

VOTE 16

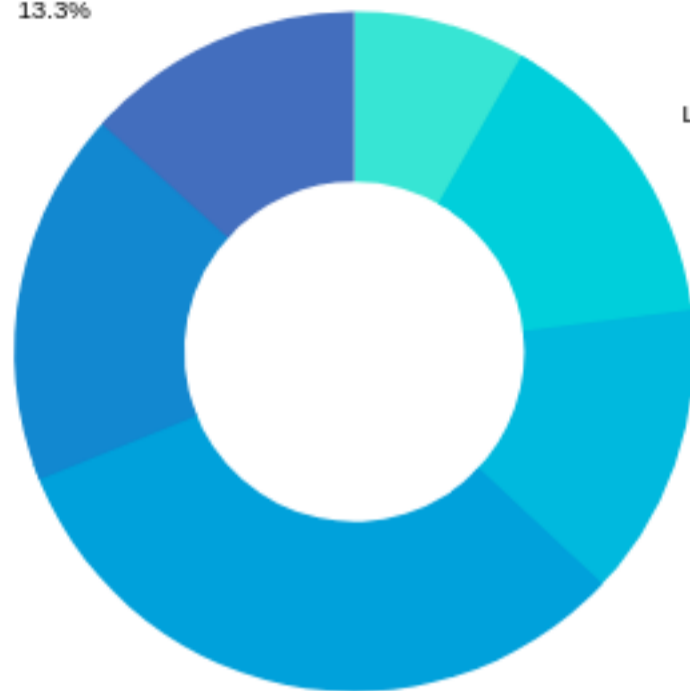
MINISTRY OF JUSTICE



Master of the High Court
13.3%

Law Reform
8.2%

Legal Services
17.8%



Legal Aid
31.9%

GOOD GOVERNANCE

The Ombudsman is a constitutional office which exercises its powers and functions under Chapter 10 of the Namibian Constitution as well as the Ombudsman Act, 1990 (Act No. 7 of 1990).

ADMINISTRATION OF JUSTICE

The provision of legal assistance to indigent persons is categorised under the administration of justice as Legal Aid. The comprehensive duties of the Master of the High Court are funded under this program.

LEGAL SERVICES

Legislative Drafting
14.9%

International and domestic legal services such as the issuing of Apostilles and drafting of extradition agreements falls under this program. The Directorate: Legislative Drafting and the Law Reform and Development Commission also form part of the Legal Services Program.

Ombudsman
13.9%



Establishment: 622



Posts filled: 315



Funded: 379

Additional appointments in fields that require specialised training such as legislative drafting have been funded and will make an enormous impact in the Ministry's capacity.

GOOD GOVERNANCE

OPERATIONAL BUDGET
TOTAL
N\$ 19, 924, 000

LEGAL SERVICES

OPERATIONAL BUDGET
TOTAL
N\$ 58, 487, 000

ADMINISTRATION OF JUSTICE

OPERATIONAL BUDGET
TOTAL
N\$ 64, 679, 000



INTRODUCTION

OF

VOTE 16, MINISTRY OF JUSTICE

IN THE NATIONAL ASSEMBLY

BY

THE MINISTER OF JUSTICE

MR. SAKEUS E.T. SHANGHALA, MP

April 29, 2019

– To be checked against delivery –

**Honourable Chairperson of the Whole House Committee,
Honourable Members,**

1. I rise with the honour of motivating Vote 16 for the Ministry of Justice. Before I begin I want to recognise the excellent work done by the Honourable Minister of Finance and his dedicated team. It is almost impossible to allocate funds to votes when the national expenditure exceeds the national revenue. Under the Honourable Minister's guidance the deficit has decreased by one per cent in a single financial year, which is a tremendous accomplishment.
2. Having further regard to the budget tabled by the Honourable Minister of Finance on 27 March 2019, I wish to highlight that the Ministry of Justice does not fall under the Top 15 Ministries with the highest budget allocations, but plays a key role in the structural policy reforms indicated such as ensuring that the Public Enterprises Governance Bill is drafted and passed through the law making process; the implementation of the Whistle Blower Protection Act, 2017 (Act No. 10 of 2017) and the Witness Protection Act, 2017 (Act No. 11 of 2017); amendment of the Investment Promotion Act; and finalisation of the Energy Regulatory Authority Bill. From these examples it is obvious why "Justice" appears on the National Coat of Arms. This Ministry plays an integral role in the functioning of Government and requires adequate funding to do so.
3. I therefore take this opportunity to motivate Vote 16 in terms of what we will be capable of completing this year with limited funding. I am not saying that one can only solve problems with money, but some projects require funding. Projects such as the implementation of the Witness Protection Act, 2017 and Whistle Blower Protection Act, 2017 requires funding that has not been allocated to the Ministry in this financial year. Therefore, this budget motivation focuses on the ambitious, but financially realistic goals the Ministry will achieve through the given budget.

