

WELCOMING REMARKS BY HIS LORDSHIP, JUSTICE PETER S. SHIVUTE, CHIEF JUSTICE OF NAMIBIA, ON THE OCCASION OF THE OFFICIAL VISIT BY HIS LORDSHIP, JUSTICE LUKE MALABA, CHIEF JUSTICE OF ZIMBABWE TO NAMIBIA

SUPREME COURT, WINDHOEK, 23 MAY 2024

The Honourable Justice Luke Malaba, Chief Justice of Zimbabwe

The Honourable Justice Petrus Damaseb, Deputy Chief Justice of Namibia

Her Excellency Melody Chaurura, Ambassador of the Republic of Zimbabwe

Senior Officials of the Judicial Service Commission of Zimbabwe

Senior Officials of the Office of the Judiciary of Namibia

Esteemed Guests

Esteemed Representatives of the Media

Ladies and Gentlemen

1. It is with great honour that I stand before you today on this important occasion, marking the formalisation of an enduring friendship and brotherhood between Namibia and Zimbabwe through the official visit of the Honourable Chief Justice of Zimbabwe, Chief Justice Luke Malaba, which has presented an

opportunity for our two judiciaries to exchange views, share experiences and strengthen the bonds of friendship, mutual assistance and cooperation between our respective jurisdictions.

2. I would like to take this opportunity to welcome the Chief Justice of Zimbabwe and his delegation to Namibia – the Land of the Brave, and to the Supreme Court of Namibia. I am pleased to see that the long-standing excellent relations that exist between our countries' governments have been extended to the judiciary level. Feel at home and savour the warm Namibian hospitality. In the coming days, you will be travelling to the countryside to see firsthand why Namibia is referred to as the land of contrasts and wide open spaces.
3. Our two nations share a deep-rooted history of cooperation and solidarity, not only at a bilateral level but also through our joint efforts in multilateral forums such as the United Nations, the African Union, the Southern African Development Community (SADC) and the Southern and Eastern African Chief Justices' Forum (SEACJF). It is within this spirit of collaboration that we now seek to establish a more structured and formal framework to strengthen the ties between our judiciaries. Towards that end, our formal talks will conclude with the signing of a Memorandum of Understanding, incorporating the ambit and scope of areas for cooperation and exchange.

4. Over the years, our respective judiciaries have engaged in numerous exchanges and collaborations. In the early years of Namibia's Independence, the Judiciary of Zimbabwe came to our rescue when it seconded one of its most seasoned jurists, the late Justice Simpson Mtambanengwe, to serve as a Judge of our High Court. Justice Mtambanengwe served as Acting Chief Justice of Namibia and, after his retirement, continued to serve several times as an Acting Judge of the Supreme Court of Namibia.

5. Later, Justice Mavis Gibson was also appointed as a Judge of the High Court of Namibia and had a stint as an Acting Judge of our Supreme Court. In the early 2000s, the late Justice John Manyarara also joined our Bench after appointment as an Acting Judge of the High Court. His appointment was followed by that of Justice Maphios Cheda, as a Judge of the High Court. Currently, our judiciary is privileged to be served by two Zimbabwean nationals, in the persons of Justice Rita Makarau, who serves as an Acting Judge of the Supreme Court, and Justice Moses Chinhengo, who serves as an Acting Judge of the High Court.

6. On our part, the Honourable Deputy Chief Justice of Namibia was honoured to address the Bench Bar Colloquium in Kariba, Zimbabwe in 2022. In the same year, a delegation from our

Judiciary had the privilege of attending the launch of the Integrated Case Management System by the Judiciary of Zimbabwe. In my capacity as Chief Justice, I too had the opportunity to support the Judiciary of Zimbabwe when I attended the judiciary's end-of-term Judges' Symposium in Victoria Falls Town in 2014 and again when the Judiciary of Zimbabwe hosted the SEACJF Annual Conference and General Meeting in 2021.

7. I would like to congratulate the Judiciary of Zimbabwe for having won the bid to host the 7th Congress of the Conference of Constitutional Jurisdictions of Africa (CCJA), which I am advised, will be held in Victoria Falls Town, Zimbabwe, from 27 to 30 November 2024. As a full member of the CCJA, the Namibian Judiciary will play its part and participate in the Conference. I am pleased that with the forthcoming assumption of the CCJA Presidency by the Chief Justice of Zimbabwe, the presidency has returned to our SADC Region.
8. Our shared experiences have enriched both our judiciaries, fostering a mutual understanding and respect that forms the foundation of the Memorandum of Understanding we will be signing today.
9. The preamble of the MOU emphasizes our commitment to a strategic partnership that leverages our collective expertise and

capacities. It acknowledges our constitutional mandates to support and empower the Judiciary in the effective dispensation of justice. We are motivated by our shared interest in strengthening our relationship and respective judiciaries, recognising that the fundamental responsibility of a judiciary is to enhance and uphold the rule of law through independent and impartial adjudication of disputes.

10. Our collaboration is also aimed at promoting judicial accountability and transparency by setting up systems that will enhance court performance. By working together, we can support the courts, strengthen integrity mechanisms, promote human capital development, and enhance public trust and confidence in our judicial systems, for the benefit of our respective nations and their citizens. Our nations expect nothing less.

11. Today's formal talks will focus on several key areas of cooperation, namely:

11.1 Strengthening Bilateral Relations

11.2 Judicial Training

11.3 Backlog Reduction Strategies

11.4 Digital Transformation and Virtual Courts

These themes will be explored in detail at a technical level in separate meetings to follow.

12. As we move forward, it is important to remember that the MOU soon to be signed is not merely a document but a reflection of our shared vision and commitment. It is about creating a lasting impact on our judicial systems and, ultimately, on the lives of the people we serve. Let us seize this opportunity to learn from each other, to innovate, and to strive for excellence in the administration of justice for the benefit of our peoples.

13. I extend my heartfelt gratitude to all those who have worked tirelessly to make this official visit a reality. Your dedication and hard work have laid the foundation for a stronger and more collaborative future.

I thank you.