



# NAMIBIA

COMMONWEALTH PARLIAMENTARY ASSOCIATION  
BENCHMARKS FOR DEMOCRATIC LEGISLATURES

FINAL REPORT



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This activity was part of the Commonwealth Parliamentary Good Governance Project, delivered in partnership with the UK FCDO



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*'The Parliament of Namibia wishes to uphold the values of Constitutional Democracy and its entrenched principles of human rights, the rule of law and good governance'*



Parliament of Namibia premises in Windhoek

## EXECUTIVE SUMMARY

The central mission of Namibia's Parliament is to 'uphold the values of Constitutional Democracy and its entrenched principles of human rights, the rule of law and good governance'. This goal is admirable and closely aligns with a fundamental belief of the Commonwealth that effective Legislatures are one of the key political institutions of any successful democracy. To this end, the Parliament of Namibia should be praised for how it conducts many of its affairs and Namibian citizens can be optimistic that their Legislature's enduring dedication to these underlying values will continue to guide its work towards the country's next General Election this year and beyond.

The CPA's Recommended Benchmarks for Democratic Legislatures are underpinned by the 2012 Commonwealth Charter's ambition to create free, fair and democratic societies in every nation of the Commonwealth. Namibia's Parliament is undoubtedly committed to these principles and, overall, meets many of the CPA's standards across several workstreams. Senior political leadership in the Legislature should be praised for achieving these targets and positive acknowledgement given to the wide-ranging efforts of staff (led by Secretaries in each House), who support many of Parliament's core services with skill, effort, and pride.

Democratic progress made by Namibia's Parliament since the country gained independence in 1990 should be positively acknowledged. In the years since, Namibia has become a fully democratic nation and a positive role model for other Commonwealth Legislatures across Africa. Recent elections have been both free and fair, with the Parliament showing positive performance in terms of how Namibia's Constitution is adhered to, its Standing Rules and Orders are applied, positive conduct of Members is enforced, its agenda is set, sessions are convened, outreach programmes are conducted, opportunities for women are promoted, and relations with external stakeholders (both within Namibia and across Africa) are managed. Those who support the work of Parliament are all committed to ensuring that the both the National Assembly and the National Council continue to take positive strides and these constructive efforts are highlighted throughout the course of this Report.

That said, there are several areas in which the Parliament does not currently meet the CPA Recommended Benchmarks and a strong focus (at political and official level) should be maintained to help the Legislature continue its progress of attainment against these. They include but are not limited to improving Parliament's infrastructure, broadening Professional Development opportunities, streamlining the work of its Committees, strengthening elements of Electoral Law, integrating pre/post-legislative scrutiny measures, providing greater opportunities for Opposition Members, accelerating its Hansard production, building better facilities for members of the Media and persons with disabilities, and (crucially) creating an independent Parliamentary Service Commission to help ensure many of these recommended changes become a reality.

That said, the burden of responsibility does not rest entirely with Parliament. Namibia's Government should also take the opportunity to grant Parliament greater authority in several areas, allow it to operate separately to other Executive agencies, and balance the need for legislative expediency against the democratic mandate of Parliament to pass laws with fuller means of and greater timeframes for considering and scrutinising draft Bills.

Overall, Namibia's Parliament should be praised for developing a Legislature that meets many of the CPA's Recommended Benchmarks and appears to be improving its performance on a continuous basis. While several areas for reform are identified in this Report, we hope that its recommendations will assist both the National Assembly and the National Council in their shared ongoing journey to build a Parliament that 'upholds the values of Constitutional Democracy and its entrenched principles of human rights, the rule of law and good governance' for all citizens in Namibia.

## Background

The Commonwealth Parliamentary Association (CPA) is an international community of 180 Parliaments and Legislatures working together to deepen the Commonwealth's commitment to the highest standards of democratic governance. Founded in 1911, the CPA brings together Members of Parliament and parliamentary staff to identify benchmarks of good governance and implement the enduring values of the Commonwealth. It offers vast opportunity for both Parliamentarians and parliamentary staff to collaborate on issues of mutual interest and to share good practice.

In 2018, the CPA undertook a consultation and review process that resulted in the adoption of updated Recommended Benchmarks for Democratic Legislatures.<sup>1</sup> The Benchmarks provide a minimum standard and guide on how a Parliament should be constituted and how it should function. They play an important role in developing the effectiveness of parliamentary institutions across the 180 Parliaments and Legislatures of the CPA and contribute towards implementation of the Sustainable Development Goals.<sup>2</sup>

In November 2023, the Parliament of Namibia became the 25th Commonwealth Legislature to use this framework to conduct a Self-Assessment against the Benchmarks. The Assessment was approved by the Presiding Officers of both Houses of Parliament: Hon. Prof. Peter Katjavivi (Speaker, Namibian National Assembly) and Hon. Lukas Sinimbo Muha (Chairperson, Namibian National Council) and organised by parliamentary staff. CPA International Secretariat Headquarters appointed Fraser McIntosh (Good Governance Project Manager, CPA HQ) and Josephine Watera (Assistant Director, Department of Research Services, Parliament of Uganda) to undertake this Assessment from 27 November-1 December 2023.

During their time in Windhoek, Fraser and Josephine met the Presiding Officers and other MPs from both Houses. They also had discussions with Ms. Lydia Kandetu (Secretary to the National Assembly) and Mr. Tousy Namiseb (Secretary to the National Council) alongside various other senior parliamentary staff. The CPA delegation held further meetings with a wide range of external stakeholders including officials from the Auditor General, Attorney General, and Electoral Commissioner offices, as well as representatives of Namibian Civil Society.

These meetings took place alongside a review of certain key documents including: the Constitution of Namibia<sup>3</sup>, National Assembly Standing Rules and Orders<sup>4</sup>, National Council Standing Rules and Orders<sup>5</sup> and other related parliamentary materials. The Report below is a summary of the main findings of the Self-Assessment.

## Acknowledgements

The Parliament of Namibia proactively chose to assess itself against the CPA Benchmarks. As such, Hon. Speaker Katjavivi and Hon. Chairperson Muha, alongside senior parliamentary staff, should be praised for both their willingness and enthusiasm to undertake this important piece of work. Their doing so demonstrated a positive approach to the CPA Assessment, which was consistent throughout Fraser and Josephine's time in Windhoek. This commitment to continued learning and improvement is admirable.

The CPA would also like to place on record its sincere thanks to all stakeholders who participated in this Self-Assessment and draw particular attention to the efforts of parliamentary staff from both Houses for coordinating a programme of meetings, facilitating logistical arrangements, and providing warm hospitality for the duration of Fraser and Josephine's visit to Windhoek. Many officials with whom the CPA delegation met ably represented Parliament and embodied its continued efforts to grow and improve parliamentary democracy for the people of Namibia.

## Support and Follow-Up

Following the publication and consideration of the findings of this Report, and within the boundaries of financial constraints, the CPA is committed to supporting the Namibian Parliament in further strengthening its democratic processes. As such, the CPA stands ready to enable the Parliament to take forward these recommendations – where requested and appropriate – through its Technical Assistance Programme<sup>6</sup> scheme and wider efforts linked to institutional parliamentary strengthening.

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1 Recommended Benchmarks for Democratic Legislatures. (n.d.). Available at <https://www.cpahq.org/media/10jkk2nh/recommended-benchmarks-for-democratic-legislatures-updated-2018-final-online-version-single.pdf>.

2 In particular Goal 16.6 (Develop effective, accountable and transparent institutions at all levels) and Goal 16.7 (Ensure responsive, inclusive, participatory and representative decision-making at all levels).

3 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>.

4 STANDING RULES AND ORDERS AND INTERNAL ARRANGEMENTS 2 CONTENTS. (n.d.). Available at <https://www.parliament.na/wp-content/uploads/2021/08/SROs-booklet.pdf>.

5 REPUBLIC OF NAMIBIA NATIONAL COUNCIL STANDING RULES AND ORDERS. (n.d.). Available at [https://www.parliament.na/wp-content/uploads/2021/08/nc\\_sro.pdf](https://www.parliament.na/wp-content/uploads/2021/08/nc_sro.pdf)

6 [www.cpahq.org](https://www.cpahq.org). (n.d.). How is the CPA supporting Commonwealth Parliaments? [online] Available at: <https://www.cpahq.org/what-we-do/institutional-parliamentary-strengthening/>.

## Political, Economic and Social Context

Namibia is located on the southwestern coast of Africa and has a current population of approximately 2.64 million.<sup>7</sup> Its capital, largest, and most populous city is Windhoek (with around 500,000 residents) and the country has a total landmass of roughly 825,000km<sup>2</sup>, making it the 13th largest in Africa by territory and 42nd by population. Namibia is surrounded by Angola to the north, Botswana to the east, and South Africa to the south, with its west coast bordering the Atlantic Ocean.<sup>8</sup>

The vast majority of the population (85%) are native Namibian with the remaining 15% comprising European and South African ancestry. English is the national language albeit the native tongue for only around 5% of the population. Over 90% of Namibian citizens use a combination of Ovambo, Nama-Damara, Kavango, Caprivian and Herero dialects with small numbers also speaking some German and/or Afrikaans. Religion is an important aspect of Namibian culture with approximately 80% of the population following a Christian faith.

Over half of Namibia's population live in rural communities and, as such, agriculture (particularly the production of red meat for export) is an important component of the country's economy. The dominant industry, however, is mining, which accounts for approximately 35% of national GDP. Namibia is a world leader in the sourcing of uranium, gold, silver, and other base metals, as well as supplying about 30% of global diamond output.

Following over a century of German (1884-1915) and then South African (1915-1990) rule, Namibia became a fully independent republic on 21 March 1990. The country's Constitution<sup>9</sup>, which took effect upon gaining independence, is highly rights-conscious and aims at achieving a durable separation of powers between the three branches of Government. Executive power is vested in the President (currently Nangolo Mbumba following the passing of his predecessor Hage Geingob on 4 February 2024) who serves as Head of State and Government for a five-year term, the Vice President (who is appointed by the President), and the Cabinet (comprising the Prime Minister and other Ministers).

Legislative power rests with Namibia's bicameral Parliament. The National Assembly<sup>10</sup> (Lower House) is established as the principal legislative body to initiate and pass legislation. It consists of 96 Members who are elected by direct and universal suffrage for five-year terms and up to eight Members who are appointed by the President but do not enjoy voting rights. The National Council<sup>11</sup> (Upper House) serves in an advisory capacity to review legislative matters and comprises three representatives from each of Namibia's 14 administrative regions who also serve five-year terms in office. As per Namibia's Constitution (Articles 74 and 75)<sup>12</sup> the National Council not only exercises oversight and directly represents Namibian citizens, but it is also mandated to recommend legislation of regional concern and obliged to share parliamentary Bills received from the National Assembly with all Regional Councils for their input.

