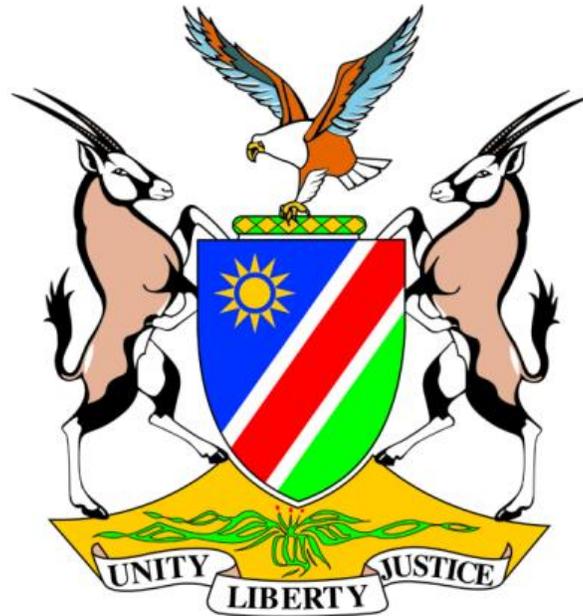


REPUBLIC OF NAMIBIA



STATEMENT BY

HIS EXCELLENCY DR HAGE G. GEINGOB

PRESIDENT OF THE REPUBLIC OF NAMIBIA

AT THE OPENING OF THE 2020 LEGAL YEAR

12 FEBRUARY, 2020

WINDHOEK

- Director of Ceremonies – Honourable Deputy Chief Justice, Petrus Damaseb;
- Honourable Chief Justice, Peter Shivute;
- Honourable Acting Minister of Justice, Frans Kapofi, and other Ministers present;
- Honourable Attorney-General, Dr Albert Kawana;
- Honourable Justices of the Supreme Court and the High Court;
- Madam Martha Imalwa, Prosecutor-General of Namibia;
- Your Worship, Chief Magistrate and other Magistrates present;
- Distinguished members of the legal profession and other distinguished guests;
- Members of the media;

As has become customary over the last few years, I am profoundly pleased to join you again this morning at the occasion of the ceremonial opening of the 2020 legal year, signalling the commencement of official judicial business for the legal fraternity. This ceremony takes place only a few days after we celebrated 30 years of the adoption of our Constitution by the Constituent Assembly on 9 February 1990.

I have no hesitation to state that we have been able to prosper and conduct our affairs in all spheres of our lives during the last 30 years, because our daily conduct as a People had largely been guided by and undertaken in accordance with our own jurisprudence carefully moulded by our independent and impartial Judiciary.

In fact, the Supreme Court at the apex of our Judiciary has correctly observed that our Constitution “is not simply a memorial of a bygone era, but an ever-present compass, its constituent parts carefully composed of our People’s collective experiences, values, desires, commitments, principles, hopes and aspirations, by which we seek to navigate a course for the future of our Nation in a challenging world.”

The above apposite statements in one of the emotive cases ever heard in Namibia since Independence, to be specific, on the question of labour hire, represent the admirable record of our independent Judiciary over the years in emphasising the importance of constitutionalism and the Rule of Law in various judgments, which judgments on a daily basis have become the guiding tools for the Executive and the Legislature in carrying out their respective constitutional duties. With that in mind, it is a special and singular honour to partake in this noteworthy ceremonial occasion which epitomises our steadfast approach to continue to strengthen and maintain democracy, unity, peace, stability and the Rule of Law in Namibia.

As the Head of State, I must immediately record before you, Chief Justice, Deputy Chief Justice and Justices of both the Supreme Court and High Court, and the legal profession that the Executive remains committed to respecting and upholding the fundamental rights and freedoms of our People as enshrined in our Constitution.

We further remain committed to ensuring that no Member of Cabinet or the Legislature, or any other person, interferes with the Judges or Judicial Officers in the exercise of their judicial functions. This is because we believe that a well-performing independent and impartial Judiciary remains a central part of our Constitutional Architecture and a very important feature of our young democracy. Any improper interference with the Judiciary, I should caution, will spell danger to our Republic and will have far-reaching effects for our society as a whole.

