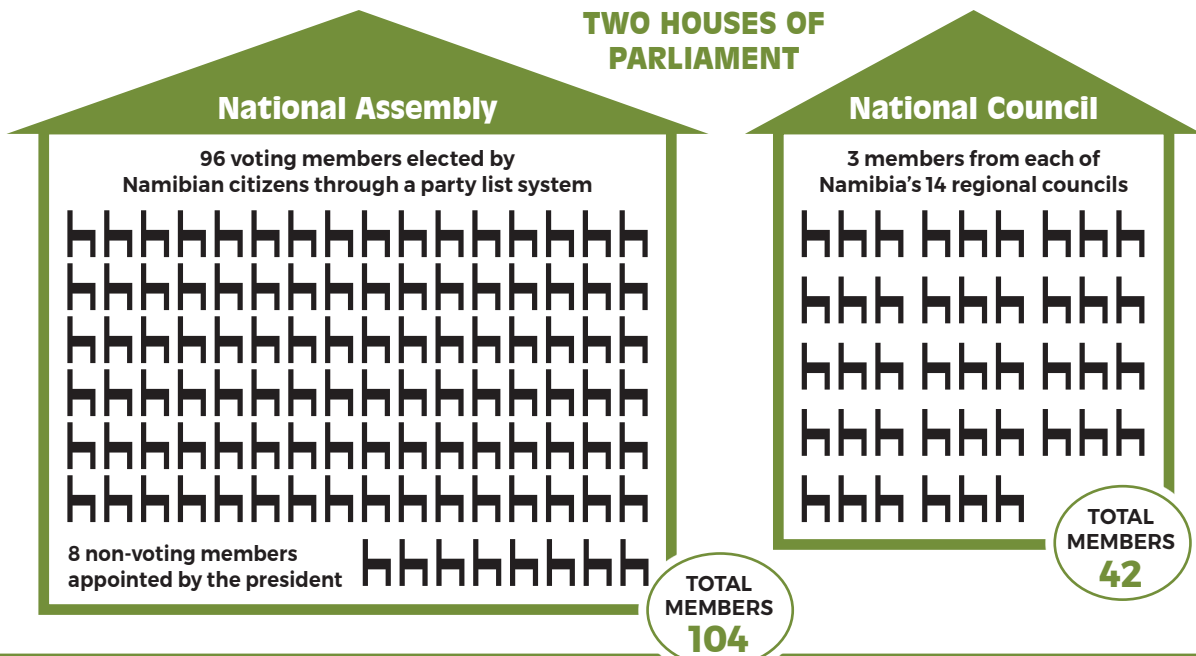


Legislative Branch: PARLIAMENT

The legislative branch is one of Namibia's three branches of government. Its primary task is making laws. It has two parts: the National Assembly and the National Council. Together, they are called Parliament.



The **National Assembly** originally had 72 voting members and 6 non-voting members appointed by the President, for a total of 78 members. The **National Council** originally had 2 members from each of 13 regions, for a total of 26 members. Both Houses of Parliament were enlarged by a 2014 amendment to the Constitution. Namibia was divided into 13 regions at independence. In 2013, the Kavango Region was divided into Kavango East Region and Kavango West Region so that Namibia now has 14 regions. This change also increased the size of the National Council. Members of both houses serve for terms of 5 years.

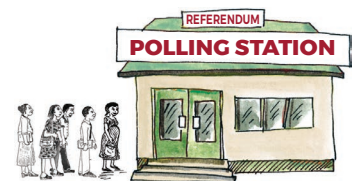
National Assembly

The National Assembly consists of 96 members who represent political parties chosen by the voters, and 8 non-voting members appointed by the President. The members must represent all the people of Namibia. They must be guided in their decisions by the Constitution, by the public interest and by their own consciences.

The National Assembly elects a Speaker and a Deputy Speaker. The Speaker chairs the National Assembly meetings and makes sure that the discussion and debate are orderly. The Deputy Speaker chairs the meetings if the Speaker is not present.

Meetings of the National Assembly must be open to the public, unless two-thirds of the members of the National Assembly decide that the meetings must be closed for a time, or while a specific issue is being discussed.

The National Assembly has the power to make any laws that are in the best interests of the people of Namibia, so long as the laws are not in conflict with the Constitution. The National Assembly also has the power to approve the budget for the government each year, and to decide how much individuals and businesses should be taxed. It must approve all agreements between Namibia and other countries. It has a duty to make sure that apartheid, tribalism and colonialism do not return to Namibia, and it must decide how to help people who suffered from these wrongs in the past. ►



The National Assembly has the power to hold a referendum on questions of national concern. A referendum is a way of consulting citizens to find out how they feel about an issue. It is like an election, except that the voters choose an opinion rather than a political party. For example, voters might be asked a question such as "Should abortion be legal in Namibia?". Then each voter would vote "yes" or "no". As of 2017, no referendum has ever been held in Namibia.

