



REPUBLIC OF NAMIBIA

MINISTERIAL RESPONSE TO QUESTION NO. 56

BY

HONOURABLE UTAARA MOOTU

ON 19 JUNE 2024

IN THE NATIONAL ASSEMBLY

BY

THE MINISTER OF JUSTICE

YVONNE DAUSAB, MP

12 SEPTEMBER 2024

– To be checked against delivery –

Honourable Speaker,
Honourable Members,

1. I stand today to address the questions posed by Honourable Utaara Mootu pertaining to serious allegations made against the Attorney-General on the recruitment and deployment of staff members under the Attorney-General.
2. From the outset, I remind the Honourable Member that the immunity applicable to us as Parliamentarians only extend to us when we are in this August House and only to fellow members of this House. It is important to address the seriousness and potential implications of making such allegations without substantial evidence.
3. Accusations of nepotism and favouritism, if unfounded, can significantly harm an individual's professional life by tarnishing their reputation and undermining their credibility. Therefore, it is imperative to approach these matters with caution and ensure that any claims made are supported by concrete evidence.
4. I therefore urge the Honourable Member to adhere to the standing rules and orders and internal arrangements relating to the general rules for questions under rule 86 which provides that questions should aim to obtain information questions of fact within the official cognisance of the Minister to whom it is addressed, or to ask for official action, and not merely to offer opinions or interpretations, or to ask hypothetical questions.
5. Additionally, questions shall not include the names of persons, or any statement of fact, unless they be necessary to render the question intelligible and can be authenticated.¹ This will ensure focus on substantive issues that contribute to the effective functioning of our government and the betterment of our society.

¹ Rule 86 of the Standing Rules and Orders and Internal Arrangements of the National Assembly.

Honourable Speaker,
Honourable Members,

6. With that being said, I must clarify a few issues to assist the Namibian people as to the administrative operations of the lawyers who serve under the guidance of the Attorney-General:
- 6.1 Firstly, the Attorney-General holds a Constitutional Office, appointed in terms of Article 86 of the Namibian Constitution to exercise the mandate set out under Article 87 of the same Constitution. Therefore, any allegations of misconduct involving the Attorney General, such matters are dealt with by the President of the Republic in terms of the Constitution.
- 6.2 Secondly, the position of the Attorney-General is not administrative in nature and therefore does not encompass the appointment of staff members. The recruitment process for all staff members within the Ministry of Justice, including those staff members serving the Attorney-General namely in the Directorates of Legal Advice and Civil Litigation/Government Attorney, is supervised and conducted by the Executive Director of the Ministry of Justice in accordance with the Public Service Act and Rules.
- 6.3 Thirdly, I take this opportunity to highlight the distinction between the two directorates: Civil Litigation and Legal Advice. Both Directorates provide support to the Attorney-General in executing his constitutional mandate. The Civil Litigation Directorate, also known as the Government Attorney, is responsible for providing legal representation to the government in civil litigation cases where the government (O/M/A's) is a party, whilst the Legal Advice Directorate supports the Attorney General in providing legal research and advice to government or the President of the Republic requires legal counsel.

7. It may be necessary to provide a synopsis into the operations of the two Directorates. Staff members in both directorates typically work in teams, especially in dealing with complex matters or cases. Individual teams are supervised by senior officials.
8. The Ministry of Justice and the Attorney-General pride themselves on taking deliberate actions to expose all staff members to dealing with a broad range of legal issues. When junior staff members are part of teams working on complex legal issues, the intentional goal is to build their capacity by exposing them to various and specialised areas of the law for purposes of capacity building and providing quality service to client OMAs and the public. I believe that this approach is indeed commendable.
9. I must, therefore, register my disappointment with the Honourable Member's approach in not only naming a staff member with inaccurate information but also attacking her reputation and professional integrity. The staff member who was named by the Honourable Member is neither a relative of the Attorney General nor an inexperienced junior staff member as alleged.
10. The staff member in question is an admitted legal practitioner specialised in Environmental Law with substantial experience as a senior legal advisor with years of experience, and has represented this country in domestic, regional and international negotiations successfully. As leaders, we must refrain from making unsubstantiated and slanderous statements which impact on the reputation and good standing of young professionals.

Honourable Speaker,

Honourable Members,

11. The Honourable Member also relayed a question on the integrity and professional reputation of the Attorney-General being compromised.

12. It is worth noting that the professional output and achievements of the Attorney General, including the Directorates of Civil Litigation and Legal Advice, is a testament to their commitment to upholding the law and serving the interests of the government and the public. The staff members under the Directorate Legal Advice work tirelessly to provide quality legal services to His Excellency the President and Government.

13. Typically, members of the public service do not join the public service for its fees structure, accolades or prestige – their service is driven by strong sense of duty to the Namibian people and the commitment to ensure and protect the rule of law. I must ask that we, as Parliamentarians and as citizens of this country engage with civil servants in a respectful manner. When allegations of impropriety or professional misconduct arise, we must act responsibly and at the very least give a second thought before validating slanderous and unsubstantiated allegations.

Honourable Speaker,

Honourable Members,

14. In conclusion, the integrity and professional reputation of the Attorney General as well as that of the staff members serving the under the Directorate Legal Advice are not compromised. The Attorney-General and the Directorate remain dedicated to maintaining these high standards and addressing any concerns with the utmost seriousness and transparency, without fear or favour.

I thank you and so submit.