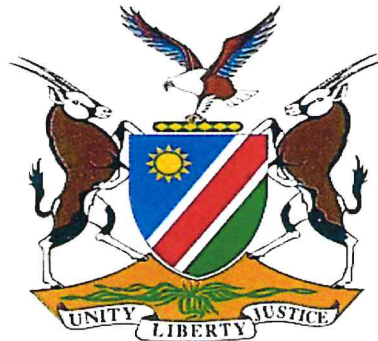


REPUBLIC OF NAMIBIA



**OFFICE OF THE JUDICIARY
BUDGET SPEECH
VOTE 21
FOR THE 2023/2024 FINANCIAL YEAR**

**BY
HON. YVONNE DAUSAB
MINISTER OF JUSTICE**

**3 APRIL 2023
NATIONAL ASSEMBLY**

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

1. It is my distinct honour and privilege, to rise and introduce Vote 21, the Budget of the Office of the Judiciary for the Financial Year 2023/2024.
2. At the outset, please allow me to express, on behalf of the Office of the Judiciary, our profound gratitude to the Minister of Finance and the Director-General of the National Planning Commission, and the entire team for a well-crafted budget.
3. Likewise, the Office of the Judiciary is appreciative of the guided oversight of this august House in ensuring that the programmes and activities of the Office of the Judiciary are fully implemented as the Office strives towards its goal of providing world class judicial services to all.

Honourable Chairperson of the Whole House Committee,

4. The Namibian Constitution establishes the principle of separation of powers between the three organs of the State, namely; the Executive, the Legislature and the Judiciary.

5. In pursuance of strengthening the independence of the Judiciary and in line with Article 78 of the Namibian Constitution, the office of the Judiciary was established in terms of the Judiciary Act 2015 (Act 11 of 2015), to attend to the administrative and financial matters of the Judiciary.

6. Inasmuch as one cannot overemphasize the importance of judicial independence, we must equally stress the Judiciary's dependence on the other organs of the State to carry out its constitutionally mandated functions. Without the full support of the Legislature and the Executive, the Judiciary cannot discharge its task of providing speedy and inexpensive justice to all Namibians.

7. The Office of the Judiciary has taken note of the extensive deliberations during the last year's Budget Motivation on the need for a funding formula for the Organs of the State. This initiative is welcomed as a possible solution to finding a predictable and sustainable funding mechanism for the Judiciary that will ensure increased access to justice for all.

Honourable Chairperson of the Whole House Committee,

8. As I have already stated, the Judiciary is charged by law to provide judicial services to the public. I am proud to state that since its establishment in 2015, the Office of the Judiciary has made greater strides in increasing accessibility to justice. However, this increase in access has resultantly increased the burden on our courts to meet the public's demands.

9. This increase in the number of litigants seeking redress before courts is a significant indicator of the importance that the citizenry places on the Judiciary. We should therefore continue to build the capacity for the Judiciary to enable it to continue to uphold the rule of law and guard its independence, dignity and effectiveness.

10. The Judiciary, as with other organs of the State, has been innovative in finding means to counter the ever-growing demand on its already heavily-saddled courts and against the backdrop of limited financial resources in the country. Unfortunately, innovation can only take us so far. There must be an increase in court capacity, both in infrastructure and in

the number of judicial officers and support staff. It goes without saying, Honourable Chairperson, that this consideration requires adequate funding.

11. To improve the court infrastructure; increase the number of court rooms; upgrade redundant court recording systems; migrate to virtual courts and introduce digital evidence presentation; consider Artificial Intelligence in the transcription of court records are some of the innovations on the priority list of the Office of the Judiciary. The Office is convinced that such improvements will undoubtedly increase efficiency and effectiveness in court service delivery. These innovations and infrastructure developments will require substantial financial resources. The Office of the Judiciary is looking forward to this august House's support in allocating financial resources to see through these critical reforms and infrastructure maintenance.

12. In terms of s 13 of the Judiciary Act, 2015 (Act No. 11 of 2015), I, as Minister of Justice, am entrusted by the Legislature to represent the Office of the Judiciary in Cabinet and Parliament. It is for this reason that I have risen to present

Vote 21, on behalf of the Office of the Judiciary before this august House.

13. Honourable Chairperson, before I present the budgetary allocation for the fiscal year 2023/2024, I must do due diligence and briefly report on the activities of the year that was. I must reiterate that the Judiciary continues to strive to do more with less and the performance of the courts must be seen against this backdrop.

