

REPUBLIC OF NAMIBIA



STATEMENT BY

**HIS EXCELLENCY DR HAGE G. GEINGOB,
PRESIDENT OF THE REPUBLIC OF NAMIBIA
AT THE OPENING OF THE 2017 LEGAL YEAR**

FEBRUARY 8, 2017

SUPREME COURT OF NAMIBIA

WINDHOEK

Check against delivery

Director of Ceremonies - Honourable Deputy Chief Justice, Petrus Damaseb;
Honourable Chief Justice, Peter Shivute;
Honourable Professor Peter Katjavivi, Speaker of the National Assembly;
Honourable Margareth Mensah-Williams, Chairperson of the National Council;
Honourable Minister of Justice, Albert Kawana;
Honourable Attorney General, Sakeus Shanghala;
Honourable Judges of the Supreme Court;
Honourable Ministers;
Honourable Judges of the High Court;
Your Worship, Acting Chief Magistrate;
Members of the Legal Profession,
Distinguished Invited Guests,
Members of the media,
Ladies and Gentlemen,

I am pleased to join you here this morning to mark the beginning of a new legal year. We have termed this year as the year of re-dedication. It is a year in which we, as Namibians, revisit and commit once more to the ethos that have made us an exemplar of African self-governance and democracy.

From the onset of independence, our Government has placed a high premium on the establishment, maintenance and continual improvement of a credible administration of justice.

In order to buttress our ability to administer justice, we have built relevant infrastructure nationwide, in line with our administration of our justice program.

We are aware that the needs in the area of infrastructure are increasing, especially in light of the handover of the administration and management of the courts to the Judiciary.

At this juncture, let me acknowledge the fact that I have received letters from the Office of the Judiciary detailing concerns with regards to the financial

allocation, including ceilings applied, which could potentially hamper the functioning of the Judiciary.

Let me assure you, that we shall endeavour to always ensure that our Judiciary is able to function optimally and independently. We are committed to safeguarding our processes, systems and institutions and it is for this reason that, despite existing financial headwinds, Government, through the Ministry of Finance, will explore all possible means to ensure the allocation of sufficient resources to the justice sector, inclusive of the Judiciary, so as to ensure the continued operation of these vital institutions.

Although court buildings play a vital role in enabling our ability to administer justice, they do not compare to the most important component of our judiciary and wider justice system, which is the human component. Our judges, magistrates, judicial officers and lawyers are the sentinels that safeguard Namibia's constitutional democracy. I therefore call upon all of you present here today, as well as your peers around the country, to rededicate yourselves to your core mission, which is to safeguard the Constitution of the Republic of Namibia, by serving your nation as the guarantors of the rule of law.

Aristotle once said, "At his best, man is the noblest of all animals; separated from law and justice he is the worst." We should therefore rededicate ourselves, this year 2017, to ensure that the basic rights and freedoms of the Namibian people shall never be compromised, that they shall never be separated from law and justice; and that we safeguard our nobility, as a nation and a people, committed to democracy, unity, peace, stability and the rule of law.

I therefore call on every member of the judiciary and every member of the legal profession to pursue excellence without compromise, to leave no stone unturned in the pursuit of justice and to always maintain exemplary ethics and integrity.

Under the first pillar of the Harambee Prosperity Plan, namely Effective Governance, we have pledged to improve performance and service delivery. It is therefore important for judicial officers and officers of the courts to display

high standards of integrity, competence and impartiality in performing their functions. In this aspect, judicial officers, court staff and lawyers must endeavor to be civil towards our court users in order to make them comfortable to approach the courts for redress without the fear of embarrassment.

It has been said that a life of total dedication to the truth goes in tandem with a life of willingness to be challenged. So expect to be challenged, as you endeavor to maintain justice, but never compromise on your core principles; for it is also said that a principle half compromised is a principle compromised.

In this regard, I urge the legal profession en masse, to look to other professions and indeed other jurisdictions and emulate the policies that they have implemented through their training and regulation in order to incorporate the principle of service to society and eschew their pursuit for reward and fame.

Director of Ceremonies,

While on the subject of principles, and in the interest of truth, I wish to digress slightly, in order to shed light on a particular matter. As many of you are aware, in 2015, I publicly declared my assets, together with my wife, in conjunction with the audit firm Price Waterhouse Coopers. In the declaration, I listed all companies from which I attain proceeds, including Africa Rising, a company owned by my former wife.

Africa Rising was part of a Joint Development project on the plot in Windhoek, which is jointly owned by my former wife and me. Following our divorce, we put the plot on the market with the intention to share the proceeds of the sale on a 50/50 basis, as per our accrual agreement. The offer was open to all bidders and even Old Mutual showed interest, however the deal fell through at a later stage. It was at this stage that Mr. Jack Huang offered to partake in a co-development of the property.

Several weeks ago, I was approached by my lawyer who advised for me to exercise the option of selling our family shares in this joint development, in

order to avoid the witch-hunt that has ensued following the arrest of Mr. Huang; a decision which I am seriously contemplating at the present moment.

It is therefore pertinent and opportune for me, while here at the Supreme Court, the fortress of justice, to inform the nation that I took an oath to uphold the Namibian Constitution and the laws of this country. These laws should be applied firmly and fairly no matter whom they may apply to; including family, friends, “business partners” or any office bearer.

