

REPUBLIC OF NAMIBIA



**BUDGET MOTIVATION SPEECH BY THE
HONOURABLE DR. ALBERT KAWANA, MP,
ATTORNEY GENERAL, VOTE 35, OFFICE OF
THE ATTORNEY GENERAL**

24 APRIL 2018

**WINDHOEK
NATIONAL ASSEMBLY**

1. Honourable Chairperson of the Whole House Committee, I rise with humility to motivate Vote 35, Office of the Attorney - General.

2. The legal profession all over the World is one of the professions which is looked at with great suspicion by some individuals. Lawyers are often described as **State licensed professional liars** who have a habit of benefiting from the proceeds of crime. It is said that when a criminal steals money and is arrested, he or she hires a lawyer to defend him or her. Once the criminal is acquitted, the stolen money is shared with a lawyer in the form of legal fees.

3. In this manner, lawyers are regarded as financial mercenaries. The moment they realise that the prospects of acquittal are slim and, therefore, the client will be unable to pay legal fees, they are often heard telling the judge that they are not properly briefed, a lawyer's terminology which means they withdraw from the case because they are not paid by the client.

4. Honourable Chairperson of the Whole House Committee, the same persons who do not like lawyers, when they are in trouble they are heard saying **don't talk to me, talk to my lawyer.**

5. Law is an important element in human existence. It regulates the behaviour of society with an ultimate aim of maintaining peace and harmony. In the 21st century, we cannot imagine a nation State which can exist without laws. Equally we cannot imagine the existence of a modern law without the role of a lawyer. It is in this context that I am motivating Vote 35, Office of the Attorney-General. In addition, I want to point out that this is not an annual report, it is a budget motivation which is required to be in line with the Appropriation Bill as tabled by the Honourable Minister of Finance.

6. The annual report, which will be full of details, will be presented to this august House at a later stage. It is against this background that my motivation will be reasonable in length.

Honourable Chairperson,

Honourable Members,

7. Vote 35 is sub-divided into five programmes in line with the Medium Term Expenditure framework, namely, Office of the Attorney General; Central Administration; Legal Advice; Civil Litigation and Prosecutor-General. The total amount that is requested for all these programmes is **Two Hundred and One Million, Seven Hundred and Forty-Seven Thousand Namibia Dollars (201,747,000)**. I now turn to individual programmes.

8. **Programme 1- Office of the Attorney-General.** Chapter 9 Article 87 of the Namibian Constitution provides the powers and functions of the Attorney-General as:

“(a) To exercise the final responsibility for the office of the Prosecutor-General;

(b) To be principal legal advisor to the President and Government;

(c) To take all action necessary for the protection and upholding of the Constitution; and

(d) To perform all such functions and duties as may be assigned to the Attorney-General by Act of parliament.”

9. Under this Programme, an amount of **Two Million, One Hundred And Sixty-One Thousand, Six Hundred and Thirty-Seven Namibia Dollars (N\$2,161,637)** is requested to cover salaries, travel and entertainment of three persons, including myself, who are covered under the Programme.
10. **Programme 2-Central Administration.** Central administration plays an important function in the Office of the Attorney-general. An amount of **Thirty-Six Million, Six Hundred and Sixty-Five Thousand, Five Hundred and One Namibia Dollars (N\$36,665,501)** is requested.
11. The requested amount will cover salaries of staff members who work in the directorate, S&T, materials and supplies, transport, maintenance expenses, utilities, printing, case management, transcription fees, property rentals and membership fees.
12. **Programme 3- Legal Advice.** An amount of **Twenty-Seven Million, Seven Hundred and Twelve Thousand, Three Hundred and Thirty-Four Namibia Dollars (N\$27,712,334)** is requested.

13. The requested amount will cover the salaries of staff and S&T who are employed in the Directorate. The Legal staff of the Directorate are required to accompany delegates of other Offices, Ministries and Agencies whenever there are negotiations or meetings at the official levels at institutions such as the United Nations, the African union, SADC, and SACU. In addition, negotiations at bilateral levels also require legal advice before agreements are concluded. This Directorate plays an important role in assisting the Attorney-General to render legal advice to all Offices, Ministries and Agencies. The Directorate also renders legal advice to Regional and Local Authority Councils via the line Ministry of Urban and Rural Development. On average, the Directorate receives about Seventy-four (74) new files each month for legal advice. Out of 131 staff members of the establishment, only 50 positions are currently filled.

14. Programme 4 -Civil Litigation. An amount of **Forty-Two Million, Nine Hundred And Ninety-Three Thousand, Six Hundred and Ninety-Three Namibia Dollars (N\$42,993,693)** is requested. Apart from the Namibian Constitution, the Government- Attorney exercises functions in terms of Government Attorney Proclamation No. 161 of 1982.

15. The requested amount will cover salaries and S&T for the Directorate, as well as legal costs as a result of civil litigation in all our courts. The Directorate plays an important role in the Office of the Attorney-General in that it is used as fire brigade during civil litigation. It represents the Government in all civil litigation in all the courts. In addition, it represents all civil servants in litigation which arise in the performance of their duties. It also institutes legal proceedings aimed at recovering money or property on behalf of the Government arising from contractual relations or damage caused to the State as a result of negligence of third parties. In addition, it institutes legal proceedings to recover costs awarded to the State in legal proceedings. During the 2017/2018 financial year, the Directorate handled 1,204 cases out of which 600 were motor vehicle accident cases.

16. Allow me, Honourable Chairperson, to point out that the measure of success in any litigation is not whether the Government has won or lost the case, the true measure of Government success should be whether justice between the parties is done.

To me the fundamental issue is that Namibia is a constitutional democracy with an independent judiciary which must seek to disperse justice to all the parties, including the State.

17. Programme 5- Prosecutor-General. An amount of **Ninety-Two Million, Two Hundred And Thirteen Thousand, Eight Hundred and Thirty Five Namibia Dollars (N\$92,213,835)** is requested.

Honourable Chairperson,

Honourable Members,

18. The Prosecutor-General exercises her powers and functions in terms of Chapter 9 Article 88 (2) of the Namibian Constitution.

The most important among them are:

“(a) To prosecute...in the name of the Republic of Namibia in criminal proceedings; and

(b) To prosecute and defend appeals in criminal proceedings in the High Court and the Supreme Court.”

Currently, the staff establishment of the Office is 203 but only 172 are filled. Honourable Members have already been provided with criminal case statistics at all levels of our courts by the Honourable Minister of Justice when he motivated the Vote of the Judiciary. I, therefore, do not wish to bore the Honourable Members with the same figures.

Honourable Chairperson,

Honourable Members,

19. Allow me to conclude by saying that my office is open to engage with all our stakeholders in order to find a solution to the problems facing our nation. Very soon I will engage in face to face consultations with relevant stakeholders so that weaknesses of my office can be identified and addressed in order to promote efficient service delivery to our nation. In some cases, there will be a need to produce manuals to guide staff members in Offices, Ministries and Agencies. I am also willing to coordinate with the School of Law of the University of Namibia so that interested learners, particularly senior students, can be involved with my Office at an early stage given the fact that most graduates from UNAM School of Law are employed by my Office upon completion.

20. I take this opportunity to salute all my predecessors and my staff members for their service to the Land of the Brave. My office is wide open to all so that we work as a team and avoid what His Excellency Dr. Hage Geingob, President of the Republic of Namibia, calls the silo mentality.

21. I therefore, humbly request this august House to approve an amount of **Two Hundred and One Million, Seven Hundred and Forty-Seven Thousand Namibia Dollars (N\$201,747,000)** for Vote 35, Office of the Attorney-General.

I thank you.