



INTRODUCTION OF VOTE 16

MINISTRY OF JUSTICE

IN THE NATIONAL ASSEMBLY

BY

THE MINISTER OF JUSTICE

HONOURABLE YVONNE DAUSAB, MP

8 April 2024

Honourable Chairperson of the Whole House Committee,

Honourable Members

1. I rise today to defend the budget allocation for **Vote 16**, Ministry of Justice for the fiscal year **2024/2025**. At the core of our mandate, the Ministry of Justice provides legal services to the Namibian Government and Nation at large and facilitates access to justice for all.
2. Our commitment to a culture of the rule of law, protection and fulfilment of human rights and justice for all remains unwavering, and the planned expenditure of our budget will reflect this commitment.
3. The legal services provided by the Ministry of Justice impacts the lives of all Namibians, but particularly the lives of least privileged members of our society. In the face of evolving societal challenges and legal complexities, the resources allocated to our ministry play a vital role in fulfilling our mission to promote fairness, equality, and accountability within our legal system.
4. As custodians of justice, it is our solemn duty to ensure that these resources are utilised judiciously and effectively to serve the best interests of our society. In the following discourse, I explain the critical importance of our budgetary allocations and outline our strategic priorities for the upcoming fiscal year.
5. During the past financial year, the Ministry of Justice spent significant funds on efforts to ensure that Namibia avoids grey listing by the FATF. We have only one recommendation with two action items remaining and we have all intentions to comply with these outstanding items, which relates to capturing of beneficial ownership details of legacy trusts and implementing sanctions on non-compliant trusts.

6. More generally, the Ministry of Justice administers important service centres namely: administration of deceased estate, legal aid, court infrastructure, maintenance investigations, legislative drafting and law reform. The services rendered by associated directorates impacts lives of Namibians directly.
7. Specifically, and because of their importance some of these centres are also cost drivers in the Ministry. The Directorates: Master of the High Court, Legal Aid and Civil Litigation being the most notable.

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I will now focus on the most cost-intensive service centres within the Ministry of Justice:

**8. DIRECTORATE: MASTER OF THE HIGH COURT - PROGRAMME
ADMINISTRATION OF JUSTICE**

- 8.1 The Directorate: Master of the High Court is responsible for overseeing the administration of deceased and insolvent estates, appointment of curators, administration of trusts and administration of the Guardians Fund. The enabling legal framework for these functions is the Administration of Estates Act, 66 of 1965 (as amended), the Companies Act, 28 of 2004, the Insolvency Act, 24 of 1936, and the Administration of Trusts Act, 11 of 2023.

Case Type	Total No. of Applications Received	Total No. of Applications Processed		Total No. of Applications in Process	% of Applications Processed	% of Applications Processed within Cycle Period
		No. of Applications Approved	No. of Application Rejected			
Guardian Fund	6542	5577	268	697	89.35%	75.14%
Deceased Estate	2960	2368	137	455	84.63%	13.41%
Trust	742	294	223	164	69.68%	2.04%
TOTAL	10244	8239	628	1316	86.56	53.47%

- 8.2 To ensure that the Master's office operates effectively and efficiently, we have allocated a significant portion of our budget towards staffing, training, and enhancing technological infrastructure. In this regard, we reaffirm our commitment to take our services closer to the people and make it more accessible, as we intent to open a satellite office for the Master of the High Court in Katutura, Windhoek and fully operationalise the Oshakati office.
- 8.3 We are also putting measures in place to reduce the immense backlog experienced in that office. In this regard, the ministry has enlisted the help of law students as interns to expedite the processing of applications.
- 8.4 The current location of this office in the Windhoek city centre has proven not to be ideal for the number of clients that need to be accommodated, therefore, the office has been relocated to a new facility, aimed at providing a more conducive environment for customer centred service delivery.
- 8.5 Furthermore, the Ministry continues to work on the development and implementation of a comprehensive Case Management System tailored for various

departments within the Master's Office. The aim is to decrease processing times and enhance efficiency. We acknowledge that this office needs a lot more decentralisation and a dedicated customer service centre to respond to the needs of clients in a timely fashion. The delays currently experienced is therefore regretted, but every effort is being made to improve the image of the Master's office, and I thank the staff and management for their efforts to make this a reality.

9. DIRECTORATE: LEGAL AID - PROGRAMME ADMINISTRATION OF JUSTICE

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- 9.1 Namibia is one of few countries in the African Region that provides legal aid to indigent litigants at the expense of the State. In the previous financial year (2023/24) we have received 9110 legal aid applications of which 5428 were granted while some are pending. This was done with a budget of N\$35 million, which includes expenditure for ongoing cases.
- 9.2 Access to justice is a fundamental principle on which our democracy is built, therefore, the Ministry of Justice continuously endeavours to enhance the legal aid scheme to allow more Namibians to qualify for legal representation under this scheme.
- 9.3 In this financial year, the Ministry wishes to increase the income threshold to allow more people to qualify for legal aid. I am hopeful that with the budget allocated for legal aid, we will be able to do this as there is a need to focus more resources on cases with a socio-economic impact. Our goal is to ensure that no individual is

denied access to the courts and tribunals due to financial constraints or lack of legal representation, thereby leaving no one behind in the pursuit of justice.

