



OFFICE OF THE JUDICIARY

VOTE 21

COURT INFRASTRUCTURE

Renovation of Lower Courts

(Project No:16024, NPC code 1037)

Construction of Prefabricated Courts

(Project No:16023, NPC code 2003)

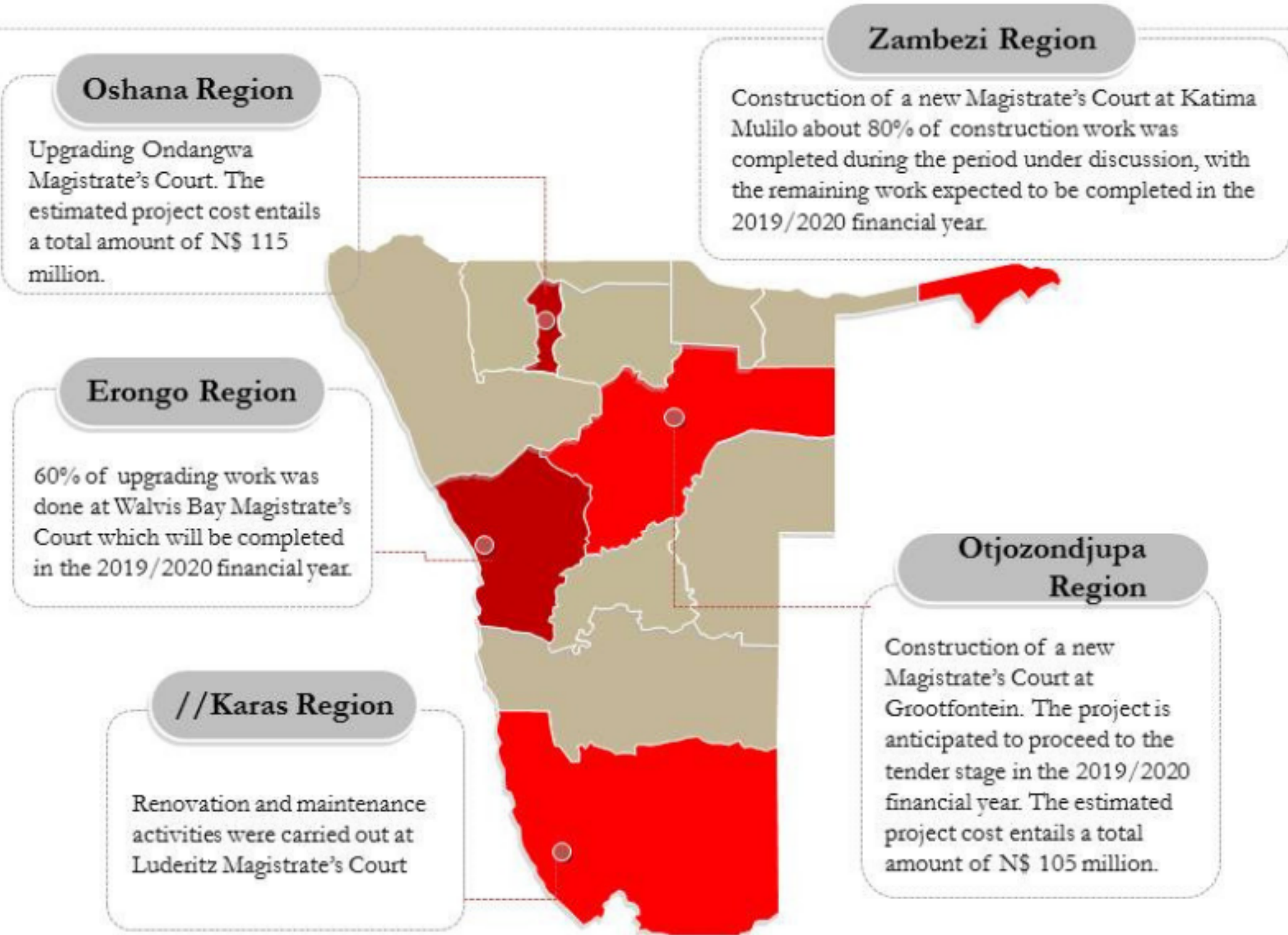
Upgrading of the High Court

(Project No:16029, NPC code 8072)

Upgrading & Construction of Lower Courts

(Project No:16027, NPC code 1318)

The remaining work to complete the upgrading of the **High Court in Windhoek** is anticipated to be executed in the 2019/2020 financial year. The tender process for this project for the appointment of a new contractor is now completed for Phase 1. The appointment will be done soon. Phase 1 is expected to be completed by the end of 2019 and Phase 2 in March 2022.



Total Establishment	Staff on Board	Vacancies
930	730	200

Judges



Magistrates



Staff



JUDICIAL EXCELLENCE, OUR REALITY!