Honourable Chief Justice, the Government and all organs of the State shall do all necessary to accord such assistance as the Judiciary may require in order to achieve and protect its independence, dignity and effectiveness. This will include making sufficient budgetary provision for the Judiciary's functions to be carried out without stifling financial challenges. In the fast-changing social, legal and political landscape around the globe, and in particular in our country, it is important to highlight that as required by our Constitution the Judiciary, in attending to all matters that come before it for adjudication, must remain determined to at all times act fairly, objectively and without fear, favour and prejudice.

The Government, on its part, will play its role in ensuring that the Judiciary is strengthened not only in terms of its structural independence, but also in making sure that it operates in an environment where it is not subjected to undue public or institutional

pressure in its vital work of dispensing justice to all our people irrespective of their economic or social status.

In this respect, while the Judiciary should not be unnecessarily and overly sensitive towards justified comments or criticism of its decisions, I am of the view that it is in fact dangerous and unfair to men and women who have been called to the Bench and who undertake the difficult job of dispensing justice on a daily basis, to be subjected to unjustified ridicule or insults because of the decisions they make in accordance with our laws.

I fear that reckless and gratuitous allegations aimed at impugning the integrity of the Judiciary may lead to a situation where members of the public could lose faith in the Judiciary and start resorting to taking the law into their own hands, something that has proved in other countries to be the mother of all chaos and anarchy.

We are entering the year 2020 on the back of a very challenging 2019. Last year was characterized by economic headwinds and an unprecedented drought that wreaked havoc on the lives of many Namibians and their livestock. Our resilience in the face of this adversity is testament to our robust Governance Architecture, which is characterized by sound processes, systems and institutions.

As a People who toiled under the harshness of colonial oppression and prevailed against the tyranny of apartheid, we view justice as sacrosanct and a core tenet of our Governance Architecture.

Director of Ceremonies,

The Judiciary and members of the legal profession play an integral role as sentinels of Namibia's Constitutional democracy.

In this regard, the legal community is reviewing its enabling legislation. It is expected that during that process there will be an opportunity for constructive public dialogue, intended on addressing, amongst others, the following issues:

1. Increased imperatives for access to justice.
2. Enlargement of the pool of apprenticeship for candidate legal practitioners attending the Justice Training Centre.
3. Employment opportunities for law graduates and
4. Prohibitively high legal fees.

It is my hope that during this reform process the use of the law and the Constitution will emerge as transformative tools to re-engineer the direction of the legal profession, while providing scope for contributing to the tenets of social justice and national development.

Because of the unfortunate high level of poverty in our country, I encourage all legal practitioners to fully embrace the *pro bono* culture as a means of improving the accessibility of law and justice to vulnerable sections of our society.

Another important consideration would be the introduction of the Small Claims Court, even if initially as a pilot and as part of existing infrastructure.

This type of court set-up is common in other jurisdictions and presents an ideal opportunity to improve access to justice. Although it is not a panacea for all challenges facing the legal profession, it will significantly contribute towards enabling more of our citizens to access the courts.

Ladies and Gentlemen,

I reaffirm our commitment to tackle the evil that is corruption, by demanding ethical management and administration of the State's affairs by all State functionaries. In this respect, our Government will continue reviewing laws and policies in order to close loopholes that make our laws and systems susceptible to exploitation. This is done with the understanding that robust processes, systems and transparent institutions act as the first line of defence against corruption and mismanagement, particularly of our national resources.

In conclusion, I call on you, as you leave this venue to return to your respective chambers,

to engage in much-needed introspection, in order to improve processes and systems in place to dispense meaningful justice in our country.

I wish you all a successful 2020. May you remain healthy, industrious and prosperous.

I now declare open the 2020 legal year, and I thank you all.

Long live the Republic of Namibia.