9.4 Thanks to the implementation of the case management system, the Legal Aid Directorate has managed to notably decrease the processing time of applications, although the number of applications is ever increasing. Additionally, the Civil Unit within the Directorate has been expanded to provide more legal representation in civil cases, which impacts on the economic rights of our people, including matters that affects the status of people.

9.5 And in a further effort to improve our oversight function in instances of out sourcing, we intend to make an amendment to the Legal Aid Act, to provide for this safeguard to ensure, legal practitioners who don't provide quality service to our clients is dealt with in accordance with a set of norms and standards of accountability. We recognise the many brave Namibians who have shared their experiences and discomfort and are in part, the catalysts for this envisaged improvement.

10. DIRECTORATE: COMMUNITY COURTS - PROGRAMME PROVISION OF LEGAL SERVICES

10.1 The Ministry of Justice, being responsible for oversight of the operations of the Community Courts, recognizes the importance of the community courts in promoting access to justice by applying customary laws to settle disputes amongst community members. These courts serve as a vital link between the judicial system of the country and the communities they serve, providing a forum for the resolution of disputes in a manner that is accessible, affordable, and culturally sensitive. It is also the one platform that lives up to the expectation of restorative justice.

- 10.2 To support the continued operation of community courts, we have allocated funds towards the provision of infrastructure, transport, and the implementation of community outreach programs. By investing in these courts, we are empowering communities to resolve their disputes within their own setting, thereby enhancing community cohesiveness and reducing the burden on our formal court system.
- 10.3 Recently, the Ministry of Justice obtained approval from the Public Service Commission to establish the Directorate: Community Courts with the aim of prioritizing the significance of the role and functions of these courts. In the previous financial year, an amount of N\$15 million was allocated to the Community Courts and I am pleased to announce that the amount was primarily spent on the needs of these Courts. We have received feedback that these resources allocation have been well received and we look forward to increase the pool of community courts in the country.

11. DIRECTORATE: WITNESS PROTECTION – PROGRAMME ADMINISTRATION OF JUSTICE

- 11.1 The Ministry of Justice has operationalised the Witness Protection Act, 2017 (Act 11 of 2017) and has set up the Witness Protection Unit within the Ministry. The objective of the legislation is to safeguard the lives of whistleblowers who are witnesses in (high profile) criminal cases and whose safety is at risk. An amount of N\$50 million was allocated to Vote 16 for this purpose and the entire amount was diverted to the Unit for the full operationalisation of the Act.
- 11.2 The Witness Protection Unit plays a pivotal role in ensuring the integrity of our justice system as we combat crime. To bolster its capabilities, we have allocated resources towards expanding its personnel, enhancing training programs, and strengthening cooperation with law enforcement agencies. Our aim is to provide

comprehensive protection to all witnesses, thereby encouraging greater participation of witnesses in the pursuit of justice.

11.3 Once we have fully operationalised this Unit, we will attend to the review and possible operationalisation of the Whistleblower Protection Act, 10 of 2017 or the amendment of the appropriate legislation to collapse it with the witness protection legislation which is very similar in object, scope and nature.

11.4 This consideration will be undertaken with proper consultation of key stakeholders, notable of which is Parliament through the relevant committees and interested parties, to ensure that we meet the objects of what we wanted to achieve with the twin legislation. The intention is not to compromise the role each will play either individually or as a combined unit, but to avoid duplication of roles and be frugal with the limited resources we have for this purpose.

12. **DIRECTORATE: CIVIL LITIGATION - PROGRAMME PROVISION LEGAL SERVICES**

12.1 The Directorate: Civil Litigation, also known as Government Attorney, is responsible for litigation on behalf of Government O/M/A's.

12.2 Over recent financial years, there has been a significant surge in litigation against Government. An amount of N\$52 million was allocated by Treasury for legal costs expenditure by the Government Attorney. This amount is disproportionate to that spent on legal aid legal costs and we may wish to find solutions for this conundrum.

12.3 Unfortunately, due to a shortage of expertise, an inadequate staff structure, and an outdated enabling framework, the Ministry finds itself compelled to enlist the services of private legal practitioners to enable the government attorneys to cope

with the number of cases. This arrangement, though effective, comes with substantial costs and is not sustainable.

12.4 Hence, it is imperative to either increase the budget commensurate with current spending trends or to give each Government O/M/A the responsibility of managing their own budget and expenditure in this regard.