The judicial system combines Namibia's Supreme Court<sup>13</sup>, High Court<sup>14</sup>, and over sub-national courts of law. All three components enjoy positive independence from the other two branches of Government, as provided for by the Constitution.<sup>15</sup>

Multiparty democracy was introduced when Namibia gained full independence and has been maintained throughout subsequent national, regional, and local elections. The South West Africa People's Organisation (SWAPO) has won every election since 1990 with former President Geingob gaining his second of two terms in office at the country's most recent Presidential Election in December 2019 with over 56% of the vote<sup>16</sup> and demonstration of the success that multiparty democracy enjoys in Namibia is the fact that the National Assembly's 96 Members and the National Council's 42 Members are drawn from 11 and six different political parties respectively.

Immediately following independence, Namibia joined a range of international organisations and in subsequent years has become an active member of the global community. As well as being admitted to the United Nations and African Union, it became the 52nd member of the Commonwealth in March 1990 and established its CPA branch later that same year.

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7 [www.worldometers.info](https://www.worldometers.info/population/namibia-population/). (n.d.). Namibia Population (2023) - Worldometer. [online] Available at: <https://www.worldometers.info/population/namibia-population/>.

8 Reginald Herbold Green (2018). Namibia | Culture, History, & People. In: Encyclopædia Britannica. [online] Available at: <https://www.britannica.com/place/Namibia>.

9 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>.

10 Namibian Parliament. (n.d.). National Assembly. [online] Available at: <https://www.parliament.na/national-assembly/>.

11 Namibian Parliament. (n.d.). National Council. [online] Available at: <https://www.parliament.na/national-council/>.

12 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>.

13 Ejustice.moj.na. (2013). NAMIBIA SUPERIOR COURTS. [online] Available at: <https://ejustice.moj.na/ABOUT%20US/Pages/TheSupremeCourtofNamibia.aspx>

14 Ejustice.moj.na. (2013). NAMIBIA SUPERIOR COURTS. [online] Available at: <https://ejustice.moj.na/ABOUT%20US/Pages/TheHighCourtofNamibia.aspx>

15 Ejustice.moj.na. (2013). NAMIBIA SUPERIOR COURTS. [online] Available at: <https://ejustice.moj.na/ABOUT%20US/Pages/JudicialIndependence.aspx>

16 Namibia's President Hage Geingob wins re-election. (2019). BBC News. [online] 1 Dec. Available at: <https://www.bbc.co.uk/news/world-africa-50618516>

# I. GENERAL

## Elections

Namibia is a semi-presidential representative democratic republic which runs free and fair elections through direct and equal suffrage in consecutive years (with a five-year term in office for both) for the position of President and seats in the National Assembly, and then for Regional Councils and the distribution of seats in local authorities. Each of Namibia's 14 regions in turn elects three of their regional councillors to serve in the National Council. As per the country's Constitution (Article 17)<sup>17</sup>, all Namibians aged 18 and over can participate in both sets of votes.

The most recent elections determining current political positions in Namibia were the 2019 General Election (for the position of President and seats in the National Assembly) and the 2020 Local and Regional Elections (for Regional Councils and the distribution of seats in local authorities). Turnout at these elections was 60.38%<sup>18</sup> and 38.26%<sup>19</sup> respectively with both votes having been conducted in compliance with national laws and in accordance with international standards according to Election Observer Groups from the African Union<sup>20</sup> and the Commonwealth Secretariat's Election Observer Group.<sup>21</sup>

Elections are managed by Namibia's Electoral Commission<sup>22</sup> Its establishment and working methods are both provided for by the Electoral Act of 2014.<sup>23</sup> Subject to the Namibian Constitution and Electoral Act, the Commission:

- (a) is the exclusive authority to direct, supervise, manage and control in a fair and impartial manner and without fear, favour or prejudice any elections and referenda under the Electoral Act; and
- (b) must exercise and perform its powers and functions, subject to section 2(3) of the Electoral Act, independent of any direction or interference by any other authority or any person.

While the selection criteria for Commissioners is clear (Parliament's Secretaries General are involved in the nomination and interviewing process), appointments are ultimately made by the President, who is also a party leader. Increasing the independence of the Electoral Commission and strengthening the role of Parliament in selecting the composition of its membership would be a positive step towards further embedding the separation of powers in Namibia's political system and bringing it more in line with the CPA's Latimer House Principles on the Three Branches of Government.<sup>24</sup>

### RECOMMENDATION 1

**The Parliament of Namibia, and not solely the President, should have ultimate oversight authority for selecting Electoral Commissioners.**

While the Electoral Act (Sections 140-142)<sup>25</sup> provides guidelines regarding the funding and auditing of political parties vis-à-vis commitments to the Electoral Commission, current electoral law does not prescribe how much of this may be used for political campaign purposes. Introducing such provisions would increase the transparency of electoral financing in Namibia and bring it more in line with other democratic Legislatures across the Commonwealth.

17 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>.

18 Namibian General Election 2019. (n.d.). Available at: [| Parline: the IPU's Open Data Platform](#)

19 Namibian Local and Regional Elections. (n.d.). Available at: [| Parline: the IPU's Open Data Platform](#)

20 au.int. (n.d.). Preliminary Statement: AU Election Observation Mission to the General Elections in the Republic of Namibia | African Union. [online] Available at: <https://au.int/en/pressreleases/20191129/preliminary-statement-au-election-observation-mission-general-elections>

21 Commonwealth. (n.d.). Namibia 2019 General Elections 'competitive, generally peaceful and well managed'. [online] Available at: <https://thecommonwealth.org/news/namibia-2019-general-elections-competitive-generally-peaceful-and-well-managed>

22 Anon, (n.d.). Home - Electoral Commission of Namibia. [online] Available at: <https://www.ecn.na/>

23 Electoral Act 5 of 2014 ARRANGEMENT OF SECTIONS CHAPTER 1 INTRODUCTORY PROVISIONS 1. Definitions and interpretation CHAPTER 2 ELECTORAL COMMISSION OF NAMIBIA. (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Electoral%20Act%205%20of%202014.pdf>

24 Commonwealth (Latimer House) Principles on the Three Branches of Government. (n.d.). Available at: <https://www.cpahq.org/media/dhfajkpg/commonwealth-latimer-principles-web-version.pdf>.

25 Electoral Act 5 of 2014 ARRANGEMENT OF SECTIONS CHAPTER 1 INTRODUCTORY PROVISIONS 1. Definitions and interpretation CHAPTER 2 ELECTORAL COMMISSION OF NAMIBIA. (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Electoral%20Act%205%20of%202014.pdf>

## RECOMMENDATION 2

**Namibia's Electoral Act should be updated to include provisions for and limitations on campaign finance contributions.**

Regarding the eligibility of candidates standing for election, there are no restrictions in law or practice that prevent individuals from seeking office based on religion, gender, race or ethnicity and the composition of MPs in Parliament accurately represents a wide cross section of Namibian society. Namibia is strongly guided by the Southern African Development Community's Protocol on Gender and Development<sup>26</sup> and overall, the country compares favourably to other African nations in this regard.

The National Assembly currently has 44 of its 96 elected seats (45.8%) held by women<sup>27</sup> and narrowly missed out on having a majority of female Members at the 2019 General Election, albeit the National Council fares less well with just six of its 42 seats (14.8%) currently being held by women.<sup>28</sup> It is worth noting that many political parties in Namibia have gender equality provisions detailed in their Constitution and that the South West Africa Peoples' Organisation (SWAPO), which has won every national election since Namibia gained independence, maintains a 'zebra policy' on gender equality, whereby Ministerial and Deputy Ministerial roles in each Government Department are filled equally between men and women, with the positions switching between genders in successive Parliaments.

More broadly, Namibia has taken further steps to encourage the representative political participation of other traditionally marginalised groups. The country's Government has a Ministry for Gender Equality, Poverty Eradication and Social Welfare and a bespoke Division dedicated to Disability Affairs and Marginalised Communities which offers a range of services to citizens in these groups, including: advocacy and awareness raising; educational support programmes; livelihood support initiatives; and tailored plans for individual citizens who face particularly challenging circumstances. Furthermore, the Government has appointed a Deputy Cabinet Minister for Marginalised People with specific responsibility for advancing the political participation of minority communities and Parliament has previously passed a far-reaching Affirmative Action Act<sup>29</sup> Ensuring that all branches of Government maximise a clear separation of powers in this regard by implementing their own initiatives is important for the continued political development of Namibia.

### Separation of Powers, Immunity and Natural Justice

The Constitution separates political powers between the Executive, Legislature and Judiciary. Under the Constitution (Chapters 7 and 8)<sup>30</sup> no Member of Parliament may sit in both Houses simultaneously, serve in the Judicial branch, or hold a civil service position in the Executive branch while they are elected to either House of Parliament. Upon taking up their seat in the Legislature, Namibia's Constitution also stipulates that Members of the National Assembly (Article 55)<sup>31</sup> and the National Council (Article 71)<sup>32</sup> shall have the option of making and subscribing to either a religious oath or a solemn affirmation before commencing their political duties. A failure or refusal to take either of these can result in Members being excluded from sitting or voting in that session of Parliament until they do so, but in reality this does not happen and there are no examples of such occurrences having taken place.

When in office, the Powers, Privileges and Immunities Act (Part 1)<sup>33</sup> protects Members of Parliament from liability for anything they say in the Legislature, including after their time in office has come to an end. With the exception of indictable offences, Members are also immune from any civil or criminal proceedings, arrest, imprisonment or damages relating to parliamentary duties both during and after their time serving in Parliament. In another demonstration of positive parliamentary practice, these privileges are also extended to external stakeholders who contribute to the Legislature's proceedings through both the Witness

26 Southern African Development Community – Protocol on Gender and Development 2008. (n.d.). Available at: [www.sadc.int](http://www.sadc.int)

27 Parline: the IPU's Open Data Platform. (n.d.). Data on women in national parliament. [online] Available at: [https://data.ipu.org/node/118/data-on-women?chamber\\_id=13470](https://data.ipu.org/node/118/data-on-women?chamber_id=13470).

28 Parline: the IPU's Open Data Platform. (n.d.). Data on women in national parliament. [online] Available at: [https://data.ipu.org/node/118/data-on-women?chamber\\_id=13471](https://data.ipu.org/node/118/data-on-women?chamber_id=13471).