National Council

The National Council has three members from each of the 14 regions of Namibia, for a total of 42 members. The residents of each region elect people from their region to the Regional Council. The members of each Regional Council then elect three Council members to serve on the National Council. While the members of the National Assembly represent people in every part of Namibia, the members of the National Council represent only the people in their region. This system helps to balance the interests of each part of the nation against the interests of the nation as a whole.

The National Council elects one member to be the Chairperson and one to be the Vice Chairperson. The Chairperson keeps order at the meetings of the National Council. The Vice Chairperson keeps order if the Chairperson is not present.

The meetings of the National Council are usually open to the public, but there are no provisions in the Constitution requiring this. If the National Council decides that debate on a specific issue should be closed to the public, then they have the power to meet in private.

The main task of the National Council is to review legislation referred to it by the National Assembly.

Role of each House of Parliament in making laws

The **National Assembly** is the highest law-making body. Proposals for laws (called “bills”) start out in the National Assembly. If a majority of the members of the National Assembly approve the bill, it goes to the National Council for review.

The **National Council** does not have the power to make laws on its own. It can only make suggestions to the National Assembly.



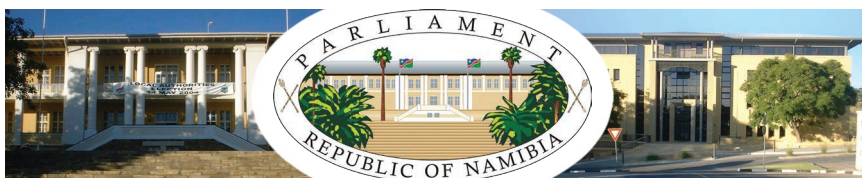
The National Council may **confirm the bill as it stands**.

The National Council may **confirm the bill with proposed amendments**. If the National Council proposes any amendments, the bill must go back to the National Assembly for reconsideration. The National Assembly may adopt or reject the amendments proposed by the National Council. The National Assembly may also add other amendments at this stage.

- Either House of Parliament may refer the bill to a **Committee** of MPs for more intensive study. A Committee might decide to hold public hearings on the bill. You might want to attend a public hearing to make your views known.
- All women MPs are part of the **Women’s Parliamentary Caucus**, which has the task of ensuring that all legislation is sensitive to gender issues. ■

PRINCIPLE

The National Council may **object to the principle of a bill**. This means that it rejects the basic idea behind the proposed law. If at least two-thirds of the members of the National Council object to the principle of a bill, then the National Assembly can pass the bill only if *at least two-thirds* of the members of the National Assembly confirm the principle of the bill. If fewer than two-thirds of the members of the National Assembly vote for the bill in this situation, then the bill cannot become a law.



Parliament has a website at www.parliament.na. This website has texts of some bills in electronic form as well as general news about Parliament. It also has information on Parliamentary committees. Click on “National Assembly” or “National Council” for a list of the members of each House of Parliament with photographs and information about their education, career backgrounds, committee memberships and contact details.

All Members of Parliament (MPs) take an oath to uphold and defend the Constitution.

The Constitution says that MPs are “servants of the people of Namibia”. They must not enrich themselves improperly, and they must not separate themselves from the people.

All MPs must behave with dignity.

The separation of powers is reinforced by the rule that no MP may be employed by the public service. Members of the National Assembly may not be members of Regional Councils. No MP may be a member of a Local Authority Council.

Conflicts of interest

MPs must avoid conflicts of interest. This means that they must make decisions based on what is good for the people of Namibia and not in order to get some personal benefit. Conflicts of interest are covered by the Powers, Privileges and Immunities of Parliament Act 17 of 1996. This law says that an MP must not take part in proceedings if he or she might not be able to act in a fair, unbiased and proper manner due to personal interests in the issue under consideration. An MP must disclose anything that might create a conflict of interest. Failure to do so could lead to disciplinary action. Both Houses have Standing Committees of Privileges with a duty to give directions regarding disclosure of MPs’ financial or business affairs.

Can MPs lose their seats?

Yes, MPs in either House can lose their seats if –

- they are convicted of a serious criminal offence
- they became paid members of the public service
- they are declared mentally unfit by a court
- they become insolvent because they have debts they cannot pay
- they no longer satisfy the conditions for being MPs.

MPs in the National Assembly also lose their seats if they are no longer members of the political party they are supposed to be representing, or if they miss more than 10 sitting days in a row without a leave of absence. All MPs are free to resign if they no longer wish to serve in Parliament.