OPERATIONS AND PERFORMANCE OF COURTS

14. The Supreme Court, High Court and Lower Courts all experienced an increase in registered cases compared to previous years.
15. Nonetheless, the apex Court and the High Court – including both the Main and Northern Local Divisions – had 96% and 65% judgment clearance rates, respectively.

16. The Lower Courts, consisting of nine Regional Courts, 37 District Courts and 35 periodical courts across Namibia, handled 64,100 cases, with a clearance rate of 32%. The low clearance rate is indicative of the fact that there is an urgent need to strengthen the operational capacity of the Magistracy. The structure of the Magistracy currently only accommodates 104 Magistrates.

CAPITAL PROJECTS

17. In 2022, marked progress was made on the Office of the Judiciary's capital projects. The Office, in collaboration with the Ministry of Justice, continued with the construction, renovation and rehabilitation of existing court houses and facilities across the country. These included the construction of the Seeis Periodical Magistrates' Court in the Khomas Region. Renovations have also been made to magistrates' courts at Okakarara, Walvis Bay and Gobabis.
18. Furthermore, Phase 1 of the upgrade of the High Court building, Main Division, has been completed.

19. Despite the good progress made in expanding and maintaining the Judiciary's capital infrastructure, the need for the construction of new courthouses and for the upgrading and renovation of the existing ones and other facilities still remains.

Honourable Chairperson of the Whole House Committee,

20. I now present the budget allocation for the Office of the Judiciary, Vote 21, in the amount of N\$421,464 376 (Four Hundred Twenty One Million Four Hundred Sixty Four Thousand Three Hundred Seventy Six Namibia Dollars) which comprises the following Programmes.

Programme 01:

Supreme Court Adjudication and Administration:

N\$24,441,221 (Twenty Four Million Four Hundred Forty One Thousand Two Hundred Twenty One Namibia Dollars).

The main functions of this Programme are to hear and adjudicate appeals from the High Court including appeals which involve the interpretation, implementation and

upholding of the Constitution and fundamental rights and freedoms guaranteed thereunder.

In addition to the above functions, the rendering of quasi-judicial and administrative functions is also key to this Programme.

Programme 02:

High Court Adjudication and Administration –

This Programme has been allocated an amount of N\$93,944,840 (Ninety Three Million Nine Hundred Forty Four Thousand Eight Hundred Forty Namibia Dollars).

This Programme is responsible for the adjudication of civil and criminal matters as well as labour appeals, including cases which involve the interpretation, implementation and upholding of the Namibian Constitution as well as hearing and adjudication of appeals from the Lower Courts. This Programme further includes the performance of quasi-judicial and administrative functions.

Programme 03:

Lower Courts Adjudication and Administration –

This Programme has been allocated an amount of N\$190,168,506 (One Hundred Ninety Million One Hundred Sixty Eight Thousand Five Hundred Six Namibia Dollars). This Programme caters for the adjudication of cases within the jurisdiction of the Lower Courts, as well as the conducting of judicial inquiries.

Programme 04:

Policy Supervision, Coordination and Support Services –

This Programme has been allocated an amount of N\$112,909,809 (One Hundred Twelve Million Nine Hundred Nine Thousand Eight Hundred Nine Namibia Dollars).

The objectives of this Programme are to ensure an enabling environment and a high-performance culture; to provide administrative, technical, and technological support to the Programmes of the Office of the Judiciary; to ensure proper financial management, gender mainstreaming, capacity building as well as an equitable distribution and effective utilization of resources.

21. With that background, I now seek the indulgence of this august House to approve the allocation totaling **N\$421 464**

376 (Four Hundred Twenty One Million Four Hundred Sixty Four Thousand Three Hundred Seventy Six Namibia Dollars).

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

22. Your united support, and approval of this proposed allocation will serve as an affirmation of your commitment to justice for all in Namibia.
23. In closing and as it pertains the Judiciary, it is evident that the harvest is plenty, the workers are few and the funds do not always meet all the needs. This notwithstanding, the Office of the Judiciary shall relentlessly strive towards Judicial excellence and endeavor to fulfil its mandate as best it can.
24. With these few words, I present Vote 21 and adjure this august House to approve this budget as presented.

I thank you.