

**CLOSING CEREMONY AND BOOK LAUNCH AT THE NAMIBIAN
CONSTITUTION AT 35 CONFERENCE**

By Hon. Justice Petrus T. Damaseb

Deputy Chief Justice of the Republic of Namibia

Book Title: *“Constitutionalism and Sustainable Economic Development in Africa”*

Salutations

Prof. Dr. Frednard Gideon, Pro-Vice Chancellor: Academic Affairs

Mrs. Anna Hoffmann-Kwanga, Resident Representative Konrad Adenauer Stiftung

Prof. Dr. Elvis Fokala, President of the African Network of Constitutional Lawyers
(virtually)

Prof. Dr. Jacob Nyambe, Executive Dean Faculty of Commerce, Management & Law

Hon. Yvonne Dausab, Former Minister of Justice

Dr. Ndatega Asheela-Shikalepo, Associate Dean School of Law

Distinguished guests,

Honoured authors and contributors,

Ladies and gentlemen,

[1] I feel honoured at the invitation to join you all this afternoon for the launch of a seminal publication: *Constitutionalism and Sustainable Economic Development in Africa*. The book launch coincides with the ‘Namibian Constitution at 35 Conference’-

just concluded. The coincidence could not have been more opportune as it affords us the opportunity to reflect on the progress we have made as a nation in our commitment to the values of the Namibian Constitution since its birth 35 years ago.

[2] I wish to make some important observations about the Constitution at this auspicious occasion. There is a tendency by us all - depending on a parochial interest we wish to promote or advance - to latch on to one or other tenet of the Constitution: the rule of law, separation of powers, the will of the people through their elected representatives, independence of the judiciary and so on – forgetting that constitutionalism is much more than that. The starting point in any discussion of constitutionalism must be to answer the question: What is a Constitution?

[3] Article 1(6) of the Namibian Constitution declares in stentorian tones that it '...shall be the Supreme Law of Namibia'. But just what does that mean? As late Justice Mahomed iconically reminded us in *S v Acheson* 1991 (2) SA 805 (NmHC):

'The Constitution of a nation is not simply a statute which mechanically defines the structures of government and the governed. It is a 'mirror reflecting the national soul', the identification of the ideals and the aspirations of a nation; the articulation of the values bonding its people and disciplining its government.'

[4] There is no law higher than the Constitution. All other laws derive their validity from, and must yield to, the Constitution. At its core, constitutionalism is the idea that how:

- society is structured and organised;
- state institutions are constituted, run, and execute their functions;

- public power is exercised;
- the nation's collective resources are exploited and distributed;
- we, as members of society, relate to each other; and
- we are governed and treated by those who wield discretionary and coercive power –

is the legitimate domain of the Constitution. In other words, the Constitution claims legitimate authority over the entire architecture of governance and the relations between the state and its people. Every word and sentence in it exists for a reason and a purpose, and each must be given meaningful effect in practice—not merely acknowledged in theory. Our jurisprudence recognises that constitutionalism is more than the mere existence of a written document but a living instrument whose spirit animates the legal order.

[5] Birthed as it was in the crucible of liberation and embodying the aspirations of our people for freedom, dignity, and justice it enshrines the rule of law and protects fundamental rights and freedoms. These rights—equality before the law, freedom of speech, right to property, fair trial guarantees, and many others—are not ornamental. They are binding, directly enforceable, and designed to shape the lived reality of all over whom the Constitution holds sway.

[6] We must dispel the myth that constitutionalism is a luxury. On the contrary, it is a necessity for the poor, the marginalised, and the vulnerable, for whom the absence of constitutional discipline means unchecked abuse. A functioning constitutional order transforms the state from master into servant of the people, making governance a service, not a privilege.

[7] Constitutions survive only if those entrusted with their defence have the courage to enforce them. Unless we all submit to the discipline of the law constitutionalism will remain an empty slogan.

[8] Every provision of our Constitution carries meaning and purpose. To ignore or diminish any part is to weaken the whole. Constitutionalism requires vigilance, courage, and an unshakable commitment to the rule of law, judicial independence, and the rights and freedoms of our people.

[9] Returning to the purpose for which we are here today, I am particularly pleased that the distinguished and learned editors of the book we are here to launch have recognised the organic link between constitutionalism and sustainable development – a linkage that does not occur naturally in our discourse about constitutionalism. How often do you hear in our invocation of constitutionalism about, for example, the environment, sustainable utilisation of natural resources and the needs of the poor? Yet those issues are just as important as the right to a fair trial, separation of powers and equality before the law!

[10] ‘Constitutionalism and Sustainable Economic Development’ is therefore both timely and consequential: It challenges us to reflect deeply on constitutionalism—not as a mere academic abstraction, but as a living framework that shapes the destiny of nations.

[11] As I observe in the foreword to this book, Africa today stands at the crossroads. Visionary instruments such as the African Union’s *Agenda 2063* and the African

Continental Free Trade Area (AfCFTA) project a future of integration, peace, and economic self-reliance. But noble declarations alone will not build that future. They must be matched by deliberate, disciplined, and lawful governance, anchored in the principles of constitutionalism.

[12] This book demonstrates that constitutionalism is indispensable to sustainable economic development. Without the predictability, stability, and fairness that a constitutional order guarantees, no society can foster long-term investment, innovation, or equitable growth.

[13] This book is a valuable contribution to that cause. May it inspire an African constitutional renaissance—one rooted in justice, animated by peace, and committed to the economic dignity of every African.

[14] Drawing on the frameworks of Agenda 2063 and AfCFTA, the authors explore the intersection between constitutionalism and sustainable economic development. They show us that economic growth in Africa cannot stand on shaky foundations – it must be anchored in the rule of law, sound governance, and respect for constitutional principles.

[15] The carefully crafted chapters take us through a journey of ideas, case studies, and reflections – from national perspectives to continental and global insights. What emerges clearly is that Africa's growing influence on the world stage must be matched by a steadfast commitment to constitutionalism. Only then can we harness our continent's immense potential.

[16] The *AfCFTA* and Agenda 2063 remind us that our aspirations – of a single market, of free movement of people, of prosperity and peace – will remain just words on paper unless every State Party commits to fidelity to the law. Investors and traders need certainty, predictability, and fairness. If national policies are opaque or dependent on the whims of officials, our integration efforts will falter.

[17] This is why the message of this book is so important. It is a call to action, urging us to align our governance, legal systems, and economic policies with the principles we have declared to be our own.

[18] I wish to commend the editors and contributors for their vision, scholarship, and dedication. They have brought together a wealth of knowledge and expertise – rooted in African realities yet outward-looking enough to engage with global trends. Their work is both a source of deep reflection and a practical guide to action.

[19] May this launch be not only a celebration of a fine piece of scholarship but also a renewed commitment to making the ideals expressed here a reality.

[20] I invite you all to engage with this important work and carry forward its message.

I thank you.