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The Supreme Court of Namibia rules that the suspension of Landless People's Movement (LPM) members of parliament Bernardus Swartbooi and Henny Seibeb is unlawful. An opposition party coalition launches an appeal with the High Court alleging that parliament unlawfully approved appointments to the Electoral Commission of Namibia (ECN) and the Anti-Corruption Commission (ACC) at a parliamentary session called at the request of President Hage Geingob (2015-present). The Bank of Namibia (BoN) (central bank) Monetary Policy Committee decides to keep the repo rate at 3.75% on the basis that the Covid-19 pandemic is still weighing down the economy. President Geingob delivers the 33rd Covid-19 update and media briefing declaring new nationwide lockdown measures for 31 days beginning 15 August. Canada-based mining group Deep-South Resources and Namibia-based subsidiary Haib Minerals launch an appeal at the High Court to overturn a refusal for a mining licence renewal for the Haib copper project.

Landless People's Movement members returned to parliament...

The **Supreme Court of Namibia** declared on 4 August that the suspension of opposition **Landless People's Movement (LPM)** members of parliament (MPs) **Bernardus Swartbooi** and **Henny Seibeb** from parliament was unlawful. The ruling is a victory for the two opposition MPs, whom **National Assembly** speaker **Peter Katjavivi** suspended from parliament in April for disrupting President **Hage Geingob's** (2015-present) **State of the Nation (SONA)** address (see *ARC Briefing Namibia April 2021*).¹ Swartbooi and Seibeb applied to the Supreme Court to appeal the decision of Namibia's **High Court**, which had upheld their suspension on 6 May.² Supreme Court Justice **Dave Smuts** adjudicated the appeal on 4 August and determined:

*"[T]he decision to suspend the appellants was outside the Speaker's powers and it is thus unlawful, of no effect and is set aside."*³

The LPM is a new political party, which gained 96 seats in the 2019 general elections and a further MP in May when **Sophia Swartz** defected from the ruling **South West Africa People's Organisation (SWAPO)** party (see *ARC Briefing Namibia May 2021*).⁴

Swartbooi and Seibeb's parliamentary suspension was overturned days after parliament began its August recess, announced by national assembly spokesperson **David Nahongandja** on 3 August.⁵ The recess extends a period of relative political inactivity, as **Covid-19** restrictions had restricted parliamentary sessions to 10 people since early June (see *ARC Briefing Namibia June 2021*). Parliament will resume on 7 September.⁶

... as parliament rushes anti-corruption, electoral commission re-appointments

SWAPO capitalised on the absence of LPM members Swartbooi and Seibeb in the days before the Supreme Court overturned their parliamentary suspension, to push through new **Electoral**

¹ *New Era*, 16 Apr 2021

² *The Namibian*, 4 Aug 2021

³ *Namibia Supreme Court*, 4 Aug 2021

⁴ *The Namibian*, 18 May 2021

⁵ *The Namibian*, 3 Aug 2021

⁶ *The Namibian*, 3 Aug 2021

Commission of Namibia (ECN) and Anti-Corruption Commission (ACC) appointments.⁷ Critics allege that the appointments are unconstitutional amid claims that the independence of the ACC is being eroded.

President Geingob called for an “urgent” sitting of parliament on 27-28 July to consider the presidential nominees for the positions of commissioner and deputy commissioner of the ENC and director general and deputy director of the ACC.⁸ Geingob’s nominees for the new ECN commissioner positions are former ECN commissioner **Elsie Nghikembua**, former member of the **Namibia Press Agency (NPA)** board **Emmerentia Leonard**, and senior electoral advisor to the **United Nations Development Programme (UNDP)** in **Zambia, Joram Rukambe**.⁹ Geingob also nominated former ACC director general **Paulus Noa** and former deputy director **Erna van der Merwe** for reappointment.¹⁰ The parliamentary session was marked by disruptive behaviour and strong opposition to Geingob’s proposed candidates.¹¹ Opposition **Popular Democratic Party (PDM)** member **McHenry Venaani** accused ECN candidates Nghikembua, Leonard and Rukambe of being active SWAPO members.¹²

Parliament failed to reach consensus by 28 July but approved the appointments of the ACC and ECN nominees on 29 July.¹³ Reacting to the ACC appointments on 30 July, Venaani noted Geingob’s failure to adhere to parliamentary procedure:

*“We were invited without a proclamation by the president. [...] We [PDM] hold a very strong view that this session is an illegality, because you want us to steamroll your defender of corruption by hook or by crook.”*¹⁴