29 Labour Act 11 of 2007 (GG 3971) brought into force on 1 November 2008. (n.d.). Available at: [https://www.lac.org.na/laws/annoSTAT/Affirmative%20Action%20\(Employment\)%20Act%2029%20of%201998.pdf](https://www.lac.org.na/laws/annoSTAT/Affirmative%20Action%20(Employment)%20Act%2029%20of%201998.pdf)

30 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>.

31 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>.

32 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>.

33 ARRANGEMENT OF ACT. (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Powers%20Privileges%20and%20Immunities%20of%20Parliament%20Act%2017%20of%201996.pdf>

Protection<sup>34</sup> and Whistleblower Protection Acts.<sup>35</sup> The Namibian Parliament should be praised for passing and enforcing both pieces of legislation.

The Constitution (Article 21)<sup>36</sup> includes clear sub judice provisions to protect the independence of Namibia's court system by prohibiting Members of Parliament from discussing issues that are subject to live judicial review. The Powers, Privileges and Immunities Act<sup>37</sup> also provides wider cautionary boundaries for how MPs should conduct their legislative responsibilities under such circumstances. Presiding Officers in both Houses make every effort to ensure that Members comply with these provisions, however, in the event that rules are breached there are no formal mechanisms within Parliament's Standing Rules and Orders that allow members of the public to respond to adverse references made to them during the course of Legislature proceedings.

### **RECOMMENDATION 3**

**Parliament should amend its Standing Rules and Internal Arrangements to allow for a citizens rights of reply scheme in relation to adverse mentions of individuals in the Legislature.**

#### **Remuneration and Benefits**

The size and scale of remuneration, benefits and other statutory entitlements for Members of both the National Assembly and the National Council are based on recommendations made by Namibia's Public Office Bearers Commission.<sup>38</sup> The Commission's functions are set out in the Public Office Bearers (Remuneration and Benefits) Commission Act<sup>39</sup> and it has widespread responsibility for recommending the level of salaries, allowances, and benefits entitled to all Namibian public servants (not just Members of Parliament). While it does appear to enjoy operational autonomy when conducting day-to-day business, application of the Commission's recommendations is ultimately subject to political agreement from the Executive. After conducting research and producing reports, the Commission first consults with the Government's Finance Minister on what it deems to be the appropriate level of financial recompense for MPs before submitting these recommendations to the President for approval. Some stakeholders in Namibia were of the view that Parliament would benefit from having its own remuneration authority – separate to the Public Office Bearers Commission – that would operate less as an Executive agency and more as an independent financial standards authority. Doing so would demonstrate best parliamentary practice and bring the Parliament of Namibia in line with other Commonwealth Legislatures.

### **RECOMMENDATION 4**

**Parliament should establish an independent remuneration authority that without Executive approval sets the size and scale of financial recompense for Namibian legislators.**

#### **Professional Development**

Parliamentary officials conduct induction programmes for all MPs at the beginning of each session of Parliament following a General Election whereby key information concerning the Constitution and Parliament's Standing Rules and Orders are shared with Members to help facilitate their understanding of how the Legislature functions. In general, these appear valuable and well received, however various stakeholders consulted as part of the Self-Assessment exercise voiced a desire for this training to be more comprehensive and conducted on a rolling basis (particularly after elections to the National Council so that regional representatives can also benefit in a similar fashion to colleagues in the National Assembly). There is scope to increase the regularity of these programmes by holding them periodically throughout the life cycle of a Parliament. Doing so would continually develop Members' knowledge and give new officials who take up their role between General Elections a timely opportunity to improve their understanding of best parliamentary practice.

Further collaboration with the CPA – namely by way of Post-Election Seminars<sup>40</sup> – was also suggested as one means of doing

34 Witness Protection Act. (n.d.). Available at Available at: <https://www.lac.org.na/laws/annoSTAT/Witness%20Protection%20Act%2011%20of%202017.pdf>

35 Whistleblower Protection Act. (n.d.). Available at: <https://www.lac.org.na/laws/summaries/Whistleblower.pdf>

36 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>.

37 ARRANGEMENT OF ACT. (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Powers%20Privileges%20and%20Immunities%20of%20Parliament%20Act%2017%20of%201996.pdf>

38 Pobc.gov.na. (2023). Home - GRN Portal. [online] Available at: <https://pobc.gov.na/home>

39 REPUBLIC OF NAMIBIA PARLIAMENT PUBLIC OFFICE-BEARERS (REMUNERATION AND BENEFITS) COMMISSION ACT. (n.d.). Available at: [http://www.commonlii.org/na/legis/num\\_act/poabca2005525.pdf](http://www.commonlii.org/na/legis/num_act/poabca2005525.pdf)

40 [www.cpahq.org](http://www.cpahq.org). (2023). Professional Development. [online] Available at: <https://www.cpahq.org/what-we-do/professional-development/>



this following Namibia's next General (2024) and Local and Regional (2025) elections. To ensure that everybody benefits from offered trainings, it is recommended that participation in these events is spread across the Members and particular attention should be given to those who are newly elected or appointed (MP turnover at the last General Election was around 30%). This would further develop collective understanding of best parliamentary practice and related soft skills across Namibia's Parliament. As cost and lengthy travel distances can sometimes be a barrier for participation at international events, the Parliament should also take advantage of free online courses available through the CPA's Parliamentary Academy.

## RECOMMENDATION 5

**The Legislative Assembly should expand its Professional Development Programmes so that these are held periodically between General Elections and ensure that such opportunities are open to all Members of Parliament.**

### Parliamentary Infrastructure

Namibia's parliamentary buildings – known collectively as 'Tintenpalast' – opened in 1913, are located in central Windhoek, and have remained on the same premises for over a century, spanning the country's German and South African rule, before it gained independence in 1990. Plenary chambers in both the National Assembly and the National Council are bright, spacious, and equipped with impressive modern technology (including electronic voting provisions) that compare well with other African Legislatures. Elsewhere, physical infrastructure includes adequate office space for some Members and staff, a range of rooms dedicated for Committee business, and a parliamentary library (shared between both Houses).

While many of these fundamental pre-requisites are met, several parliamentary stakeholders felt that Tintenpalast's current infrastructure could be improved in various areas to better enable Members and staff to fulfil their legislative responsibilities. While some MPs from both Houses did raise concerns regarding the size of their office space, most issues flagged related to the adequacy of Parliament's library and linked digital capabilities. Various Members highlighted patchy internet coverage, limited online research facilities, and a substandard parliamentary website as three areas in which infrastructural improvement would be particularly beneficial. These issues should be addressed moving forward, with a greater emphasis being placed on modern research facilities and an upgraded parliamentary website. Whilst there are a number of online resource banks that could be utilised by the Parliament, improving its library would help both Members and staff to perform their duties more effectively and efficiently.

It should be noted that in December 2022, the National Assembly and the National Council adopted a new joint E-Strategy<sup>41</sup> (running until 2027) with the twin ambitions of accelerating the efficiency of internal parliamentary operations and providing both Houses with a platform to improve their interaction with external stakeholders. Through the implementation of this Strategy, it is hoped that Parliament will develop a more interactive website alongside other collaborative tools to enhance interaction between MPs and their electorates, while also providing improved means for Members to directly track and monitor national budgets, major development projects and Namibia's international obligations with partners across the globe. To date, implementation of the E-Strategy appears to have been mixed. While the Parliament has improved its ability to conduct hybrid sittings and accelerated progress towards being a completely paper-free Legislature (something that should be commended from an environmental perspective), the Assessment team learned that a dedicated Members' App and planned public engagement improvements to Parliament's website were not yet fully operational.

Alongside the E-Strategy, Parliament has also recently published two separate Strategic Plans covering the 2023-2027 period. Both the National Assembly<sup>42</sup> and the National Council<sup>43</sup> are seeking heightened independence from the Executive and greater powers to govern their own affairs. Ensuring the ambitions contained in these Strategic Plans are realised would be two important steps for the Legislature to enjoy full organisational autonomy and have heightened authority to govern its own affairs.

## RECOMMENDATION 6

**Parliament should seek to improve its physical infrastructure by ensuring all Members and staff have access to adequate office space and a fit-for-purpose Library, while ensuring that the ambitions stated in its Strategic Plans are fully realised to the benefit of everyone who works in the Legislature.**

41 Parliament of Namibia e-strategy 2022-27 (n.d.). Available at: [www.parliament.na/wp-content/uploads/2022/12/Namibia-e-Parliament-Strategy-04-Dec-2022.pdf](http://www.parliament.na/wp-content/uploads/2022/12/Namibia-e-Parliament-Strategy-04-Dec-2022.pdf)

42 The Namibian. (2024). Parliament files for 'divorce'. [online] Available at: <https://www.namibian.com.na/parliament-files-for-divorce/>

43 Namibian Parliament. (n.d.). National Council Staff Meet to Formulate a New Five-Year Strategic Plan. [online] Available at: <https://www.parliament.na/national-council-staff-meet-to-formulate-a-new-five-year-strategic-plan/>

## II. ORGANISATION OF THE LEGISLATURE



### 1. PROCEDURES AND SESSIONS

#### Rules of Procedure

The framework of National Assembly and National Council operations accurately reflects and supports the actual practice and culture of the Legislature. Both Houses are clearly provided for in the Constitution (the National Assembly by Chapter 7 and the National Council by Chapter 8) and have established separate internal rules to guide the conduct of their business. Only Members of each Houses may propose amendments to their respective Standing Rules and Orders, with changes being adopted by a simple majority vote following consideration by the Standing Committee on Rules, Order and Internal Arrangements (National Assembly) and the Standing Committee on Rules, Order and Business (National Council). While the Standing Rules and Orders in each House have been introduced and updated somewhat recently (by the National Assembly in 2021 and the National Council in 2023), there are no means for systematic regular review in place. As is best practice in other Commonwealth Legislatures, Namibia's Parliament would benefit from introducing a periodic review of its Standing Rules and Orders. Doing so would allow the Parliament to take stock of how fit for purpose its internal arrangements are and make any changes that are deemed beneficial. There is also no current requirement that any new rules be adopted with near unanimity. Ensuring that this is the case would add heightened democratic legitimacy to any changes made and guarantee that they are incorporated with the will of each House.

