has resigned with effect from I February 2008. Mr. Ekongo, a Media Officer, was seconded to the National Council from the Ministry of Information and Communication Technology (then Ministry of Information and Broadcasting).





The widow of the late Hon. John Alfons Pandeni being consoled by Hon. Pendukeni Ivula-Ithana at the memorial service held at Parliament Gardens on 28 March 2008.



The casket of the late Hon. Reinhard Kalla Gertze arriving at the Parliament Gardens for a memorial service on 19 March 2008