While the new ECN and ACC officials assumed office on 1 August, a coalition of opposition parties, including the PDM, **All People's Party (APP)**, **Rally for Democracy and Progress (RDP)**, **Republican Party of Namibia (RP)**, **National Unity Democratic Organisation (Nudo)**, **Namibian Economic Freedom Fighters (NEFF)** and **South West Africa National Union (Swanu)**, applied to the **Windhoek High Court** for an urgent hearing to rescind their appointment. The plaintiffs argued that the call to the special session (27-28 July) was unconstitutional.¹⁵ At the High Court hearing to establish urgency of the case on 11 August, PDM counsel **Elize Angula** stated:

*“If the appointed and nominated candidates were appointed at an unlawful sitting in an unlawful manner, they cannot assume office and such assumption of office is vitiated by illegality, rendering their actions as officers in those positions illegal and unlawful.”*¹⁶

The accusation that the independence of the ACC is being eroded is particularly sensitive in the wake of the **Fishrot scandal** (see *ARC Briefing Namibia January 2021* and earlier). Details of the scandal first emerged in November 2019 when a former manager of **Icelandic** seafood company **Samherji** alleged that the firm had paid substantial bribes to secure access to Namibia’s rich sea-fishing grounds (see *ARC Briefing Namibia November 2019*). Two ministers, fisheries and marine resources minister **Bernard Esau**, a member of the SWAPO politburo, and justice minister **Sakeus Shangala**, who is close to Geingob, allegedly shared in kickbacks to politicians and officials worth up to N\$2.5 billion (\$170m). **Investec Namibia** managing director **James Hatukulipi**, Esau’s son-in-law, was also caught in the net. **Windhoek** lawyer **Marén De Klerk** claimed in a 477-page affidavit submitted to the ACC in April 2020 that

⁷ *The Namibian*, 30 Jul 2021

⁸ *The Namibian*, 30 Jul 2021

⁹ *The Namibian*, 27 Jul 2021

¹⁰ *The Namibian*, 30 Jul 2021

¹¹ *The Namibian*, 30 Jul 2021

¹² *New Era*, 29 Jul 2021

¹³ *New Era*, 29 Jul 2021

¹⁴ *The Namibian*, 30 Jul 2021

¹⁵ *New Era*, 12 Aug 2021

¹⁶ *New Era*, 12 Aug 2021

Geingob was not only aware of the deal, but was a beneficiary of the scheme.¹⁷ Geingob denied any involvement.

Justice **Collins Parker** of the High Court will deliver judgement on urgency on 30 August.¹⁸

BoN holds repo rate at 3.75% again ...

The **Bank of Namibia (BoN)** (central bank) **Monetary Policy Committee (MPC)**, at its bi-monthly meeting on 16-17 August, decided to keep the repo rate at 3.75%.¹⁹ In its monetary policy statement released on 18 August, the MPC said it believed the rate remains appropriate to support domestic economic activity, which is *“still being weighed down by the COVID-19 pandemic”*. The BoN also noted:

*“At this level, the Repo rate is deemed appropriate to safeguard the one-to-one link between the Namibia Dollar and the **South African Rand**.”²⁰*

The MPC committee statement highlighted a trend of global economic recovery in Q2 2021, and an acceleration in inflation rates in most **Advanced Economies (AEs)**. The monetary policy statement reported inflation to be *“reasonably contained in both major AEs and [Emerging Market and Developing Economies] EMDEs”*, justifying the MPC’s decision to maintain the policy rate. Annual average inflation has risen in Namibia, averaging 3.5% between January and July compared to 2.1% in the same period of 2020. Drivers of inflation are reportedly food and transport costs, due to a supply and demand shock to food distribution and a higher global oil price.²¹

The MPC considers poor availability of Covid-19 vaccines and the development of *“vaccine-resistance strains”* to be a risk to Namibia’s economic recovery (see below). Domestic economic activity remained low in H1 2021 due to the sluggish return of tourism, mining, and transport. The BoN anticipate Namibia’s domestic economy to grow 1.4% in 2021.²²

All monitored commodity prices increased since the last MPC meeting on 16 June due to an uptick in industrial activities globally, driven by a rebound in economic activity. Namibia’s international reserves totalled \$2.9 billion (N\$42.7 billion) at 31 July, an increase from \$2.71 billion (N\$39 billion) announced at the MPC meeting in June.²³ The next MPC meeting will be held on 18 October.