#### RECOMMENDATION 7

**A comprehensive review of the Standing Rules and Orders of each House should be undertaken by relevant Committees of the Legislature at regular intervals and any suggested changes should only be passed if they are agreed by a clear majority of the Assembly.**

#### Presiding Officers

Namibia's Constitution states that Presiding Officers for the National Assembly (Article 51)<sup>44</sup> and National Council (Article 73)<sup>45</sup> should be elected as the first point of business at the constitutive sitting of each House following an election. Both the National Assembly (Rule 7)<sup>46</sup> and National Council (Rule 14)<sup>47</sup> also have clear Standing Rules and Orders outlining their process for doing so. Any Member of the National Assembly who is not a Minister, Deputy Minister, or Chief Whip of a political party is eligible to stand, with all Members of the National Council able to do likewise. In the event of more than one candidate being proposed for the position of Presiding Officer of either House, a secret ballot of all its Members is held. These processes are well followed in the Legislature and the Namibian Parliament should be praised accordingly.

No participants involved in the Self-Assessment raised any issues in relation to the process for electing Parliament's Presiding

44 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>

45 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>

46 STANDING RULES AND ORDERS AND INTERNAL ARRANGEMENTS 2 CONTENTS. (n.d.). Available at: <https://www.parliament.na/wp-content/uploads/2021/08/SROs-booklet.pdf>

47 REPUBLIC OF NAMIBIA NATIONAL COUNCIL STANDING RULES AND ORDERS. (n.d.). Available at: [https://www.parliament.na/wp-content/uploads/2021/08/nc\\_sro.pdf](https://www.parliament.na/wp-content/uploads/2021/08/nc_sro.pdf)

Officers or flagged particular concerns regarding how the Legislature's Standing Rules and Orders are applied. Praise should be given to Hon. Speaker Katjavivi and Hon. Chairperson Muha for not only how they currently preside over their respective Houses, but also for their shared ambition to further improve broader parliamentary operations. It is important that Parliament is led effectively from the front, and this is clearly evident in Namibia.

### Convening Sessions and Setting the Agenda

Namibia's Constitution requires the National Assembly to hold two sittings per calendar year with the Assembly's Standing Rules and Orders regulating these to be from the second week of February to the second week of July (with May as a month of adjournment) and from the second week of September to the end of November. Sittings dates for the National Council are set by the Chairperson in consultation with the Council's Standing Committee on Rules, Orders and Business.

The Parliament meets regularly with 92 sitting days held in 2023. The times and days of sittings for both Houses are explicitly provided in their internal rules to allow for effective conduct of business and to avoid the affairs of one House conflicting with the other. The National Assembly's sitting pattern is 2:30PM to 5:45PM on Tuesdays, Wednesdays and Thursdays and 9:00AM to 12:30PM on Friday each week except for public holidays (Rule 18)<sup>48</sup>, with the National Council sitting from 9:30AM to 1:00PM on Mondays, Tuesdays, Wednesdays and Thursdays each week except for public holidays (Rule 27)<sup>49</sup>. The Standing Rules and Orders of both Houses also allow for the convening of special sessions of Parliament beyond the regular sitting pattern if the Presiding Officer of either House believes calling one is necessary, urgent or in the public interest. Current sitting arrangements allow Parliament to consider the majority of its planned business, however the Self-Assessment team learned that there are occasions when not all scheduled agenda items are dealt with in Plenary. Increasing the length of parliamentary sittings beyond current half-day arrangements would ensure that the agenda is fully adhered to and improve the Legislature's ability to fully consider all of the business brought before it.

Agendas for Parliament are set out in daily Order Papers prepared by the Secretaries in consultation with their respective Presiding Officers. The Presiding Officers of both Houses also have the power to arrange or alter proceedings as they see fit. More broadly, the National Assembly establishes an annual business calendar providing an indicative outline of what legislation will be considered when which, in a positive demonstration of democratic practice, is publicised on Parliament's website. The National Council doesn't do likewise because much of its working pattern is shaped by legislative developments in the National Assembly. The production of a parliamentary calendar is highly commendable for planning purposes but also as a measure of performance and accountability, however it needs to be adhered to. Several stakeholders consulted as part of the Self-Assessment raised concerns that non-adherence to the parliamentary calendar by Members of the National Assembly had a negative impact on the National Council's ability to perform as an effective House. This not only reflects poorly upon the internal management of Parliament but, crucially, fails to deliver for the people of Namibia. Political priorities understandably change throughout the course of annual sittings and, as such, the Parliament would benefit from reviewing its calendar throughout the year to ensure that all critical issues are considered by Members of both Houses.

### RECOMMENDATION 8

**Where possible, Members of Parliament should prioritise adherence to the annual business calendar and review it periodically to ensure that all issues of particular political importance are considered and to improve legislative functionality between their two Houses.**



48 STANDING RULES AND ORDERS AND INTERNAL ARRANGEMENTS 2 CONTENTS. (n.d.). Available at: <https://www.parliament.na/wp-content/uploads/2021/08/SROs-booklet.pdf>

49 REPUBLIC OF NAMIBIA NATIONAL COUNCIL STANDING RULES AND ORDERS. (n.d.). Available at: [https://www.parliament.na/wp-content/uploads/2021/08/nc\\_sro.pdf](https://www.parliament.na/wp-content/uploads/2021/08/nc_sro.pdf)

## Petitions

Petitions are a key tool for public participation in parliamentary processes. The Parliament of Namibia has clear procedures for allowing the meaningful consideration of these in its legislative procedures and any member of the public is permitted to submit a petition. This is a positive demonstration of good parliamentary practice and should be praised. In their Standing Rules and Orders, both the National Assembly (Rules 92-97) and National Council (Rules 44-50) outline clear provisions covering how citizens can form, sign and lodge a petition, how the Presiding Officers of both Houses will delegate them within Parliament, the powers given to parliamentary Committees when considering petitions, and details relating to how Parliament will take them forward (should it choose to do so). In a further demonstration of good democratic practice, the Parliament has established with other development partners a useful fact sheet on the public petitioning system:

### Public petitioning system in the Parliament of Namibia.



Source: [https://namibia.hss.de/fileadmin/user\\_upload/Projects\\_HSS/Namibia/Uploads/Advocacy\\_3\\_-\\_Petitions.pdf](https://namibia.hss.de/fileadmin/user_upload/Projects_HSS/Namibia/Uploads/Advocacy_3_-_Petitions.pdf)

Whilst the official internal arrangements for Parliament clearly outline procedures for the public to submit petitions, the Self-Assessment team was told by some stakeholders that, in reality, this function is not widely used. The principal reason for this highlighted by participants was the current lack of an online submission tool on Parliament's website. Establishing this on the parliamentary homepage and introducing a threshold for signatures (which, if reached, would mandate its consideration on the floor of both Houses) would be a positive demonstration of transparency/accountability and bring the Parliament of Namibia in line with other Commonwealth Legislatures.

## RECOMMENDATION 9

**Both Houses of Parliament should amend their Standing Rules and Orders to strengthen petition process provisions, guarantee their public consideration if a numerical threshold is met, and ensure that an electronic submission tool features prominently on the parliamentary website.**

## 2. COMMITTEES

### Organisation

The Parliament has an active and wide-ranging Committee system. Committees of the National Assembly and the National Council meet regularly and typically do so beyond scheduled Plenary sittings of both Houses. For the most part, Committee meetings are open to the public, unless the Committee in question decides otherwise that the business it is considering that day is of a sensitive or confidential nature. Committees not only scrutinise Government ministries and draft legislation, but also enjoy wider policy development provisions through the ad hoc conducting of investigations, holding of hearings, and publishing of material related to these (so long as it is tabled in their respective Houses before doing so).

Namibia's Constitution (Article 59)<sup>50</sup> mandates the National Assembly to maintain strong provisions in its Standing Rules and Orders for the establishing, functioning and procedures of Committees, as may appear to it to be expedient or necessary. The National Assembly is currently comprised of eight Standing (Portfolio) Committees<sup>51</sup> covering: Constitutional and Legal Affairs; Economics and Public Administration; Natural Resources; Foreign Affairs, Defence and Security; Gender Equality; Social Development and Family Affairs; Human Resources and Community Development; Information, Communication, Technology and Innovation; and Public Accounts. The National Assembly also has two Administrative Committees covering: Privileges and Immunities; and Standing Rules, Orders and Internal Arrangements.

Whilst there are no like-for-like Constitutional requirements relating to the National Council, its own Standing Rules and Orders outline similar provisions for the establishment and operations of its Committees. The National Council currently comprises six Standing (Portfolio) Committees<sup>52</sup> covering: Public Accounts and Economy; Home Affairs, Security, Constitutional and Legal Affairs; Transport, Infrastructure and Housing; Education, Science, ICT and Youth Development; Agriculture, Environment and Natural Resources; and Health, Social Welfare and Labour Affairs. It also has two internal Administrative Committees responsible for: Implementation and Coordination; and Standing Rules, Orders and Business.

Both Houses also allow for the establishment of temporary Select Committees to be constituted for a time-limited period to consider particular legislative issues that present themselves.

A notable (and commendable) practice in the Parliament of Namibia is that both Standing and Select Committees in each House may in cases of common interest communicate their evidence to each other and meet jointly should it be felt beneficial to do so. This provision encourages positive legislating within and between the two Houses and should be praised.

At the start of each parliamentary session, the National Assembly's Standing Rules, Orders and Internal Arrangements Committee (chaired by the Speaker) decides which other Standing and Select Committees should be established. Political parties nominate Members to serve on these Committees (with theoretical due regard for their proportional representation in the House) at which point the Standing Rules, Orders and Internal Arrangements Committee decides how many Members will serve on each Committee and who they should be. In the National Council, its Steering Committee (comprising the Chairperson, Vice-Chairperson, and Party Whips) decides which Members serve on each of its Committees, with the only two limiting factors being that all Committees should comprise at least five Members and no Member is allowed to serve on more than one Committee.

From feedback provided by multiple stakeholders, it was clear to the Self-Assessment team that Parliament's current lack of formal regulations regarding the size and composition of its Committees has a negative impact on their ability to conduct effective legislative scrutiny. Some Committees in the National Assembly have overly-substantial memberships and, as such, can be unwieldy and inefficient in their business, while others in the National Council are sufficiently small that minority parties often lack representation and quorum issues are common. Regularising the establishment of Committees to take account of these two factors would better ensure that all parliamentary Committees are fit for purpose and fairly represent every political party in the Legislature.

