



Republic of Namibia
MINISTRY OF JUSTICE

ANNUAL REPORT

2021/2022



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LIST OF ABBREVIATIONS

NDP	National Development Plan
HPP	Harambee Prsperity Plan
MP	Member of Parliament
SADC	Southern African Development Community
SADC - EPA	Southern African Development Community - Economic Partnership Agreement
SADC -EFTA	Southern African Development Community –European Free Trade Agreement
MOJ	Ministry of Justice
OMA	Offices/Ministries/Agencies
AG	Attorney General
EU	European Union
AVATT	Africa Vaccine Acquidition Task Team
AFREXIM	African Export-Import
OKACOM	Okavango River Basin Water Commission
NPC	National Planning Commission
SACU	Southern African Customs Union
MERCOSUR	Southern Common Market (Spanish translation)
ECN	Electoral Commission of Namibia
NAMPOL	NamibianPolice
NUST	Namibia University of Science and Technology
AU	African Union
UN	United Nations
MLA	Mutual Legal Assitance
LRDC	Law Reform and Development Commission
NEEEF	National Equitable Economic Empowerment Framework
NEEEB	National Equitable Economic Empowerment Bill
PDP	Previously Disadvantaged Persons
OPM	Office of the Prime Minister
ISBN	International Standard Book Number
LA	Local Authority
RC	Regional Council

FOREWORD

It is with great pleasure and a sense of accomplishment that I present the Ministry of Justice Annual Report for the Financial Year 2020/2021. This report is a testament to our unwavering commitment to providing effective legal services and ensuring access to justice for all Namibians. This year has been marked by significant challenges, but through dedication and strategic focus, we have persevered in fulfilling our mandate.

I am pleased to report that despite operating under tight budget constraints, and the continuing impact of Covid-19 pandemic, the Ministry received an unqualified audit opinion from the Auditor General. Our commitment to financial prudence ensured the effective utilization of allocated resources from the Ministry of Finance.

Throughout the reporting year, we prioritized effective stakeholder management, by engaging at various levels to strengthen relationships and foster collaboration. Our institutional support extended to the Office of the Judiciary through renovations and construction of court infrastructure, aligning with the Judiciary Act.

The enactment of several key pieces of legislation during this period underscores the continuous growth of our legislative agenda, contributing to the enhancement of the legal framework that governs our nation.

While celebrating our successes, it is crucial to acknowledge the challenges that persist. Many directorates operate with less than an ideal staff complement, impacting our overall effectiveness. However, despite the challenges our commitment to our mission remains unwavering.

Looking ahead, the Ministry remains steadfast in its commitment to ensuring that every Namibian has access to legal services and justice. Together, we will continue to overcome challenges, embrace opportunities, and advance our collective vision for a just and equitable society.

I extend my gratitude to our dedicated staff members, stakeholders, partners and Namibian public for unwavering support and collaboration. Together we have achieved important milestones and we will continue to make a positive impact in pursuit of services delivery and access to justice.



Honourable Yvonne Dausab (MP)
Minister of Justice



Hon. Yvonne Dausab
(MP)

ABOUT THIS REPORT

The Ministry of Justice presents this Annual Report for the financial period 2021-2022, with the aim to maintain its commitment to good governance, transparency and accountability.

The Ministry of Justice strives to improve the quality of information it distributes regarding the provision of legal services and access to Justice available to its stakeholders. The approach in which this annual report has been developed provides the most effective approach to corporate reporting.

This report provides an overview of the Ministry's governance strategy, performance and initiatives of which seek to provide long term value for Namibians and our stakeholders with an interest in the justice system.

REPORTING PRINCIPLES

This report is compiled and presented in accordance with the requirements of the Corporate Governance framework for the Republic of Namibia.

APPROVAL AND ASSURANCE

In accordance with the State Finance Act, (Act No. 31 of 1991) the financial reporting has been audited by the office of the Auditor General.

APPROVALS

The responsibility for the integrity of the report rests with the Minister of Justice and assisted by the Executive Management team within the Ministry of Justice.

Accordingly, the Ministry of Justice has applied its collective mind and in its opinion this report faithfully addresses all material issues and offers a balanced view of the Ministry's strategy and performance.

The report was approved by Hon. Yvonne Dausab, Minister of Justice, MP on 28 July 2022.

ABOUT THE MINISTRY OF JUSTICE

FUNCTIONAL AND OPERATIONAL OVERVIEW

The Mandate for the Ministry of Justice is to administer justice in the Republic of Namibia. The distinguished mandate as per the functions is to provide legal services and access to justice.