REPUBLIC OF NAMIBIA



OFFICE OF THE JUDICIARY

BUDGET SPEECH

VOTE 21

FOR THE 2019/2020 FINANCIAL YEAR

BY

**HON. SAKEUS SHANGHALA, MP,
MINISTER OF JUSTICE**

30 APRIL 2019

NATIONAL ASSEMBLY

[to be checked against delivery]

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

MOTION:

1. I rise with the honour of presenting Budget Vote 21, the proposed budget allocation of the Office of the Judiciary at this occasion of the fourth anniversary of the separate budget allocation for the Office of the Judiciary (hereafter ‘the Office’).

THE JUDICIARY

2. As a custodian of the Namibian Constitution and a guarantor of the fundamental rights of all of us, the Judiciary assumes a pivotal role in our democratic society based on the rule of law. An impartial and independent Judiciary is key to our democratic way of life as it exists to uphold peace, order, equality and good government through the application and interpretation of the Namibian Constitution and laws.
3. Adequate funding is necessary for a well-functioning and independent judicial system in the discharge of its constitutional mandate. The budget estimates I present today, although by no means addressing the true and actual needs of the Judiciary, are intended to meet the most basic needs of the Judiciary.
4. Sub-article 1 of Article 1 of the Namibian Constitution establishes the Republic of Namibia as a sovereign, secular, democratic and unitary State founded upon the principles of democracy, the rule of law and justice for all.
5. For its part, the Judiciary’s role is to safeguard and protect the Namibian Constitution and its values and to consolidate democracy.

6. As a direct response to and within the context of its constitutional mandate, the Government of the Republic of Namibia by way of constitutional amendment and legislative intervention has established the Office as an administrative component of the Judiciary responsible for handling all the administrative and financial matters of the Judiciary in line with the provisions of Article 78 of the Namibian Constitution. I have no doubt that this judicial reform concretises the overarching independence of the Judiciary.

7. On behalf the Judiciary, I wish to thank and commend the Namibian Government for taking this important step aimed at strengthening the independence of our Judiciary.

Honourable Chairperson of the Whole House Committee,

8. Two years ago, while motivating the 2017/18 budget of the Office, this august House was reminded that there is no real measure for the value of justice. That proposition still holds true today and will continue do so in the future. As we enter the new financial year, it is important to stress that the proposed budget I am about to present to this august House is designed to progressively match the minimum available resources with the needed total budgetary requirements of the Office.

PERSONEL ESTABLISHMENT OF THE JUDICIARY

9. The Office is made up of judicial officers and support staff. Out of a total of 930 positions on the establishment of the Office, 730 positions are currently filled, leaving 200 vacancies. It is important to note that the more we invest to expand our court infrastructure, the greater the need to appoint additional judicial officers and support staff. That undoubtedly places additional strain on our already over-stretched financial resources.

10. As I will elaborate later on in my presentation, new courts are to be inaugurated during this financial year and that will require additional judicial officers and staff members to be appointed to support the operations of the courts.

OPERATIONS AND PERFORMANCE OF THE COURTS

SUPREME COURT

11. As the apex court, the Supreme Court continues to provide jurisprudential leadership and in that way contribute to the administration of justice. I am credibly informed by the Honourable Chief Justice that the court does not have a backlog and all cases that are ripe for appeal are enrolled expeditiously.

HIGH COURT

12. I am also pleased to report to this House that the court-connected mediation as an initiative taken by the Judiciary continues to record impressive results. In 2018 alone, 626 cases were referred for mediation of which 418 (67%) were successful. This success rate is a clear indicator of the importance of court-connected mediation as a strategic intervention undertaken by the Judiciary to speedy and less costly justice in civil matters. Going forward, more resources must be deployed to expand the program of court-connected mediation and to extend it to the magistrate's courts.
13. As far as the High Court's criminal stream is concerned, the statistics show that fewer cases were finalised in 2018 compared to the previous year.
14. The low clearance rate of criminal matters in the High Court is as a result of various factors. In our criminal justice process there are very few guilty pleas by accused persons with the result that almost every case filed in the High Court ends in a full-blown trial often with many witnesses and incessant postponements occasioned by dismissal of lawyers by accused persons, withdrawal by lawyers due to misunderstanding with clients and scheduling difficulties experienced by

lawyers. Another contributing factor is insufficient courtrooms as the available ones are expected to meet the needs of both criminal and civil cases. Lastly, there is a long waiting period to complete psychiatric evaluation of accused persons' fitness to stand trial due to inadequacy of facilities at the psychiatric ward.