## RECOMMENDATION 10

**Parliament should amend its Standing Rules and Orders to establish clear numerical limitations on how many Members can serve on its Committees and ensure that all political parties represented in the Legislature are fairly allocated a proportionate number of Members on each Committee.**

The Standing Rules and Orders of both Houses provide for the election of Committee Chairpersons and Vice-Chairpersons by the membership of the Committee itself before commencement of any business in the first sitting (Rule 57/Rule 162).<sup>53</sup> While this is a clear demonstration of good parliamentary practice, feedback from some stakeholders consulted as part of the Self-Assessment exercise revealed otherwise. Several concerns were raised that the numerical strength of political parties (rather than the quality, competences and skills of candidates) was the principal influence on which Members are elected Committee Chairpersons and Vice-Chairpersons. Accordingly, there is a dominance of Members from the ruling SWAPO Party in the leadership of Parliament's Committees, except for the two Public Accounts Committees, which positively are required to be led by Members of the official Opposition. Effective Committees are an invaluable component of any effective Legislature and the Parliament would benefit from ensuring that those Members who hold Chairperson positions are able to carry out their responsibilities to full effect by way

50 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>

51 Namibian Parliament. (n.d.). Standing Committees- National Assembly. [online] Available at: <https://www.parliament.na/standing-committees/>

52 Namibian Parliament. (n.d.). Standing Committees- National Council. [online] Available at: <https://www.parliament.na/standing-committees-national-council/>

53 STANDING RULES AND ORDERS AND INTERNAL ARRANGEMENTS 2 CONTENTS. (n.d.). Available at: <https://www.parliament.na/wp-content/uploads/2021/08/SROs-booklet.pdf> and REPUBLIC OF NAMIBIA NATIONAL COUNCIL STANDING RULES AND ORDERS. (n.d.). Available at: [https://www.parliament.na/wp-content/uploads/2021/08/nc\\_sro.pdf](https://www.parliament.na/wp-content/uploads/2021/08/nc_sro.pdf)

of providing additional training opportunities. To this end, the CPA's online Parliamentary Academy<sup>54</sup> will be launching a new course on how to effectively chair Committees later this year, and we encourage Namibian Members and supporting staff from both Houses to take up this opportunity for further learning and development.

## **RECOMMENDATION 11**

**Parliament should prioritise mechanisms for strengthening the competence and skills of Committee Chairpersons and Vice-Chairpersons. This will ensure that all Chairs are able to perform their role effectively.**

### **Powers and Resources**

As explained above, the powers and resources assigned to parliamentary Committees derive (directly) from Parliament's internal Standing Rules and Orders and (indirectly) from Namibia's Constitution. Several aspects of the Committee set-up in Parliament function well with Committees meeting often, producing regular reports, and enjoying the power to summon required persons, papers and documents deemed necessary to facilitate their legislative work. These are all excellent demonstrations of good parliamentary practice and should be commended.

While acknowledging these positive achievements, the Self-Assessment team established that not all draft legislation considered by Parliament is routinely referred to a relevant Standing Committee in either House. This is an undoubted shortcoming in how the Namibian Parliament currently conducts its affairs and should be rectified at the earliest opportunity. Committees are an essential component of sound legislative scrutiny. Not only do they provide MPs with an opportunity to use their expertise to conduct detailed examination of draft Bills, but they also give citizens another invaluable chance to engage with a political process that ultimately shapes the laws that govern how they can lead their lives.

## **RECOMMENDATION 12**

**Parliament should amend its Standing Rules and Orders to make it mandatory for all draft legislation to be referred to an appropriate parliamentary Committee and to provide adequate opportunity for all Members to scrutinise, debate and affect the legislative process.**



54 [www.cpahq.org](http://www.cpahq.org). (n.d.). The CPA Parliamentary Academy. [online] Available at: <https://www.cpahq.org/parliamentary-academy/>

### 3. POLITICAL PARTIES, PARTY GROUPS, CROSS-PARTY GROUPS, AND THE OPPOSITION

#### Political Parties

The right for citizens to establish or join a political party of his or her choice is well protected in Namibia's Constitution (Article 17).<sup>55</sup> Currently, 12 political Parties are represented in Parliament, namely: South West Africa People's Organisation (SWAPO); Popular Democratic Movement (PDM); Landless People's Movement (LPM); National Unity Democratic Organisation (NUDO); All People's Party (APP); United Democratic Front (UDF); Republican Party (RP); Namibia Economic Freedom Fighters (NEFF); Rally for Democracy and Progress (RDP); Christian Democratic Voice (CDV); South West Africa National Union (SWANU); and Independent Patriots for Change (IPC). Having this number of parties established in Parliament ensures that many different citizens views from across the political spectrum are represented in the country's Legislature.

Parliament's leadership also endeavours to provide adequate facilities and resources for all party groups represented in both the National Assembly and the National Council. In fact, Namibia's Electoral Act (Section 154)<sup>56</sup> places a legal obligation on the National Assembly to fund political parties represented in Parliament with monies appropriated by Parliament for that purpose. The Act (Section 155)<sup>57</sup> further establishes a clear formula for ensuring that the distribution of party-political funds is done so in accordance with a clear formula that is determined by the Finance Minister (with approval of the National Assembly) and based on the principle of proportional representation whereby parties are allocated funds commensurate with their number of elected MPs. This practice is transparent, accountable, and commendable.

Alongside formal political parties, Namibia's Parliament appears to have a strong tradition of Members forming interest groups and caucuses around particular issues. While the internal arrangement in neither the National Assembly nor the National Council provide clear rules and regulations relating to these groups, several Members consulted by the Self-Assessment team spoke of their active involvement in a range of areas. Parliament's leading interest group is the Women's Parliamentary Caucus (WPC), which was established in 1996, aims to address common issues affecting women in Namibia, and examines policies, legislation and budgets in terms of gender equity. Whilst this is another highly positive demonstration of sound parliamentary practice that should be praised, the Parliament could go further in its support for interest groups and caucuses by providing them with a formal annual budget to carry out their work and undertake important outreach activities with external stakeholders.

One important area, however, where the Parliament appears to be falling short is in provisions made for opposition MPs in terms of how they can effectively shape legislation. Parliamentary business is dominated by the ruling SWAPO party and the Self-Assessment team was not made aware of any initiatives (such as Opposition Days or Backbench Business Debates) currently in operation. Furthermore, under the National Assembly's Standing Rules and Orders (Rule 177)<sup>58</sup>, Standing and Select Committees are prohibited from publishing minority reports or ensuring that they are given due consideration in plenary debates. These circumstances can also contribute to limiting the ability of opposition Members to have their voice heard.

### 4. PARLIAMENTARY ADMINISTRATION AND STAFF

#### Parliamentary Staff

Staff in Parliament are currently recruited and regulated under Namibia's Public Service Act, which explicitly states (Section 2)<sup>59</sup> that: 'there shall be a Public Service for the Republic of Namibia which shall be impartial and professional in its effective and efficient service to the Government in policy formulation and evaluation and in the prompt execution of Government policy and directives so as to serve the people of the Republic of Namibia and promote their welfare and lawful interests'. As provided for in the Act (Section 13)<sup>60</sup>, parliamentary staff have the same legal status as civil servants working for the Executive and their remuneration is determined by the Prime Minister depending on their post and rank. In 2014, the Namibian Constitution was amended to provide for the appointment of the Secretaries to the National Assembly and the National Council by the Presiding Officers of both Houses.

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55 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>

56 Electoral Act 5 of 2014 ARRANGEMENT OF SECTIONS CHAPTER 1 INTRODUCTORY PROVISIONS 1. Definitions and interpretation CHAPTER 2 ELECTORAL COMMISSION OF NAMIBIA. (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Electoral%20Act%205%20of%202014.pdf>

57 Electoral Act 5 of 2014 ARRANGEMENT OF SECTIONS CHAPTER 1 INTRODUCTORY PROVISIONS 1. Definitions and interpretation CHAPTER 2 ELECTORAL COMMISSION OF NAMIBIA. (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Electoral%20Act%205%20of%202014.pdf>

58 REPUBLIC OF NAMIBIA NATIONAL COUNCIL STANDING RULES AND ORDERS. (n.d.). Available at: [https://www.parliament.na/wp-content/uploads/2021/08/nc\\_sro.pdf](https://www.parliament.na/wp-content/uploads/2021/08/nc_sro.pdf)

59 REGULATIONS MADE IN TERMS OF. (n.d.). Available at: <https://www.lac.org.na/laws/annoREG/Public%20Service%20Act%2013%20of%201995-Regulations%201995-211.pdf>

60 REGULATIONS MADE IN TERMS OF. (n.d.). Available at: <https://www.lac.org.na/laws/annoREG/Public%20Service%20Act%2013%20of%201995-Regulations%201995-211.pdf>

Despite clear Constitutional provisions (Article 52)<sup>61</sup> for doing so, the Parliament of Namibia has not yet established an independent Parliamentary Service Commission or equivalent body.

It fast became clear to the Self-Assessment team that this is urgently needed by the Parliament to help it improve performance across a wide range of core business-critical areas, one of which is the recruitment and retaining of well-qualified staff who can serve the unique needs of a national Legislature. In discussions with several parliamentary stakeholders, we were told that a draft Bill relating to the creation of a Parliamentary Service Commission has been in existence for over 20 years but, to date, has not been tabled in the National Assembly. Establishing such a body would empower the Parliament to run its own affairs separately to the Executive and bring Namibia in line with other Commonwealth Legislatures. This would ensure there is a clear separation of powers between the Executive and Legislature.

### **RECOMMENDATION 13**

**As a matter of urgency, Parliament should fast-track legislation to establish an independent Parliamentary Service Commission.**



61 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>



### III. FUNCTIONS OF THE LEGISLATURE

#### 5. LEGISLATIVE FUNCTION

##### Legislative Process

Namibia's Constitution<sup>62</sup> is the supreme law of the land and no proposed legislation may contradict its provisions. The full Cabinet, an individual Minister, a Member of the National Assembly, a Non-Governmental Organisation or indeed any private citizens can propose a law, albeit the vast majority of legislation introduced originates from the Executive. Once approved by Cabinet and verified by the Attorney General for constitutional compliance, draft Bills are tabled in the National Assembly to begin their legislative journey. Pending approval by the National Assembly, Bills undergo the same stages of scrutiny in the National Council before ultimately requiring approval from the President.<sup>63</sup>



The Namibian Parliament largely follows the traditional Westminster model of legislative scrutiny and both Houses of Parliament have multiple opportunities to propose and adopt amendments to draft Bills as per the Constitution (Chapters 7-8)<sup>64</sup> and their own Standing Rules and Orders (Rules 32-53/Rules 107-146).<sup>65</sup> Several stakeholders consulted as part of the Self-Assessment exercise did, however, argue that the law-making process would benefit from Members of the National Council proposing legislation (currently only Members of the National Assembly do so) and introducing provisions to allow both Houses of Parliament to scrutinise the authority and scope of secondary, delegated or subordinate legislation. To this end, there appear to be limited resources within the parliamentary administration for elected Members to seek legal advice when drafting and tabling amendments to proposed Bills. Introducing and improving provisions in both regards would increase the coverage and quality of legislative scrutiny with respect to initiatives put forward by the Executive.