When my “friend” was arrested and spent a night in jail, there was no interference or intervention. This is because in Namibia, we uphold the rule of law, the separation of powers and pride ourselves on the total independence of our judiciary.

Director of Ceremonies,

Let me take this moment to applaud the notable and positive initiatives which the Judiciary has implemented in order to improve the delivery of justice across the country. I am aware that High Court Judges have taken responsibility to dictate the pace of litigation as opposed to the past when lawyers and litigants dictated this pace. This has led to the speeding up of the finalization of cases which is highly positive and commendable indeed. However, Honourable Chief Justice, the backlog in cases is still worrisome.

It is crucial that the judiciary and all stakeholders in the justice sector work together, embracing the Harambee spirit, to ensure that there is a speedier delivery of justice to the public so that our citizens continue to have faith in our courts instead of becoming frustrated and taking the law into their own hands. I urge all stakeholders in the justice sector to ensure that your actions are always characterized by accountability and transparency. In so doing, you will maintain the people’s faith in our justice system, our Judiciary, because accountability plus transparency equal trust.

In line with Government’s intent to strengthen the quality of Namibia’s judicial systems, I am pleased to note that the newly introduced electronic litigation (e-

Justice) system is fully operational at the High Court in Windhoek and the Northern Local Division High Court.

I look forward to the same system being extended to the Supreme Court soon. We cannot escape the breathtaking speed at which technology is evolving and the role it plays in our day to day lives and work. I therefore encourage the Judiciary to continue the pursuit of further incorporating technology in the administration of justice.

Director of Ceremonies,

The scourge of Gender Based Violence continues to blight our society. Although I am heartened by the fact that the Judiciary remains cognizant and sensitive to the evils of GBV that has besieged our communities, we must realize that we have a justice imperative to do more to protect our women and children. There is no place for GBV in the Namibian House, and this year, all of us, men, women and children, should rededicated ourselves to ridding Namibia of all incidents of GBV and domestic violence.

I would also like to touch upon the spate of poaching and plundering of wildlife resources that have been widely reported in the media. It is important that sentences imposed for these crimes should reflect the severity and the danger such crimes pose to our nation's natural resources and highly acclaimed conservation efforts. I therefore call upon the legislature to send to me the necessary amendments to the relevant laws to increase the penalties, so that I sign them into law, for our courts to enforce.

We are a country that values the conservation of our natural resources, and that is why we have included it in our Constitution. Our reputation as a country committed to conservation has not gone unnoticed by the international community, with global organizations such as the World Wildlife Fund recognizing the people and government of Namibia's achievements in communal conservancy efforts.

Let us therefore rededicate ourselves to maintaining our conservation standards by ensuring those who violate our laws receive due process and get maximum sentences they deserve.

Director of Ceremonies,

Let me turn once more to the Harambee Prosperity Plan, this time to the pillar of Economic Advancement and the sub-pillar of economic competitiveness. To grow the economy and to increase job opportunities, we need a peaceful Namibia and a judicial system that functions well. Potential investors must feel safe to invest in our country. It is therefore crucial that effective enforcement of contracts by our legal system should be an important national strategic objective.

The judiciary must continue to innovate and adopt measures which will deliver speedy and effective justice in commercial disputes. The forthcoming initiatives at the High Court level should propel us forward in this regard. Furthermore, as Government we will continue to place a high premium on the safety and security of people and their properties by strengthening our law enforcement agencies to be more efficient, responsive and confident in the execution of their duties. Another theme covered under the Harambee Prosperity Plan is the issue of Residential Land Delivery, Housing and Sanitation. These have been identified as “sine qua non” for social progression. At the heart of this theme is the wider question of land, as viewed in the context of restorative justice. In this regard, while the Namibian Constitution is silent on land itself, and makes direct reference on land, only in the context of Traditional Authorities and natural resources, we look to the guidance of the courts, as they construct terminologies such as property, in obtaining progressive natural justice jurisprudence to benefit future generations. In this regard, Government has decided to postpone the Land Bill and organise a National Dialogue at which the land issue will be thoroughly interrogated.

Ladies and gentlemen,

Our Judiciary is not only responsible for ensuring justice within our borders but also plays a larger role in ensuring that judicial processes, systems and institutions within our region continue to remain on par with international best practices.

Let me therefore, commend our Chief Justice, who was elected as Chairperson of the Southern African Chief Justices' Forum in 2014 and has subsequently been re-elected to lead the Forum for a third consecutive term. This achievement is not only testament to the remarkable abilities of our Chief Justice, but also testament to the confidence that our fellow SADC member states have placed in the Namibian Judiciary.

I would like to conclude by revisiting my message which I delivered in marking the advent of the year 2017.

“Remember, we would not have been able to achieve the milestones we are celebrating, without your personal dedicated involvement. Neither can we realize our 2017 goals, without our rededication to the cause.”

I thank all of you for your continued commitment to managing an effective and an independent judiciary. I look forward to an exciting year ahead; a year of rededication. I therefore wish the Judiciary and all stakeholders a successful and fulfilling 2017 Legal Year.