



THE RALLY FOR DEMOCRACY AND PROGRESS (RDP)



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CONTRIBUTION BY HONOURABLE MIKE RATOVENI KAVEKOTORA, MEMBER OF PARLIAMENT, ON THE DEBATE OF THE WHISTLEBLOWER PROTECTION BILL, TABLED BY HONORABLE ALBERT KAWANA, MINISTER OF JUSTICE, MARCH 15, 2017

Wednesday, the 22nd February 2017

Honourable Speaker,
Honourable Members,

The Whistleblower Protection Bill (WPB) before us is said to have been derived from best practices of other jurisdictions outside Namibia. On the face value, this sounds very commendable. It is very unfortunate, but the prevailing environment is not conducive for a Bill of this nature. Best practices referred to in this Bill entail proper definition of corruption, proper identification of corrupt activities, and proper education of the society. In other words, it presupposes that a citizen who commits a corrupt act, he or she is well aware of the crime he or she commits and the consequences thereof.

Honourable Speaker,
Honourable Members,

Let us face reality. Corruption in Namibia has become an integral part of how government is conducting its business on a daily basis. For too long the Swapo-party led government, for reasons only known to themselves, has been paying lip-service to corruption, to the extent that corruption has been institutionalized in most government entities and is affecting all facets of life in society.

Most institutions mentioned in this Bill tasked with the investigation of corruption are compromised. The Anti-Corruption Commission (ACC) is compromised. When ACC was established, it created an excitement in the hope that corruption will finally be addressed in earnest. But, ACC has not lived up to the society's expectations. As ACC concentrated on minor cases, the powerful and the well-connected continued up to this moment to swindle the society out of billions of dollars through theft, money laundering, fraud, raiding and looting of public assets and the natural resources.

The law enforcement agencies are compromised. The instruments of law enforcement which arrest, charge and investigate are often wanting due to loss of cases as a result of corruption, poor investigations and recording of information. In other cases, filed cases disappear, rendering the efforts of whistleblowers useless. At other times, well reported cases, such as a daughter reporting a father who committed incest, simply died a natural death, thereby, discouraging citizens to report similar cases, especially where the powerful and well-connected are involved.

What is more perplexing is that the most serious criminal activities involve high-ranking individuals whose cases, so far, have not been resolved according to the expectations of society. Take for example, GIPF missing billions, SCC missing millions, Telecom Namibia missing millions, NDF millions, Teko scandal, ill-conceived schemes and programs such as Air Namibia bail-outs, TIPEEG and Mass-Housing waste.

It is very unfortunate that in all the above-mentioned scandals, despite the pronouncements against corruption, very few culprits have been brought to book, and public assets were not recovered for society to realize that crime does not pay. To make matters worse, members of the executive branch of government shamelessly defend poachers, money launderers and those who are in the business of disregarding Namibia's labor laws.

In view of the current environment which turned out to be not conducive to fighting crime and corruption, what guarantee would the nation have that the WBP Bill will achieve the desired results? What guarantee does a potential whistleblower have that he or she will not be turned into a victim subjecting him / herself to a fine of 100,000 dollars? What assurance do we have that failed investigating institutions will all of a sudden be fair, effective and efficient?

I do not hesitate for a moment to call this Bill premature and untimely. What government ought to have done prudently is to unbundle corruption in all its forms and facets. Countries that are serious in rooting out corruption have created competencies to arrest, charge, investigate, prosecute, sentence and recover the loss. What is it that prevented the government of Namibia to do exactly the same over the years?

I therefore do not support the Bill on the basis that it will not yield the intended results in the current corrupt environment. The probability of an innocent whistleblower becoming a victim is high.

I urge the executive arm of government to demonstrate the political will and unbundle corruption in all its forms and shapes before tabling such a piece of legislation. Otherwise this will be again seen by society as lip-servicing and window-dressing.

I THANK YOU.