



**REPUBLIC OF NAMIBIA**

**KEYNOTE ADDRESS**

**BY**

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**MINISTER OF JUSTICE**

**DURING THE CAPACITY BUILDING TRAINING OF THE OFFICE  
OF THE OMBUDSMAN'S STAFF**

**FURSTENHOF HOTEL, WINDHO**

**9 SEPTEMBER 2024**

Salutations,

1. In our pursuit of justice, there is no role more critical than the one we play as collective protectors of human rights. The Ombudsman's Office occupies a unique space in our legal and governance landscape. It is a vital bridge between the people and the institutions that serve them, and it holds the power to intervene when rights are violated or when citizens feel neglected. Our culture of human rights is entrenched in our constitutional life as a nation and as espoused in the Namibian Constitution. As Namibians we aspire and value life, liberty, dignity, equality, justice and the pursuit of happiness.
2. Consequently, the effectiveness of this office hinges not only on the legal mandate it holds but, more pertinently, on the skills, and competencies of with which we serve our people. This is why today's capacity-building, and the identified objectives are an important part of your continuing development as functionaries.
3. In the early 2000s, in every continent and from all shades of political opinions there were calls for an increasingly prominent role for the ombudsman, and for it to be established where it does not yet exist. Both developed and developing countries embraced the concept regardless of varying levels of socio- economic developments. But why was the institution so popular? Part of the explanation is the fact that the ombudsman focuses on a commonplace problem: the exercise of power by those in authority in contemporary society.
4. Furthermore, the ombudsman concept was exceedingly pliable, which is why it was able to fit readily into any regime-situation, and consequently attract the attention of democratic and non-democratic governments alike. Because of its pliability, some scholars warned that the institution could be used as a facade to cover up a regime's atrocities, something that Namibia has done right, is to establish the office of the Ombudsman for the right reasons and continue to support it to be better.

5. Over the years, the ombudsman has emerged forcefully as indispensable to any emerging democracy. It became a measure of a country's seriousness about democratic reforms. This is so much a truism that it is hard to find a post- 1990 constitutional reform where the establishment of an office has not been at the very least, seriously discussed. Where relevant, existing offices have been reformed and reinvigorated in order to be more suitable in a liberal democratic situation. Our perception of attempts to establish viable democracies where the ordinary citizen is heard and his or her rights and interests are protected includes the institution of the ombudsman.
6. As the World Bank concluded long ago in one of its publications, "*procedures for making complaints and institutional mechanisms such as the Ombudsman are ways of providing voice when there is no need or incentives for collective action.*"<sup>1</sup> Ordinary individuals will always be in need of additional protection against administrative arbitrariness in a modern state.
7. The ombudsman provides a part of this additional safeguard, in an inexpensive, easily accessible and flexible form. Indeed, it is worth recalling that the initial attraction to the concept occurred against the background of a state-centred governance system and the fact that the unique advantages of the ombudsman were often not readily available in that system. While that perspective continues to be relevant to the extent that the state remains an indispensable part of contemporary society, we have also seen an improved relationship between the State and the Ombudsman because they both serve the same constituency, the people of Namibia, the people of the continent and the world.
8. Whichever way the ombudsman is defined, **our** contention is that the institution invariably derives its uniqueness from **two** fundamental attributes. First, it has authority to handle and resolve complaints, and is not a mere a depository or conduit

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<sup>1</sup> Governance and Development (Washington, DC: The World Bank, 1992) at 24.

for them. Secondly, its focus, albeit not exclusively, is on wrongs suffered by individuals in society.

9. Thus, while the role of an ombudsman in the traditions, history and civilisation of any country are curiously endemic, they all share a common objective: ultimately to serve the public, to hear complaints related to the public service, and where appropriate, to take steps as are available to them to remedy the consequences of a particular act or omission of that public service.
10. Namibia's history, and indeed its Constitution, places great emphasis on human rights, equality, and dignity. The Ombudsman is central to upholding these values. We understand that when citizens approach this office, they often do so because they feel unheard, mistreated, or marginalised. How the office responds to the people's needs determines the strength of our democracy and our commitment to human rights. The ability to receive complaints with empathy, to resolve them swiftly and impartially, and to ensure that justice is done is not just a matter of duty—it is a reflection of our national character and collective conscience of us as Namibians.
11. Earlier this year, during a meeting with the Prime Minister, we were reminded of the need to reflect deeply on the roles we hold and the offices we serve in. What does it truly mean to be an investigator in the Office of the Ombudsman? I raise this because, while we operate within the scope of our job descriptions and mandates, our mission is far greater—it is to safeguard and promote the human rights of all our people.
12. While we must at all times, act within the bounds of our laws that established us, we must remain responsive, creative and adaptable to recognise the realities before us. While there are many things we get right as a country, we also acknowledge that many of our people are suffering, and if the Ombudsman's Office or the Ministry of Justice turns them away, we all know there is little chance they will find assistance elsewhere, because they believe in the mandates we hold. It is our duty to do more—to go beyond procedure and offer real, meaningful help where it is needed most.