Through its Directorate of Legislative Drafting, the Ministry is charged with the function of scrutinizing and drafting bills for Parliament, Proclamations of the President, Regulations and Government Notices from Ministries, Offices and Agencies, as well as Rules of the Supreme Court, High Court and Magistrate Courts. In addition, the Ministry provides legal advice to Ministries, Offices and Agencies of Government, mainly on the drafting of legislation, subsidiary legislation and particulars of legislation in force.

It is further the responsibility of the Ministry of Justice to provide legal representation in courts for Ministries, Offices, Agencies, the Master of the High Court, the Speaker of the National Assembly, the Prosecutor General, Magistrates, the Motor Vehicle Accident Fund, Regional Councils, recognized traditional authorities as well as other entities engaged in government administration.

The Ministry deals with legal matters on the national level, and is also engaged in legal issues on regional and international level. It deals with legal matters such as mutual legal assistance, extraditions, human rights and humanitarian law, bilateral and multilateral affairs, legislation, policy and research, legal education and professional discipline of legal practitioners. The Ministry is the central authority for the processing of requests on extradition and mutual legal assistance in criminal and civil matters and in addition, processes requests for reciprocal enforcement of foreign judgments and issues apostilles on the authentication of public documents for use in foreign jurisdictions in terms of the Hague Convention.

Furthermore, the Ministry of Justice is charged with the responsibility of providing legal aid in the form of legal advice and legal representation to indigent persons at State expense in Namibia. The primary goal of providing legal aid is to ensure fair trial to all.

The Ministry also oversees the administration of deceased estates, registration of trusts, appointment of and administration pertaining to tutors and curators, administration of the Guardian Fund (in respect of minors and mentally challenged persons).

The afore mentioned functions of the Ministry are carried out through its various directorates as indicated below:

Legal Aid		Government Attorney
Legislative Drafting		Master of the High Court
Legal Services		Public Prosecution
Law Reform		Central Administration
Legal Advise		Ombudsman

STAKEHOLDERS

The Ministry's function is to ensure the administration of justice to all Namibians in line with the Namibian Constitution. The Ministry has various stakeholders that may be classified as national, regional and international stakeholders. The Ministry has classified its stakeholders that are pertinent to the functional operations of the ministry and have been instrumental in the success of the attainment of its strategic goals within the reporting period.



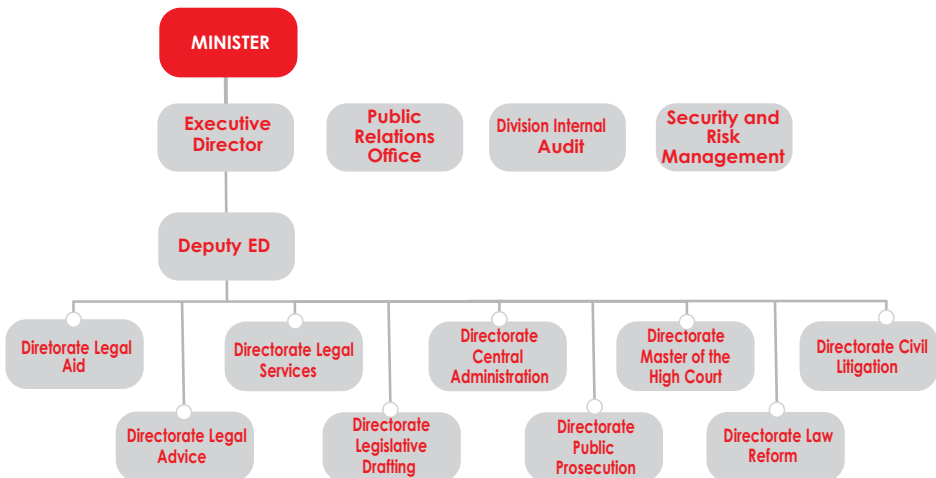
GOVERNANCE FRAMEWORK

STRUCTURE

The Ministry of Justice of the Republic of Namibia is established in line with the Namibian Constitution. The Ministry is led by the Minister of Justice who is a member of the legislative arm (the National Assembly) and the Executive arm (the Cabinet) of the Government duly appointed by the President of the Republic of Namibia in line with Article 35 of the Namibian Constitution.

The Executive management of the Ministry is coordinated by the Executive Director and the management team within the Ministry.

The Minister and Executive Management are tasked with ensuring good corporate governance which is vital to the Ministry's ability to comply with laws and legislative frameworks guiding the Ministry's operations.