The BoN also announced a successful treasury bill issuance on 12 August. The issuance of 182-day and 273-day treasury bills aimed to attract \$73.87m (N\$1.1 billion) but attracted \$154.46m million (N\$2.3 billion) in offers.^{24 25} The next auction of 91-day and 364-day treasury bills is scheduled for 19 August.²⁶

Geingob declares stricter measures to curb Covid-19

In the 33rd Covid-19 update and media briefing on 13 August, President Geingob declared further nationwide lockdown measures to reduce new infections of Covid-19.²⁷ The stricter measures, in force from 15 August to 14 September, follow the death on 30 July of deputy minister for higher education **Veno Kauaria** following complications caused by Covid-19.²⁸

¹⁷ The Namibian, 18 Jan 2021

¹⁸ New Era, 12 Aug 2021

¹⁹ Bank of Namibia, accessed 18 Aug 2021

²⁰ Bank of Namibia, accessed 18 Aug 2021

²¹ Bank of Namibia, accessed 18 Aug 2021

²² Bank of Namibia, accessed 18 Aug 2021

²³ Bank of Namibia, accessed 18 Aug 2021

²⁴ The Namibian, 13 Aug 2021

²⁵ The Namibian, 13 Aug 2021

²⁶ The Namibian, 13 Aug 2021

²⁷ Facebook – Ministry of Health and Social Services, 13 Aug 2021

²⁸ The Namibian, 30 Jul 2021

President Geingob and first lady **Monica Geingos** attended her funeral in **Otjeue (Omaheke region)** on 14-15 August.²⁹

Geingob delivered a media briefing on 11 August announcing a 16-day period of ‘stage-three’ restrictions for Windhoek and **Walvis Bay** due to high rates of “*clustered community transmissions*” of Covid-19:

*“If left unchecked, this pandemic will be catastrophic for our country in terms of lives lost and the economy.”*³⁰

Namibia has five levels of lockdown alert, one being the highest (most severe) and five being the lowest.

Reinstated restrictions in Windhoek and Walvis Bay include:

- Travel into and out of Windhoek and Walvis Bay is restricted to emergency situations, and any individuals transiting from these areas will be subject to quarantine upon arrival at their destination;
- Curfew is in effect in Windhoek and Walvis Bay;
- The sale of alcohol is only permitted from 9am-6pm Monday-Friday;
- Public gatherings including weddings, funerals and religious events are limited to 10 persons;
- Restaurants in restricted areas are permitted to operate on a takeaway basis;
- Nightclubs, gambling houses and casinos are closed.³¹

Current nationwide restrictions (15 August – 14 September) in effect include the following:

- Events are limited to 100 attendees
- Nationwide daily curfew between 10pm-4am
- Schools operating at full capacity, with safety precautions
- The sale of alcohol for domestic consumption is limited to 9am-6pm Monday-Thursday
- The sale of all alcohol is prohibited Friday-Sunday
- Gyms, nightclubs and casinos may resume operations with limited capacity
- Contact sports are permitted, without spectators
- Public transport is limited to half capacity (pending review by the transport ministry)
- Burials must take place within 10 days and attendance is limited to 100 persons.³²

As of 17 August, Namibia had registered a total of 122,545 cases of Covid-19 in its population of 2.5 million, with 3,285 Covid-19-related deaths.³³ The **World Health Organisation (WHO)** reports that Namibia has administered 218,451 doses of Covid-19 vaccine, with 168,076 individuals in receipt of a first dose.³⁴

High Court to review mining ministry’s refusal to renew copper project licence ...

Canada-based mining group **Deep-South Resources** and its Namibia-based subsidiary, **Haib Minerals**, have asked the High Court of Namibia to review the mines and energy ministry’s decision to reject renewal of their copper project licence. Deep-South Resources’ share price dropped by 65% on 25 June following the ministry’s announcement that it had refused to renew the licence.³⁵ Deep-South and Haib Minerals announced on 21 July that they had submitted an application to the High Court requesting a review of the ministry’s decision to

²⁹ [New Era](#), 16 Aug 2021

³⁰ [Bloomberg](#), 12 Aug 2021

³¹ [Bloomberg](#), 12 Aug 2021

³² [Facebook – Ministry of Health and Social Services](#), 13 Aug 2021

³³ [World Health Organisation](#), Accessed: 17 Aug 2021

³⁴ [World Health Organisation](#), Accessed: 17 Aug 2021

³⁵ [Mining Journal](#), 28 Jun 2021

reject renewal of the **EPL 3140 Haib** copper project licence on the course of the **Orange River**.^{36, 37}

Mines and energy ministry spokesperson **Andreas Simon** said the minister is permitted to renew exclusive prospecting licences on no more than two occasions, unless it is deemed desirable for the development of mineral resources in Namibia.³⁸ Haib Minerals' programme was scheduled to run from May 2021 to April 2023.³⁹ Deep-South Resources acquired a sole stake in the project in April 2017, after acquiring a 70% stake from Canada-based **Teck Resources**.⁴⁰ Simon confirmed that the licence owned by Deep-South for the Haib Copper project had been valid for 17 years and renewed on several occasions:

*"At this stage, the project has failed to advance even to the pre-feasibility stage. Therefore, it is no longer in the interest of orderly management of the mineral resources to grant them an eighth renewal."*⁴¹

However, Deep-South Resources chief operating officer **Pierre Léveillé** contested the ministerial understanding of the development of the Haib copper project:

