

REPUBLIC OF NAMIBIA



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

06 MAY 2019

**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. It was only on Wednesday, 17 April 2019 when the First Citizen of our Republic, His Excellency Dr. Hage Geingob President of the Republic of Namibia and of the SWAPO Party, delivered a comprehensive and powerful state of the Nation Address in this august House in terms of Article 32 (2) of the Namibian Constitution. In addition, volumes of documents related to the budget have been distributed to the Honourable Members. Therefore, my motivation for Vote 35 is merely a supplement.
3. Allow me, first to commend my colleagues, the Honourable Minister and Deputy Minister of Finance and their team, the Honourable Minister of Economic Planning and Director - General of National Planning Commission and the Honourable Deputy Minister and their team for crafting a peoples budget. I also recognise the effort of my Cabinet colleagues and indeed all Honourable Members of this august House.
4. 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 rules of Committee Stage under the Appropriation Bill as tabled by the Honourable Minister of Finance.

5. 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,

6. 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 Four Million, Thirteen Thousand Namibia Dollars (N\$ 204,013,000)**. I now turn to individual programmes.

7. **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.”

8. Under this Programme, an amount of **One Million Seven Hundred and Eight Thousand Namibia Dollars (N\$1,708,000)** is requested to cover salaries, travel and entertainment.
9. **Programme 2-Central Administration.** Central administration plays an important function in the Office of the Attorney-general. An amount of **Thirty-two Million, Seven Hundred and Twenty Thousand Namibia Dollars (N\$32,720,000)** is requested.
10. 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.
11. **Programme 3- Legal Advice.** An amount of **Twenty-Seven Million, Six Hundred and Twenty-Two Thousand Namibia Dollars (N\$27,622,000)** is requested.
12. The requested amount will cover 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. Recently, a number of parastatals are relying on this Directorate for legal advice. On average, the Directorate receives about 67 new files each month for legal advice. Out of the 130 approved posts on the establishment, 52 positions are currently filled, 2 are vacant and 76 are not funded.

13. Programme 4 - Civil Litigation. An amount of **Forty-Four Million, Five Hundred and Four Thousand Namibia Dollars (N\$44,504,000)** is requested. Apart from the Namibian Constitution, the Government-Attorney exercises functions in terms of Government Attorney Proclamation No. 161 of 1982.

14. 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 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. It also institutes legal proceedings to recover costs awarded to the State in legal proceedings. During the 2018/2019 financial year, the Directorate handled 1235 cases out of which 537 were motor vehicle accident cases. Out of 44 approved posts on the establishment, 40 positions are filled, 3 posts are vacant and 1 post is frozen.

15. Allow me, Honourable Chairperson, to point out one important issue, the measure of success in any litigation between the parties is not whether the Government has won or lost the case, the true measure of Government success in a truly functional democracy 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 dispense justice to all the parties, including the State.

16. Programme 5- Prosecutor-General. An amount of **Ninety-Seven Million, Four Hundred and Fifty-Nine Thousand Namibia Dollars (N\$97,459,000)** is requested

Honourable Chairperson,

Honourable Members,

17. 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 186 positions are currently filled, and 18 are vacant positions. 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,

18. 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 legal problems facing our nation. I am pleased to inform this august House that departmental charters in the Office of the Attorney - General are now operational. I therefore call upon all our stakeholders to constantly engage with my Office so that weaknesses of my office can be identified and addressed in order to promote efficient service delivery to our nation. In order to further improve efficient service delivery, the production of manuals to

guide staff members in Offices, Ministries and Agencies is still receiving attention of my Office. 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. This institution is one of the most important stakeholder for my Office.

19.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. I regard my Office as an integral part of the Government and, therefore, we are fully committed to ensuring that we work and coordinate our activities with other Offices, Ministries, and Agencies so that Namibia can continue to remain a winning nation.

20.I therefore, humbly request this august House to approve an amount of **Two Hundred Four Million, Thirteen Thousand Namibia Dollars (N\$204,013,000)** for Vote 35, Office of the Attorney-General.

I thank you.