STATEMENT OF COMPLIANCE

In the course of the year under review, the Ministry confirms that it has been to the extent feasible, guided by the provisions to bring about corporate governance compliance.

CODE OF ETHICS

The Ministry of Justice has demonstrated its commitment to operate in accordance with the highest standards of professionalism and ethics by developing employees and management practices that exemplifies the highest ethical values.

The best practices to which the Minister, Management and employees are dedicated to, include the following: compliance with legislative and regulatory provisions such as treating all employees and stakeholders with respect; preventing discrimination against any person; upholding the integrity of the Ministry avoiding potential conflicts of interest through transparency and declaring all interests; prudent resource management providing all employees with opportunities to grow and advance.

POLICY GOVERNANCE FRAMEWORK

The Ministry of Justice have an Executive Director and management cadres who are responsible for the policy, management, and control of affairs of the Ministry.

During the period under review, the Ministry set an objective to ensure that relevant policies and compliance frameworks have been developed and operationalised.

INTERNAL AUDIT

Through its Division of Internal Audit, the Ministry carries out its function of assisting the management in accomplishing its objectives by evaluating the effectiveness of the Ministry's governance, risk management, and internal control and recommending improvements. The Division perform internal audit services in accordance with the international standards of the professional practice of internal auditing (ISPPA) and in accordance with the government regulatory framework best practices approved internal audit activity charter.





Mrs Gladice Pickering

EXECUTIVE DIRECTOR'S REPORT

It gives me great pleasure to present the Annual Report for Financial Year 2021/2022 despite great hardships. The Covid-19 pandemic created an environment that required the Ministry to think on its feet in its quest to fulfil its mandate.

Despite a difficult operating environment, the Ministry once again delivered on its mandate of ensuring the effective provision of legal services and access to justice for all Namibians regardless of race, colour, creed, gender or age.

This annual report covers the 2021/2022 financial year containing information related to the Ministry's performance based on its strategic and operational priorities based on the nine (9) Directorates within the Ministry.

FINANCIAL PRUDENCE

For the past three (3) years the Ministry has received unqualified audit opinions from the Auditor General in line with the legal provisions. Although operating under a tight budget during the reporting year, the Ministry ensure the effective expenditure of the allocated financial resources by the Ministry of Finance.

STAKEHOLDER MANAGEMENT

During the reporting year, the Ministry placed importance towards effective stakeholder management through the number and type of stakeholder engagements the Ministry held across the different levels.

During this period the Ministry provided institutional support to the Office of the Judiciary by renovating and building court structures. This is in line with the provisions of the Judiciary Act. The Ministry offered financial and human resource support to the office of the Ombudsman.

ORGANIZATIONAL PERFORMANCE

During the reporting year additional functions were added to the Ministry's portfolio being the protection and safeguarding of witnesses to matters before the criminal justice system. The new functions originate from the enactment of the Witness Protection Act, 2017 (Act No.11 of 2017) and the Whistle-blower Protection Act, 2017 (Act No.10 of 2017). The Ministry approached the Public Service Commission to create new job categories for Witness Protection Officers and Security Officer provided for in section 7(1) of the Witness Protection Act. The same process will have to be followed for the Whistle-blower Protection Act. However due to budgetary constraints the two laws are yet to commence operation.

The Ministry established a Civil Unit in 2021 for the Directorate Legal Aid and was capacitated with three (3) Legal Aid Counsel during the year under review. Prior to the establishment of the Civil Unit, the Directorate Legal Aid only provided assistance to applicants seeking legal representation in criminal cases. The Ministry introduced a moratorium on outsourcing cases to private legal practitioners that presented an opportunity for most senior legal aid counsel to appear in the High Court.

The following were some of the notable pieces of legislation enacted in the reporting period, and it is evident that the legislative agenda of the Ministry continues to grow.

- Namibia Financial Institutions Supervisory Authority Act, 2021 (Act No. 3 of 2021);
- Income Tax Laws Amendment Act, 2021 (Act No. 5 of 2021)
- State Finance Amendment Act, 2022 (Act No. 1 of 2022), amongst others.

ENSURING CUSTOMER CARE/SATISFACTION

During the year under review a Customer Care division for the Directorate Master of the High Court was established to attend to complaints received from Estate Practitioners and the general public, and also to review processes and policies to ensure a more effective and speedy service to customers.