#### RECOMMENDATION 14

**Parliament should explore means of allowing Members of both Houses to scrutinise secondary, delegated or subordinate legislation and strengthening legal support within the parliamentary administration to better allow MPs of both Houses to draft and propose amendments to draft Bills.**

62 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>.

63 Republic of Namibia Ministry of Justice. (n.d.). Available at: [57b7f5a5-f562-9e04-6075-ca7066c82746 \(gov.na\)](https://www.gov.na/57b7f5a5-f562-9e04-6075-ca7066c82746)

64 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>.

65 STANDING RULES AND ORDERS AND INTERNAL ARRANGEMENTS 2 CONTENTS. (n.d.). Available at: <https://www.parliament.na/wp-content/uploads/2021/08/SROs-booklet.pdf> and REPUBLIC OF NAMIBIA NATIONAL COUNCIL STANDING RULES AND ORDERS. (n.d.). Available at: [https://www.parliament.na/wp-content/uploads/2021/08/nc\\_sro.pdf](https://www.parliament.na/wp-content/uploads/2021/08/nc_sro.pdf)



Portrait of former President Geingob in the Namibian Parliament

Another area in which improvements could be made relate to Parliament's ability to conduct equality impact assessments regarding the development of legislation, policies and budgets. At present, responsibilities for drafting the annual national budget sits solely with the Minister of Finance and, upon receiving their proposals, Parliament is allotted 30 days to review. While Parliament does have the ability to accept or reject Government budget proposals, there do not appear to be clear means for it to suggest the re-allocation of financial provisions from one sector to another. Several stakeholders consulted as part of the Self-Assessment exercise felt that this was insufficient and did not allow MPs enough time to adequately consider its merits and impact on different sections of Namibian society. Proposals to establish a Budget Committee (elected Members) and Budget Office (parliamentary staff) have been discussed but, at the time of writing, neither have come to fruition. Doing so would greatly increase Parliament's ability to scrutinise the Government's annual budget proposals but also positively bring it in line with other Commonwealth Legislatures.

### **RECOMMENDATION 15**

**Parliament should establish a Budget Committee within its Standing Committee framework and create a designated Budget Office with equality framework provisions at staff level to better enable the Legislature to conduct effective scrutiny of financial matters.**

One further concern raised by stakeholders consulted as part of the Self-Assessment exercise related to Parliament's ability to conduct pre-legislative (impact assessments) scrutiny of draft Bills and post-legislative (implementation monitoring) scrutiny of Laws that have entered into force. Whilst broad monitoring is done by Committees in both Houses, there are currently no formal assessment tools in place that allow Parliament to evaluate the suitability of specific pieces of legislation or the efficacy of their implementation.

Both pre-legislative and post-legislative scrutiny are core functions of many Commonwealth Parliaments. Pre-legislative scrutiny can take various forms but has a number of benefits including creating opportunities for Parliament to influence legislation at an early stage, drawing upon particular policy expertise that individual Members might have, and providing a key tool for Civil Society Organisations and wider members of the public to engage with crafting the laws that ultimately shape their lives. All of these measures together act as a form of quality control to ensure that legislation is in its best possible form before entering into force. Post-legislative scrutiny has the aim of ensuring that Acts of Parliament have done or are doing what they were originally intended to achieve. It heightens accountability that those tasked with implementing particular laws are doing so effectively and offers an opportunity to evaluate whether alternative means of reaching intended goals could be pursued. As with pre-legislative scrutiny, post-legislative scrutiny can take various forms but ultimately should lead to better legislation, better government, and better outcomes for the citizens of Namibia.

### **RECOMMENDATION 16**

**The Legislative Assembly should seek to develop means of conducting pre-legislative and post-legislative scrutiny to improve the quality of its lawmaking and ensure that it delivers maximum benefit for the citizens of Namibia.**

## The Public and Legislation

All Namibian citizens have the right to propose legislation to Parliament, albeit instances of this happening are rare. Once a draft Bill has been presented to Parliament (by either a Government Minister or as a Private Member's Bill), information relating to the Bill is published and public input is allowed. Both Houses of Parliament have public viewing galleries enabling Namibian citizens to attend plenary sittings in person and proceedings of these sessions are also streamed online. While these provisions are positive, one area where Parliament could significantly improve its engagement with the public is the production of its official records.<sup>66</sup> Both the National Assembly and the National Council record proceedings in Hansard although their systems for doing so are weak. Currently, the production of Hansard, which is a core internal function of many Parliaments, is outsourced by the National Assembly (but not the National Council) with a skeleton team of internal staff. At the time of writing, the Hansard page on Parliament's website is empty and, without any quality or timeliness standards for producing Hansard accounts, it often takes several months for records to be produced. This should be addressed as a priority issue to increase transparency of the Legislature's business and improve public input with regards to the political process.

### RECOMMENDATION 17

**Both Houses should, as a matter of priority, improve their Hansard production, and ensure it is uploaded to Parliament's website in a timely manner.**



Principal Committee Room in the Namibian Parliament

## 6. OVERSIGHT FUNCTION

### Oversight of the Executive

The Parliament enjoys broad oversight responsibilities across a range of legislative functions and appears to receive information from the Executive branch, for the most part, in a meaningful and timely manner with both Houses' Standing Rules and Orders (Chapter 9/Chapter 10)<sup>67</sup> outlining clear provisions for how the Executive should provide responses to oral and written questions. The National Assembly in general enjoys more oversight mechanisms than the National Council. For example, its Committee on Foreign Affairs, Defence and Security maintains regular oversight of Namibia's military, security and intelligence services (there is no equivalent Committee in the National Council) and power to monitor the affairs of state-owned enterprises rests solely

66 Namibian Parliament. (n.d.). Hansards. [online] Available at: <https://www.parliament.na/hansards/>

67 STANDING RULES AND ORDERS AND INTERNAL ARRANGEMENTS 2 CONTENTS. (n.d.). Available at: <https://www.parliament.na/wp-content/uploads/2021/08/SROs-booklet.pdf> and REPUBLIC OF NAMIBIA NATIONAL COUNCIL STANDING RULES AND ORDERS. (n.d.). Available at: [https://www.parliament.na/wp-content/uploads/2021/08/nc\\_sro.pdf](https://www.parliament.na/wp-content/uploads/2021/08/nc_sro.pdf)

with the National Assembly's Public Accounts Committee (without being shared with the National Council's PAC). Introducing provisions that enable Members of the National Council to access equivalent oversight responsibilities to those enjoyed by Members of the National Assembly would strengthen Parliament's means of scrutinising the Executive.

Another area in which the National Assembly enjoys greater oversight responsibilities than the National Council is in regard to Namibia's international obligations and its commitment towards UN Sustainable Development Goals.<sup>68</sup> The Constitution (Article 144)<sup>69</sup> enables the National Assembly to decide whether or not to join international agreements negotiated and signed by the President while also including provisions that allow it to recommend Namibia leave any international accord agreed to before independence was gained in 1990. There are no equivalent provisions for the National Council in either of these regards.

### **Oversight of Independent Constitutional Bodies**

Namibia has a public Ombudsman<sup>70</sup> office that is regulated by a standalone Ombudsman Act.<sup>71</sup> The Ombudsman is appointed by the President upon recommendation of the Judicial Service Commission<sup>72</sup> comprising Namibia's Chief Justice, a judge appointed by the President, the Attorney-General and two members of the legal profession. The Ombudsman produces annual reports and shares these with Parliament however, it is only the National Assembly's Standing Committee on Constitutional and Legal Affairs that examines these (without any obligation to refer such reports to the National Council). This way of work is replicated with Namibia's Anti-Corruption Commission<sup>73</sup> albeit, at the time of writing, Namibia does not have a standalone Human Rights Commission (its work currently falls under the auspices of the Ombudsman). Establishing one would be a welcome addition to further strengthening the quality and integrity of Namibia's political process.

### **Financial and Budget Oversight**

Namibia has an Auditor-General<sup>74</sup> whose role and remit is clearly provided for in the Constitution (Article 127).<sup>75</sup> The Auditor-General is appointed by the President upon recommendation by Namibia's Public Service Commission<sup>76</sup> pending approval by the National Assembly. The Auditor-General's core responsibility to Parliament is to conduct annual regulatory audits of Government Offices, Ministries and Agencies (OMAs), Regional Councils, Local Authorities and other public bodies before providing legislators with reports detailing whether or not the organisation in question has managed its affairs in line with sound financial principles, complied with relevant legal frameworks, and provided sufficient evidence demonstrating how it has spent public funds. While the Constitution and separate State Finance Act<sup>77</sup> stipulate that the Auditor-General should provide timely annual reports to Parliament, the Self-Assessment team learned that this was not always the case. Various explanations for this were given by different stakeholders including: organisations under audit not providing the Auditor-General's office with all the information or budgets it requests in an expedient manner; the office itself having insufficient staff resources; and the Government's Finance Minister (as is their responsibility under the State Finance Act) not tabling audit reports in Parliament at the earliest opportunity. It was felt by some stakeholders that establishing a bespoke Act of Parliament to strengthen the Auditor-General's legal authority to conduct audits and independently table these in the Legislature would be of considerable benefit.

### **No Confidence and Impeachment**

Parliament has clear mechanisms to impeach or censure the Executive and express no-confidence in the Government. Namibia's Constitution (Article 29)<sup>78</sup> stipulates that a President shall be removed from office if a two-thirds majority of Members in both Houses adopt a Resolution impeaching the President on the grounds that they have violated the Constitution, broken the law of the land, or otherwise been found guilty of misconduct rendering them unfit to hold Presidential office. In the event of a President being removed from office with more than one year remaining in their term, then a snap election is held within 90 days of the incumbent having left office. Should a President be removed from office in the final 12 months of their term, then their Vice-President will assume office until the next scheduled General Election.

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68 United Nations (2015). The 17 Sustainable Development Goals. [online] United Nations. Available at: <https://sdgs.un.org/goals>.

69 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>.