MAGISTRATES' COURTS

15. As a backdrop to the performance of the Magistrates' Courts, it is important that I inform the House that the Magistrates' Courts consist of Regional Courts, District Courts and Periodical Courts spread across the entire country. By the end of 2018, there were total of 35 magistrates' courts in 14 regions, excluding the periodical courts that are serviced by the same judicial officers.
16. It is thus not surprising that considering the geographical spread of these courts and the fact that the vast majority of cases are dealt with in the Magistrates' Courts with which the public have the most direct contact, enormous difficulties are being experienced with the finalisation of cases by those courts.
17. For the period January-September 2018, the Magistrates Courts completed 49% of the cases on the roll. As these statistics depict, we still have a lot to do to improve the state of affairs at the magistracy level. The state of affairs at the magistracy level has indeed become a source of concern to the Ministry and the Judiciary itself.
18. I am however pleased to report that all necessary steps are being taken to improve the performance of the Magistrate Courts in all respects. Some of the measures being taken include the acquisition of ready to use structures to complement the existing court-rooms; investigating the feasibility of weekend and night courts in the busiest districts; recruitment of additional magistrates and support staff; on-going training of magistrates in technical fields of the law and specialised areas

such as organised crime and wildlife protection, as well as redeploying experienced magistrates who are able to deal with the high case volumes to busiest stations.

19. With regards to infrastructural development projects for the courts, my verbal report is briefly as follows and for more detail I refer you to the infographic that has been emailed to the Honourable Members of the House.

20. In terms of construction at the lower courts documentation for upgrading of Ondangwa Magistrate's Court in the Oshana Region and Grootfontein Magistrate's Court in the Otjozondjupa Region was completed. The project is now ready to proceed to the tender stage, depending on the availability of funds. Construction of the new Magistrate's Court in Katima Mulilo in the Zambezi Region is 80% complete, with the remaining work expected to be completed in the 2019/2020 financial year, while 60% of the upgrading work at Walvis Bay Magistrate's Court has been completed.

21. An amount of N\$ 29 million (twenty nine million Namibia Dollars) was allocated to the upgrades to the High Court building in Windhoek, but it could not be utilized for the intended purpose, due to the fact that no construction activities took place on site during the whole of 2018 as the contract with the contractor was cancelled. Some of the funds were utilized towards partitioning work carried out at the Supreme Court and Schönlein buildings to provide more office space in the mentioned buildings. The remaining work to complete the upgrading is anticipated to be executed in the 2019/2020 financial year. The tender process for this project for the appointment of a new contractor is now completed for Phase 1. The appointment will be done soon. Phase 1 is expected to be completed by the end of 2019 and Phase 2 in March 2022.

Honourable Chairperson of the Whole House Committee,

22. With that background, let me now proceed to present an overview of the projected 2019/20 budget. But before I do that, I find it appropriate that for accounting purposes I report to this august House on the 2018/19 budget outturn.
23. In 2018/2019, a 99.41% overall execution rate was accomplished! This demonstrates that for the fourth time running, the expenditure has been in line with the allocation and budget prescripts, meaning that there was no overspending.
24. For the 2019/20 financial year, the Office is requesting a total of N\$368 444 000 (**Three Hundred and Sixty-Eight Million, Four Hundred and Forty-Four Thousand Namibia Dollars**) to fund four Programmes. As it can be noted, there has been a slight reduction in the proposed budget allocation for 2019/2020 financial year to the tune of N\$2 904 000 (**Two Million, Nine Hundred and Four Thousand Namibia Dollars**).
25. I now continue to set-forth the programmes under which the proposed budget allocation will be directed towards to:

Programme 01:

Supreme Court Adjudication and Administration-

This programme has been allocated an amount of N\$22 014 000 (**Twenty-Two Million, Fourteen Thousand Namibian Dollars**).

Programme 02:

High Court Adjudication and Administration –

This programme has been allocated an amount of N\$85 723 000 (**Eighty-Five Million, Seven Hundred and Twenty-Three Thousand Namibian Dollars**).

Programme 03:

Lower Courts Adjudication and Administration –

This programme has been allocated an amount of N\$180 871 000 (**One Hundred and Eighty Million, Eight Hundred and Seventy-One Thousand Namibia Dollars**).

Programme 04: Policy Supervision, Coordination and Support Services-

This programme has been allocated an amount of N\$79 836 000 (**Seventy-Nine Million, Eight Hundred and Thirty-Six Thousand Namibia Dollars**).

26. The proposed budget as presented is geared towards achieving the three main strategic objectives of the Office of the Judiciary, and these are:
- (a) To enhance administrative and financial independence of the Judiciary;
 - (b) To promote a high performance culture through service excellence; and
 - (c) To enhance public confidence in the administration of justice.
27. I am therefore confident that the Office of the Judiciary will continue to execute this budget as per the said priority programmes, in light of the above-mentioned strategic objectives.

Honourable Chairperson of the Whole House Committee, Honourable Members,

28. With these remarks, I now seek the indulgence of this august House to approve the budget allocation totaling N\$368 444 000 (**Three Hundred and Sixty-Eight Million Four Hundred and Forty-Four Thousand Namibia Dollars**). Your united support and approval of this proposed allocation will serve as an affirmation to the realisation of access to justice for all in Namibia.

I thank you.