"The challenge of modernity is to live without illusions and without becoming disillusioned." Antonio Gramsci, an Italian philosopher, once said.
4. A budget is just a plan in numbers. Therefore Honourable Members, I have provided electronic copies of my budget statement summarised in terms of numbers. I am going to contrast what we achieved last year with what we will achieve this year, by motivating my assumptions with data from the previous financial year.
5. The Ministry of Justice is responsible for three main programs, namely the **administration of justice; legal services; and the promotion of good governance.**

6. Let me begin with the **promotion of good governance**. The Office of the Ombudsman has received just under five hundred thousand Namibia dollars (N\$ 500 000) more than last year. With this new allocation it was possible to fund the position of Children's Advocate and we are very excited to welcome our new dynamic, passionate team member. New and upcoming legislation like the Child Care and Protection Act, 2015 (Act No. 3 of 2015) and the Child Justice Bill place additional responsibilities on the Ombudsman's functions and therefore I submit that the funding for this critically important Office remains inadequate.
7. To enhance autonomy in the good governance oversight framework of the Office of the Ombudsman and to give proper effect to the wide powers of the Ombudsman, an Ombudsman Bill is being drafted and will be made available for public comment by August.
8. The need for governance and upholding human rights cannot be overstated and is essential to maintaining the peace and stability we have come to enjoy. I therefore take this opportunity to urge society, Members of this august House, as well as my fellow Honourable Ministers to provide their full support and cooperation to the Office of the Ombudsman when information is requested for reporting purposes or when meetings are scheduled.
9. The second programme administered by the Ministry of Justice is **Legal Services**. This entails, among others, the maintenance of Namibia's international presence in terms of the agreements which Namibia is signatory to. After lobbying the Honourable Minister of Finance for most of 2018 the allocation for Legal Services has been almost doubled. This increase in funds will directly impact the quality of Namibia's participation in international forums and the conclusion of extradition agreements with high profile countries that have a large representation of Nationals in Namibia such as the Russian Federation. This increase in funds will enable Namibia to direct international policy relating to Sub-Saharan Africa instead of trying to conform to unrealistic standards. For as long as Namibia is a member of the international community and State party to various international instruments, we have to adhere to the obligations placed upon us in terms of these institutions and instruments. We cannot always cite lack of funds as a reason not to participate in the activities of these institutions. This will inevitably lead to our alienation and eventual disappearance from the international arena.
10. I thank the Honorable Minister of Finance and his team for having taken the time to listen to and consider our pleas in this regard as the nation eagerly awaits the good news on action taken against those who fail to pay child maintenance.

11. Further to this, Legal Services includes the rendering of services to Boards and Commissions and also includes the responsibility for the proper functioning of the Justice Training Centre, also known as the JTC – where candidate legal practitioners are currently undergoing practical training for admission as legal practitioners in terms of the Legal Practitioners Act, 1995 (Act No. 15 of 1995) as amended. This stems from an agreement between the Ministry of Justice and the University of Namibia. The Ministry of Justice, in terms of the agreement is responsible for the housing of the JTC and for providing adequate infrastructural and other resources to this institution in order for it to carry out the functions it was initially designed for, i.e. to also train other judicial officers and court officials. We are currently falling short of this obligation and would like to take it up seriously as we have witnessed deterioration in the quality of the services rendered by this important institution.
12. The last program relates to **administration of justice** which includes the provision of legal services to indigent persons and the management of deceased estates. This budget has decreased by N\$ 3 million, but as I have stated before, I will undertake to do more with less. From the Ministry's side, we have done all we can do to ensure that the wage bill is reduced and that staff members are working effectively. The Ministry has completed its payroll verification process and found that there were no ghost employees. Further 95% of staff members have signed their performance agreements and successfully undergone assessment. For three consecutive years the Ministry received an unqualified audit.
13. In terms of the State Finance Act, 1991 (Act No. 31 of 1991) the Auditor-General has confirmed that all reasonable precautions have been taken to safeguard the receipt, custody and issue of the State's assets and expenditure has taken place under proper authority and is supported by adequate proof.
14. I am stating these facts to prove that allocating money to Vote 16 is a responsible and high yield investment in Namibia's future. The administration of justice affects the functioning of all Offices, Ministries and Agencies as it creates the legal framework for operations to occur in and serves as a communication point on legislation for the public. I therefore ask you to support the allocation of **three hundred and twenty six million nine hundred and fifty two thousand Namibia Dollars** (N\$326, 952, 000) to Vote 16.

I thank you.