70 Anon, (n.d.). Office of the Ombudsman – Office of the Ombudsman. [online] Available at: <https://ombudsman.org.na>

71 Gg (n.d.). Ombudsman Act 7 of 1990. [online] Available at: <https://www.lac.org.na/laws/annoSTAT/Ombudsman%20Act%207%20of%201990.pdf>

72 [www.judiciary.na](https://www.judiciary.na). (n.d.). Office of the Judiciary. [online] Available at: <https://www.judiciary.na/pages/commissions/>

73 Acc.gov.na. (2022). HOME - ACC - GRN Portal. [online] Available at: <https://acc.gov.na/home>

74 ag.gov.na. (2021). Home - OAG - GRN Portal. [online] Available at: <https://oag.gov.na/>

75 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>.

76 PSC. (2023). HOME - PSC - Portal Ariel. [online] Available at: <https://psc.gov.na/home>

77 State Finance Act 31 of 1991 State Finance Amendment Act 1 of 2022 (GG 7766) ARRANGEMENT OF SECTIONS 1. Definitions PART I BANKING ACCOUNTS, ACCOUNTING SYSTEM, DEFAYAL OF EXPENDITURE AND RECOVERY OF LOSSES OR DAMAGES 2. Accounts at Bank or commercial banks. (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/State%20Finance%20Act%2031%20of%201991.pdf>

78 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>.

## 7. REPRESENTATION FUNCTION

### Representation of Constituents

The Namibian Parliament places a high value on its representational function with Members and officials of both Houses committed to a range of strategic outreach programmes designed to educate citizens about the work of the Legislature and empower them to participate fully in the wider political process.<sup>79</sup> This should be applauded. Parliament's Research and Information Services Division conducts regular tours of the Tintenpalast and coordinates two principal types of outreach activities:

1. Taking Parliament to the People – this programme is conducted by the Presiding Officers of both Houses and aims to bridge the gap between Parliamentarians and the public by having the Legislature carry out various activities away from its main site in Windhoek. The Speaker's/Chairperson's dedicated Outreach Programme appears effective at consulting constituencies on how Parliament is delivering for them while supplementary public hearings and Committee visits to Namibia's regions further compliments this important work.
2. Imparting Parliamentary Knowledge – this programme is conducted by officials from Parliament's Research and Information Services Division and aims to disseminate information about Parliament to the wider public to improve their understanding of the Legislature, as well as the wider benefits of democratic governance. Officials from Parliament run a bespoke School Programme, participate in University career fairs and regularly attend local trade events with representatives of Namibian business and industry communities.

Whilst these civic education schemes have proven successful in improving levels of knowledge and political participation among the Namibian electorate, several stakeholders consulted as part of the Self-Assessment exercise stressed that more practical steps could be taken to increase the direct benefit of Parliament's work to its voters, principally by way of implementing Constituency Development Funds. It is worth stressing that Constituency Development funds are not a 'silver bullet' for ensuring that all grassroots needs are met and that they are only successful when targeted at specific projects, implemented appropriately, free from potential misuse, and independently monitored by a relevant auditing authority. At the time of writing, a Constituency Development Fund Bill has been proposed by the National Council – in conjunction with representatives of Namibia's 14 regions – but not taken forward by Members of the National Assembly.<sup>80</sup> Doing so would not only provide local communities at the constituency level with dedicated resources to initiate and implement their own development projects but would also be the first piece of national legislation to emanate from the National Council. The CPA has produced a bespoke Handbook<sup>81</sup> relating to the development and implementation of Constituency Development Funds which Members and officials in the Namibian Parliament may find beneficial when taking forward this issue.

### Representation of Women

As outlined earlier in this Report, the Namibian Parliament compares favourably with other African Legislatures in terms of female representation among its elected membership (particularly with respect to the National Assembly). Within Parliament's leadership structure, both the National Assembly's Deputy Speaker (Hon. Prof. Loide Kasingo) and the National Council's Vice-Chairperson (Hon. Victoria Kauma) are female, while various senior positions within the parliamentary administration – including Secretary to the National Assembly – are held by women. More broadly, the Legislature also runs a dedicated Rural Women Parliament<sup>82</sup> initiative which acts as a forum to improve grassroots opportunities for women to access information on political developments across Namibia and exchange experiences on how to deal with socio-economic challenges in their particular communities.



79 Namibian Parliament. (n.d.). Outreach. [online] Available at: <https://www.parliament.na/outreach/>

80 Namibian Parliament. (n.d.). MPs of National Council Frustrated with Progress Made on CDF Bill. [online] Available at: <https://www.parliament.na/mps-of-national-council-frustrated-with-progress-made-on-cdf-bill/>

81 Handbook on Constituency Development Funds (CDFs): Principles and Tools for Parliamentarians Published by the Commonwealth Parliamentary Association [www.cpahq.org](http://www.cpahq.org) Handbook on Constituency Development Funds (CDFs): Principles and Tools for Parliamentarians | 1. (n.d.). Available at: <https://www.cpahq.org/media/cc4alwaf/cdfs-handbook-updated-2016.pdf>

82 Namibian Parliament. (n.d.). Rural Women Parliament. [online] Available at: <https://www.parliament.na/parliamentary-events/rural-women-parliament/>

## 8. PARLIAMENTARY ASSISTANCE, NETWORKING AND DIPLOMACY

### Commonwealth Connections

Namibia established its CPA Branch in 1990, has been an active member of the network for several years, and both Houses of Parliament have a healthy track record of sending delegates to regional and global CPA conferences. Members of both the National Assembly and the National Council enjoy positive working relationships with counterparts from across the Commonwealth and have participated in a range of regional seminars and workshops in recent years.

The Parliament has close relations with a number of Namibia's immediately neighbouring Legislatures including Angola, Botswana and (in particular) South Africa with regular contact at both the political and official level commonplace. More broadly, Members of both Houses represent Namibia in the Pan-African Parliament<sup>83</sup> (PAP) which brings together legislators from across Africa to strengthen continental political integration and economic development.

A majority of stakeholders consulted as part of the Self-Assessment Exercise were generally positive about the scope and success of Namibia's current inter-parliamentary relations albeit MPs from both Houses voiced a desire to have them strengthened further. It was noted by some more recently elected Members that opportunities to attend various international conferences was often limited to longer-serving senior colleagues (particularly from the ruling party) and, to this end, Parliament should ensure that chances to participate in these events are evenly distributed across party lines and allow MPs of varying seniority to benefit from the value that they provide.



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83 au.int. (n.d.). The Pan-African Parliament | African Union. [online] Available at: <https://au.int/en/pap>.

## IV. VALUES OF THE LEGISLATURE

### 9. ACCESSIBILITY, OPENNESS AND ENGAGEMENT

#### Language

Both Houses principally provide for the use of English in all business relating to Parliament and, as well as being the official working language of the Legislature, its agendas, rules, records, reports, and communications are all produced in English. Presiding Officers of both the National Assembly and National Council are permitted to allow the use of other languages in their respective Houses (so long as adequate interpretation and translations provisions are in place) however the Self-Assessment exercise demonstrated that any MPs or members of the public not fluent in English were disadvantaged in their ability to engage with parliamentary activities. While English is widely spoken throughout Namibia, this is not true for everyone. Making provisions to translate material relating to Parliament's activities in house (for MPs) and online (for the public) would represent a positive step for the Legislature in terms of how it conducts its affairs and engages with the electorate.

#### Public Engagement

The Constitution (Article 61)<sup>84</sup> requires all meetings of the National Assembly to be held in public (unless the business under consideration is of a particularly sensitive or confidential nature) and for members of the public to have access to such meetings. Separate to the Constitution, the National Council also provides for sittings being open to the public in its Standing Rules and Orders (Rule 9).<sup>85</sup>

While holding all plenary meetings in public is undoubtedly positive, various stakeholders consulted as part of the Self-Assessment exercise suggested that Parliament could also improve legislative engagement with the electorate through strengthening its working relationships with Namibia's Civil Society Organisations.<sup>86</sup> Currently, this appears minimal with Parliament not having any regular mechanisms for communicating with or soliciting the views of Namibian civil society regarding its various legislative functions, particularly with respect to key parliamentary milestones, such as the annual adoption of the budget.

The Parliament of Namibia has a functional website (see below) where members of the public can access information about the two Houses and watch live proceedings of plenary sittings. A number of parliamentary activities (including Committee reports) are found on the website, but the Self-Assessment team noted that some critical information is absent online, several webpages are inactive, and technical breakdowns are commonplace. As further detailed earlier in this Report, several areas of Parliament's website would benefit from continuous development and further updating. The website is often the first interaction that some citizens will have with Parliament – it is key that it is reliable, welcoming and easy to use.



Screenshots of Parliament's website

84 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>

85 REPUBLIC OF NAMIBIA NATIONAL COUNCIL STANDING RULES AND ORDERS. (n.d.). Available at: [https://www.parliament.na/wp-content/uploads/2021/08/nc\\_sro.pdf](https://www.parliament.na/wp-content/uploads/2021/08/nc_sro.pdf)

86 [www.civic264.org.na](https://www.civic264.org.na). (n.d.). Civic +264 - Civil Society Information Centre Namibia. [online] Available at: <https://www.civic264.org.na/>.

## **RECOMMENDATION 18**

**Parliament should seek to update and improve its website, ensuring it is regularly updated and user-friendly.**

The Parliament partners with Namibia's national broadcaster (NBC) for live coverage of its sittings. Whilst positive, the Self-Assessment team learned that there is no dedicated Media Unit or press conference space in Parliament, no scheme for providing official journalists with formal parliamentary accreditation, and no published guidance for members of the Media to educate themselves on the processes, terminologies and procedures of Parliament. Active and well-informed press coverage is a fundamental cornerstone of any democratic Legislature. It demonstrates transparency and accountability while providing members of the public with a key means of engaging with the work carried out by their elected representatives. Improving these provisions would not only benefit the people of Namibia but bring their Parliament more in line with good practices of other Commonwealth Legislatures.

## **RECOMMENDATION 19**

**Parliament should improve its provision of information, accreditation and facilities for members of the Media.**

While online public engagement with Parliament is essential, physical access is just as key. The Namibian Parliament broadly performs well in this respect with access to its precinct served by disable-access ramps and its lifts serviced by both brailled buttons and audio instructions. These are all excellent examples of a Legislature ensuring that visitors with disabilities are at the forefront of its thinking. The Assessment team noted, however, that there are no designated bathroom facilities for persons with disabilities and learned from MPs living with a disability of their own that facilities (in part) hinder them in effectively carrying out their parliamentary responsibilities. Producing legislative material in brail or large text and providing greater access for personal aides were two suggested examples of ways in which Parliament could further improve its operations to take account of persons with disabilities.