13. CAPITAL PROJECTS: PROGRAMME CO - OPERATON AND SUPPORT SERVICES

13.1 In the **2023/24** financial year the Ministry of Justice, in consultation with the Office of the Judiciary, has initiated various development projects including renovations and upgrading of existing court infrastructure.

PROJECT	TOTAL BUDGET	TOTAL EXPENDITURE	BUDGET VARIANCE	EXECUTION RATE
High Court Upgrading	5,258,000.00	5,078,244.69	179,755.31	96.58
Lower Courts Upgrading and Construction	8,972,000.00	8,841,942.24	130057.76	98.55
Justitia Building Renovation and Upgrading	11,170,0000.00	11,103,215.37	66,784.63	99.40
Office of the Judiciary Building Renovation	500,000.00	476,377.21	23,622.79	95.28
Construction of Mobile Courts	2,100,000.00	1,950,637.26	149,362.74	92.89
VOTE TOTAL	28,000,000.00	27,450,416.77	549,583.23	98.04

13.2 Furthermore, the construction of a Periodical Court in Hoachanas is scheduled for completion in this financial year.

- 13.3 After settling a long pending dispute with the previous contractor, the Katima-Mulilo Magistrate Court has finally been completed and will be ready for occupation as from May 2024.
- 13.4 Land was provided by the //Kharas Regional Council for the construction of a specialized GBV Court in Keetmanshoop and the project is currently underway.
- 13.5 The construction of court facilities at Nkurenkuru and Okahao remain on the priority list for the current financial year as these projects are long overdue.
- 13.6 Significant funds will be spent in this financial year on the refurbishment of the Justitia building, hosting the Ministry of Justice headquarters, which is also long overdue and much needed.
- 13.7 Discussions are underway to amend the Judiciary Act, 2015 to hand back the development budget to **Vote 21** in the **2025/26** financial year. This will further reaffirm our commitment to the principle of separation of powers between the executive and the judiciary, without discarding the supportive relationship that exist between these two important institutions, both existing to enhance social justice through the use of tools of justice and the law.

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14. In addition to the above cost centres, the Ministry will continue to render all other legal services to all our clients, including the international community.
15. The Ministry is further required to spend funds on acquiring vehicles in this financial year as our court-going staff members (Legal aid and Prosecution) are currently experiencing great hardship to travel to and from courts in the regions.

16. It is further necessary to update and enhance our electronic equipment and communications technology, including cell phones for prosecutors and other court-going staff to equip them to be able to do what is expected of them, including timely communication with clients which was identified as a challenge during the visits the Chief Justice and I had during 2023.

17. The Ministry of Justice takes great pride in its ongoing and steadfast commitment to operating a large-scale internship program which stands as a testament to our unwavering dedication to excellence, innovation and youth empowerment. In light of the recent statistical information that pegs youth at 71% of our society, we are under an obligation to do more. We must be urgent about creating meaningful opportunities for our nation's youth while advancing the goals and objectives of the Ministry of Justice, more generally and people centred access to justice, specifically.

18. INSTITUTIONAL SUPPORT: THE ATTORNEY-GENERAL, PROSECUTOR-GENERAL AND THE OMBUDSMAN

18.1 The Ministry of Justice plays a crucial role in managing and administering payments and expenses for constitutional institutions such as the Attorney-General (AG), the Prosecutor-General (PG), and the Ombudsman. It is essential to clarify that while the Ministry provides administrative and supportive functions for these institutions it does not interfere with their independent mandates as set out in the Namibian Constitution.

18.2 Furthermore, we are also nearing the finalisation of the Ombudsman Bill, which once approved will gradually extricate the Ombudsman's office from the Ministry of Justice. This move underscores Namibia's dedication to enhancing the

autonomy and effectiveness of independent institutions where citizens can seek redress for grievances against public authorities without fear of bias or favour.

**Honourable Chairperson of the Whole House Committee,
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19. In closing, I wish to thank Honourable Ipumbu Shiimi, Honourable Obed Kandjoze and the technical teams of MoJ, MoF and NPC for the decent budget allocated to Vote 16, Ministry of Justice. It is a gradual recognition that this Ministry is an important service centre, to enhance responsive service to our people. I also thank you honourable members in anticipation of your good support.
20. I further urge each esteemed member of this august body to recognize the indispensable role of the Ministry of Justice in fostering a society built upon the principles of justice, equality, and the rule of law. Our budgetary allocations are not merely financial commitments, but investments in the very fabric of our nation's integrity and prosperity.
21. As we navigate the complexities of governance and strive to meet the evolving needs of our citizens, let us remain steadfast in our commitment to upholding the ideals upon which our constitutional democracy is founded.
22. Together, let us ensure that the resources entrusted to us are utilized with prudence, transparency, and accountability, in service to the common good of all Namibians. Thank you for your attention, support, and dedication to the cause of justice.

I thank you.