*"They [the ministry] stated that we have failed to bring the project to pre-feasibility study, but we are currently at feasibility study stage, which is more advanced than a pre-feasibility."*⁴²

Léveillé said the refusal to renew the licence was not clear:

*"[The ministry] mentioned that we have not carried out substantial exploration expenditures without specifying any amounts."*⁴³

Haib Minerals has responded to the refusal to renew the licence by retrenching 42 employees and terminating scholarships and research programmes at the **University of Namibia (Unam)** geoscience department.⁴⁴

The slow progress of long-established mining prospecting licences such as those held by Deep-South contrast sharply with the rapid progress of fellow Canada-based mining company, **Osino Resources** (see *ARC Briefing Namibia July 2021*). Osino published results of its PEA of its **Twin Hills Gold Project** in the **Erongo** region on 14 July, with co-founder **Heye Daun** stating:

*"We are proud to have been able to deliver this PEA within less than two years of discovery and our vision for the next two years is to unlock its true upside potential and to advance the project to the construction stage."*⁴⁵

³⁶ PNR Newswire, 21 Jul 2021

³⁷ *The Namibian*, 2 Aug 2021

³⁸ *The Namibian*, 2 Aug 2021

³⁹ *The Namibian*, 2 Aug 2021

⁴⁰ *Mining Technology*, 15 Feb 2017

⁴¹ *The Namibian*, 2 Aug 2021

⁴² *The Namibian*, 2 Aug 2021

⁴³ *The Namibian*, 2 Aug 2021

⁴⁴ *The Namibian*, 2 Aug 2021

⁴⁵ *New Era*, 23 Jul 2021

Planner

19 Aug 2021 **Windhoek (Namibia)** High Court will hear application of the state to join two cases against **Namgomar** and **Fishcor**;

18-19 Oct 2021 **Windhoek (Namibia)** The **Bank of Namibia (BoN)** (central bank) Monetary Policy Committee (MPC) meets;

20 Oct 2021 **Windhoek (Namibia)** The **Bank of Namibia (BoN)** (central bank) Monetary Policy Committee (MPC) announces results of MPC meeting;

8 Dec 2021 **Windhoek (Namibia)** The **Bank of Namibia (BoN)** (central bank) Monetary Policy Committee (MPC) announces results of MPC meeting;

Chronology

18 Aug 2021 **Windhoek (Namibia)** *Bank of Namibia*. The **Monetary Policy Committee (MPC)** of the **Bank of Namibia** (central bank) keeps the Repo rate unchanged at 3.75%, based on its view that the rate remains appropriate to support domestic economic activity that is still being weighed down by the **Covid-19** pandemic;

12 Aug 2021 **Windhoek (Namibia)** *The Namibian*. The **Bank of Namibia (BoN)** (central bank) auction of 182-day and 273-day treasury bills, seeking \$67.15m (N\$1.1 billion), is oversubscribed at \$154.4m (N\$2.3 billion);

11 Aug 2021 **Windhoek (Namibia)** *ENCA*. Environment ministry says it sold just a third of the 170 live elephants it put up for auction in a bid to reduce tusker populations under pressure from drought and territorial conflict with human;

11 Aug 2021 **Windhoek (Namibia)** *Bloomberg*. President **Hage Geingob** delivers a media conference announcing harsher lockdown restrictions from midnight on 12 August;

4 Aug 2021 **Windhoek (Namibia)** *The Namibian*. Justice **Dave Smuts** of the **Supreme Court of Namibia** declares the suspension of **Landless People's Movement (LPM)** members of parliament, **Beranadus Swartboo** and **Henny Seibeb** to be unlawful;

3 Aug 2021 **Windhoek (Namibia)** *The Namibian*. **National Assembly** spokesperson **David Nahongandja** confirms that parliament is in recess for August and will resume on 7 September;

2 Aug 2021 **Windhoek (Namibia)** *The Namibian*. Canada-based **Deep-South Resources** and its Namibia-based subsidiary, **Haib Minerals**, file an application with the **High Court** requesting a review of the mines and energy ministry's refusal to grant a renewal of a copper mining licence;

30 Jul 2021 **Windhoek (Namibia)** *The Namibian*. State house press secretary **Alfredo Hengari** confirms the death of deputy minister for higher education **Veno Kauaria** due to **Covid-19** complications;

29 Jul 2021 **Windhoek (Namibia)** *The Namibian*. Parliament votes to reappoint **Paulus Noa** and **Erna van der Merwe** as director and deputy director of the **Anti-Corruption Commission (ACC)** and **Elsie Nghikembua** as chairperson of the **Electoral Commission of Namibia (ECN)**;

28 Jul 2021 **Windhoek (Namibia)** *The Namibian*. A parliamentary session to determine new appointments for the **Electoral Commission of Namibia (ECN)** is adjourned without decision following disorderly conduct;

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