## **RECOMMENDATION 20**

**Parliament should continue to develop its infrastructure/operations for persons with disabilities and seek to improve these where possible.**

Regarding broader public engagement, the Namibian Parliament has conducted various wide-ranging and highly effective outreach programmes including both the Children's Parliament and Rural Women's Parliament initiatives.

The Children's Parliament programme seeks to create a progressive society with youth at its core and a high sense of public responsibility with children and adults working alongside one another as equal partners. The primary goal of the Children's Parliament is to lobby Government and its agencies responsible for law-making to fast-track policies that would improve the rights and welfare of young people as a central part of its legislative agenda.

The Rural Women Parliament scheme is an initiative of the National Council Women Caucus (NCWC) which promotes the political involvement of grassroots women with the aim of empowering them to become leaders in their communities. The purpose of the Rural Women Parliament is to create a forum which offers opportunities for grassroots women to access information on political and socio-economic developments within their regions, and to exchange experiences on how to deal with such challenges.

Both the Children's Parliament and Rural Women Parliament programmes are invaluable platforms for young people and women in Namibia to actively engage with the political process. While the Legislature should be commended for its positive work in these areas, it is worth noting that the most recent instalments of these initiatives appears to have been in 2022. Actively promoting these programmes (alongside other valuable public engagement schemes) is a key way for Parliament to engage with the Namibian electorate and, as such, the Legislature should ensure that these important activities are held on (at least) an annual basis moving forward.



## 10. ETHICAL GOVERNANCE

### Transparency and Integrity

Namibia's Constitution (Article 60)<sup>87</sup> requires all MPs to maintain the dignity and image of their Houses both during plenary sittings and in external activities beyond the Legislature. These provisions mandate Parliament to enforce as part of its Standing Rules and Orders clear procedures for disclosing as may be considered to be appropriate the financial or business affairs of its Members (Article 74).<sup>88</sup> Accordingly, Standing Rules and Orders for both the National Assembly<sup>89</sup> and the National Council<sup>90</sup> provide clear guidelines on a Code of Conduct and Declaration of Interests provisions including: Definitions; Application of the Code; Personal Conduct of Members; Conflicts of Interest; Registrable Interests; Details of Registrable Interests; Breaches of the Code; and the Complaints Procedure.

The two Codes of Conduct specifically provide for how Namibian MPs should carry out their parliamentary responsibilities, stating that they must: (1) act in good faith at all times and not misuse or abuse the powers, rights and privileges granted by the Constitution and the Rules, conventions and practices of Parliament; (2) act in the interests of the Namibian people and of Parliament; (3) uphold the law and act in conformity with the Rules, conventions and practices of Parliament; (4) be accessible to the people in order to serve and to represent their interests conscientiously; (5) avoid any behaviour that may compromise his/her standing in the public arena, such as criminal behaviour, sexual harassment, insolvency, dishonesty; (6) strive for national unity and reconciliation in the presentation of any issue before Parliament and take decisions in terms of the public interest; (7) not misrepresent any facts to Parliament or to Committees; and (8) conduct all hearings in a fair, honest and transparent manner.

Furthermore, Namibia's Parliament has passed both an Anti-Corruption Act<sup>91</sup> (which includes MPs as public officers who are prohibited from engaging in any form of corruption) and an Access to Information Act<sup>92</sup> (which grants any member of the public an enforceable right of access to information held by a public entity (including Parliament)). The Self-Assessment team was not made aware of any issues relating to how any of the above provisions are applied.

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87 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>

88 Namibian Constitution Namibian Constitution Third Amendment Act 8 of 2014 (GG 4480). (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>

89 CODE OF CONDUCT AND DECLARATION OF INTERESTS FOR MEMBERS OF THE NATIONAL ASSEMBLY REPUBLIC OF NAMIBIA. (n.d.). Available at: [https://www.lac.org.na/laws/codes/National\\_Assembly\\_Code\\_of\\_Conduct.pdf](https://www.lac.org.na/laws/codes/National_Assembly_Code_of_Conduct.pdf)

90 CODE OF CONDUCT FOR MEMBERS OF THE NATIONAL COUNCIL REPUBLIC OF NAMIBIA (n.d.). Available at: [www.lac.org.na/laws/codes/National\\_Council\\_Code\\_of\\_Conduct.pdf](https://www.lac.org.na/laws/codes/National_Council_Code_of_Conduct.pdf)

91 Anti-Corruption Act 8 of 2003. (n.d.). Available at: <https://www.lac.org.na/laws/annoSTAT/Anti-Corruption%20Act%20of%202003.pdf>

## RECOMMENDATIONS

**Recommendation 1:** The Parliament of Namibia, and not solely the President, should have ultimate oversight authority for selecting Electoral Commissioners.

**Recommendation 2:** Namibia's Electoral Act should be updated to include provisions for and limitations on campaign finance contributions.

**Recommendation 3:** Parliament should amend its Standing Rules and Internal Arrangements to allow for a citizens rights of reply scheme in relation to adverse mentions of individuals in the Legislature.

**Recommendation 4:** Parliament should establish an independent remuneration authority that without Executive approval sets the size and scale of financial recompense for Namibian legislators.

**Recommendation 5:** The Legislative Assembly should expand its Professional Development Programmes so that these are held periodically between General Elections and ensure that such opportunities are open to all Members of Parliament.

**Recommendation 6:** Parliament should seek to improve its physical infrastructure by ensuring all Members and staff have access to adequate office space and a fit-for-purpose Library, while ensuring that the ambitions stated in its Strategic Plans are fully realised to the benefit of everyone who works in the Legislature.

**Recommendation 7:** A comprehensive review of the Standing Rules and Orders of each House should be undertaken by relevant Committees of the Legislature at regular intervals and any suggested changes should only be passed if they are agreed by a clear majority of the Assembly.

**Recommendation 8:** Where possible, Members of Parliament should prioritise adherence to the annual business calendar and review it periodically to ensure that all issues of particular political importance are considered and to improve legislative functionality between their two Houses.

**Recommendation 9:** Both Houses of Parliament should amend their Standing Rules and Orders to strengthen petition process provisions, guarantee their public consideration if a numerical threshold is met, and ensure that an electronic submission tool features prominently on the parliamentary website.

**Recommendation 10:** Parliament should amend its Standing Rules and Orders to establish clear numerical limitations on how many Members can serve on its Committees and ensure that all political parties represented in the Legislature are fairly allocated a proportionate number of Members on each Committee.

**Recommendation 11:** Parliament should prioritise mechanisms for strengthening the competence and skills of Committee Chairpersons and Vice-Chairpersons. This will ensure that all Chairs are able to perform their role effectively.

**Recommendation 12:** Parliament should amend its Standing Rules and Orders to make it mandatory for all draft legislation to be referred to an appropriate parliamentary Committee and to provide adequate opportunity for all Members to scrutinise, debate and affect the legislative process.

**Recommendation 13:** As a matter of urgency, Parliament should fast-track legislation to establish an independent Parliamentary Service Commission.

**Recommendation 14:** Parliament should explore means of allowing Members of both Houses to scrutinise secondary, delegated or subordinate legislation and strengthening legal support within the parliamentary administration to better allow MPs of both Houses to draft and propose amendments to draft Bills.

**Recommendation 15:** Parliament should establish a Budget Committee within its Standing Committee framework and create a designated Budget Office with equality framework provisions at staff level to better enable the Legislature to conduct effective scrutiny of financial matters.

**Recommendation 16:** The Legislative Assembly should seek to develop means of conducting pre-legislative and post-legislative scrutiny to improve the quality of its lawmaking and ensure that it delivers maximum benefit for the citizens of Namibia.

**Recommendation 17: Both Houses should, as a matter of priority, improve their Hansard production, and ensure it is uploaded to Parliament's website in a timely manner.**

**Recommendation 18: Parliament should seek to update and improve its website, ensuring it is regularly updated and user-friendly.**

**Recommendation 19: Parliament should improve its provision of information, accreditation and facilities for members of the Media.**

**Recommendation 20: Parliament should continue to develop its infrastructure/operations for persons with disabilities and seek to improve these where possible.**

## STAKEHOLDERS

Name	Title
Hon. Prof. Peter Katjavivi MP	Speaker, Namibian National Assembly
Hon. Lukas Sinimbo Muha MP	Chairperson, Namibian National Council
Hon. Prof. Loide Kasingo MP	Deputy Speaker, Namibian National Assembly
Hon. Victoria Kauma MP	Vice-Chairperson, Namibian National Council
Ms. Lydia Kandetu	Secretary (Secretary's Office), Namibian National Assembly
Mr. Tousy Namiseb	Secretary (Secretary's Office), Namibian National Council
Mr. Efraim Jane	Deputy Secretary (Secretary's Office), Namibian National Council
Mr. Simon Uirab	Director (Speaker's Office), Namibian National Assembly
Ms. Lynette Sawyers	Parliamentary Clerk (Table Office), Namibian National Assembly
Ms. Kathleen-Joyce Nakutta	Director (Committee Services), Namibian National Assembly
Mr. Albius Mutonga	Deputy Director (Committee Services), Namibian National Assembly
Ms. Carol-Ann Esterhuizen	Chief Legal Officer (Legal Services), Namibian National Assembly
Mr. Rafael Hangula	Information Officer (Information Services), Namibian National Assembly
Mr. Petrus Kavhura	Director (Chairperson's Office), Namibian National Council
Mr. Himuvi Mbingeneeko	Deputy Director (Table Office), Namibian National Council
Ms. Dorothy Fransman	Deputy Director (Specialised Services), Namibian National Council
Ms. Wilmary Tsamareb	Chief Legal Officer (Legal Services), Namibian National Council
Mr. Immanuel Kooper	Information Officer (Information Services), Namibian National Council
Ms. Moono Matengu	CPA Liaison Officer, Namibian National Assembly/ National Council
Ms. Heidi Jacobs	Legal Adviser, Namibia's Electoral Commission
Ms. Tangi Shikongo	Public Manager, Office of Namibia's Attorney General
Mr. Shali Kapepo	Deputy Director, Office of Namibia's Auditor General
Ms. Toni Hancox	Director, Namibia's Legal Assistance Centre (Civil Society Representative)
Focus Group – National Assembly	Members – Namibian National Assembly
Focus Group – National Council	Members – Namibian National Council





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Published by the Commonwealth Parliamentary Association (CPA) in April 2024.  
Registered Charity Number 263147.

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