13. SDG16 speaks to the heart of peace, justice, and strong institutions. It is a vision that can only be realised if the Office of the Ombudsman is equipped and empowered to fully investigate and resolve complaints, especially in cases of human rights violations. Without an effective and robust Ombudsman Office, there is a risk that injustices will go unchallenged, and vulnerable Namibians will remain unprotected.
14. This platform, along with many others before it, must pause and reflect on why we continue to grapple with the socio-economic challenges our people experience especially the growing youth unemployment, and a pressing need for justice and people-centered governance in our public and private institutions.
15. As we delve into the protection of human rights, we must acknowledge that our collective struggle has also enjoyed significant improvement in the areas of gender equality while there are perceived and real tensions of racial or ethnic nature growing among some of our communities, which we must guard against and promote unity in diversity. The concept of "protection" implies that our civic space could be under threat, whether these threats are substantial or merely perceived. This raises important questions: Who or what is posing these threats, and who truly has the right to occupy and shape this space? As a State, and independent institutions we have an important role to play to protect the integrity of domestic affairs and guard against interference that is not consistent with our sensitivities and values as a nation.
16. Moreover, we must consider how the evolving landscape of human rights advocacy impacts the broader social and political context. Are we witnessing a shift in priorities or methods that could affect the overall effectiveness of human rights protection? Are there emerging trends that indicate a need for more inclusive and collaborative approaches to address the complex challenges we face?
17. While we are also conscious that the challenges facing the human rights space is evolving, the complexity of modern society requires us to be adaptive, innovative, and strategic. Whether it be addressing systemic issues or individual grievances, the approach must be thorough, transparent, and aligned with both our domestic values

and supported by lessons learned from international best practices. This office must be equipped not only to handle complaints but to advocate effectively for the changes needed in policy, law, and society to prevent future injustices.

18. It is clear that running an ombudsman office is a far more serious business than was the case many decades ago when the concept first began to spread around the world. For this reason, the overall performance of the institution worldwide is mixed: we see stories of real successes, average to below-average achievements and offices that have accomplished little beyond the fact of their establishment.
19. However, there is also no question that the office of the ombudsman is regarded as generally beneficial. Nevertheless, impressive performance and functioning in a given office requires nothing less than hard work. Three types of actors working in concert are crucial to the performance of an office: the ombudsman, the office's staff and the government. These actors design and focus the practice of an office, they shape an office's use by the public and determine its clientele, and they ensure that an office presents an environment conducive to its functions.
20. An ombudsman office is unlikely to succeed if government fails to demonstrate a genuine will and commitment to the concept. I see the incumbent ombudsman as the common denominator in this network of relationships. Consequently, he may need to take on the extra burden of stimulating and encouraging the office's staff and to remain engaged with government to be better resourced.
21. We must acknowledge that Namibia has made significant strides since gaining independence in establishing a legal framework that promotes and protects human rights. Our policy stance as a country has continuously been reaffirmed by our Heads of State, notably Former late President Dr. Hage Geingob, in 2023 during the Human Rights Day, said, *"Our national efforts should focus on fostering a culture of respect for human rights in the present day and in the future."* This training is a crucial step towards achieving **some of** these efforts and ensuring that every citizen can live their lives free from human rights abuse, and I am glad that the United Nations through the Office of the

High Commissioner for Human Rights (OHCHR) and the Network of African Human Rights Institution (NANHRI) will help us in part to realise this goal.

22. Ladies and gentlemen, in conclusion, Namibia is fast approaching elections. It is my hope that all of us in this room have registered to vote and that we will go to the polls on 27 November 2024, to cast your vote and have your voice heard and to be part of leading this country through your vote. These capacity building training, with the support of the two organisations will provide valuable expertise and guidance to enhance the ombudsman's work at the forefront of these elections, to carry out their mandate. The Electoral Commission of Namibia (ECN), who has the sole responsibility, has the ability to delivery, free, fair and credible elections, consistent with our record of the past 34 years.

I thank you.