CHALLENGES

Despite some success, most directorates operate on a less than ideal staff compliment. Therefore, the effective functioning of the Ministry is widely affected by the shortage of staff members. Lack of training to our staff members due to Covid – 19 restrictions and lack of resources means staff members could not improve their skills.

APPRECIATION

I wish to extend a word of appreciation to the Minister of Justice for her vision, guidance and strategic outlook.

I extend the utmost respect to the management and employees of the Ministry for their dedication, loyalty and commitment towards the attainment of our mandate.

Our stakeholders play a key role and we wish to thank them for good stakeholder relations that have resulted in our success story.

Looking ahead into the future, the Ministry remains committed to ensure that every Namibian has access to legal services and justice.



Mrs. Gladice Pickering
Executive Director

STRATEGY MANAGEMENT

During the year of reporting, the following strategic direction directed the Ministry in delivering on its Mandate.



VISION
Be a model provider of legal services and justice for all.



MISSION
To deliver quality legal services and justice for all.



CORE VALUES
Integrity
Transparency
Service Excellence
Accountability
Professionalism
Synergy

In order to achieve the Ministry's long term vision, the Ministry implemented its strategic framework as depicted below. The Ministry implemented five strategic objectives with 16 key performance indicators that determined the level of performance of the Ministry.

STRATEGIC PILLAR	STRATEGIC OBJECTIVE	KEY PERFORMANCE INDICATORS
Administration of Justice	To enhance access to justice	<ul style="list-style-type: none">● Access to justice for all by providing legal representation to those without or with inadequate income.● Ensure orderly and speedy supervision and finalisation of deceased estates, insolvencies and trusts and Guardian's fund.● Key functions decentralized.
Promotion of good governance	To ensure effective regulatory framework and compliance.	<ul style="list-style-type: none">● Implementation of effective governance framework within the Ministry of Justice.
Provision of legal services	To improve timely delivery of quality legal services	<ul style="list-style-type: none">● Legal services completed on time.● Key services streamlined.
Supervision and support services	<ul style="list-style-type: none">● To promote independent and impartial resolution of complaints relating to public administration● To enhance organizational performance.	<ul style="list-style-type: none">● Compliance with the Performance Management System.● Decline in justified complaints.● Increase in ministerial performance score.

The Ministry's strategic plan is aligned with the Vision 2030 and is guided by the principles outlined in the National Development Plan 5, as well as the Harambee Prosperity Plan 2. Implementing the strategic plan, the Ministry has ensured that its progress is shared with its stakeholders.

STRATEGIC PILLARS

The Ministry's strategy is built on 4 strategic pillars which are in the strategic plan. The strategic pillars enabled and provided for a focused approach, delivering upon the following outcomes:

PILLAR 1: ADMINISTRATION OF JUSTICE

This pillar relates to, Access to justice for all by providing legal representation to those without or with inadequate income; ensure orderly and speedy supervision and finalization of deceased estates, insolvencies and trusts and Guardian's Fund.

PILLAR 2: PROMOTION OF GOOD GOVERNANCE

This pillar relates to, promotion of good public administration and respect for human rights.

PILLAR 3: PROVISION OF LEGAL SERVICES

This pillar relates to:

- Translation of O/M/A's policies into legislation.
- Recommend measures to reform the law as are necessary to stakeholders' needs and make law accessible.
- To provide legal services and promote international cooperation in legal matters.

PILLAR 4: SUPERVISION AND SUPPORT SERVICES

This pillar relates to:

- Ensuring an enabling environment and high performance culture.
- To provide administrative, technical, and technological support to ministerial programmes.
- To ensure proper financial management and facilitate gender mainstreaming capacity building and equitable distribution and effective utilization of resources.

CONSOLIDATED PERFORMANCE

1. DIRECTORATE: CENTRAL ADMINISTRATION

The mandate of the Directorate Central Administration is to provide various administrative support services to the rest of the Ministry of Justice and to the Attorney -General in terms of its strategic objective “To ensure an enabling environment and high -performance culture.”

OVERVIEW OF ACTIVITIES

In the fulfilment of its mandate the Directorate was seized with the following activities during the reporting year:

- 1. Facilitate strategic planning and management interventions.
- 2. Administer financial transactions.
- 3. Facilitate budgeting and resource management.
- 4. Manage and maintain fixed assets.
- 5. Manage and administer human capital.

The operations of the Ministry are heavily reliant on competent employees to perform their duties. These are staff members who work tirelessly to ensure the Ministry's strategy is achieved. As part of its strategic objectives the Ministry aims to enhance organisational performance.

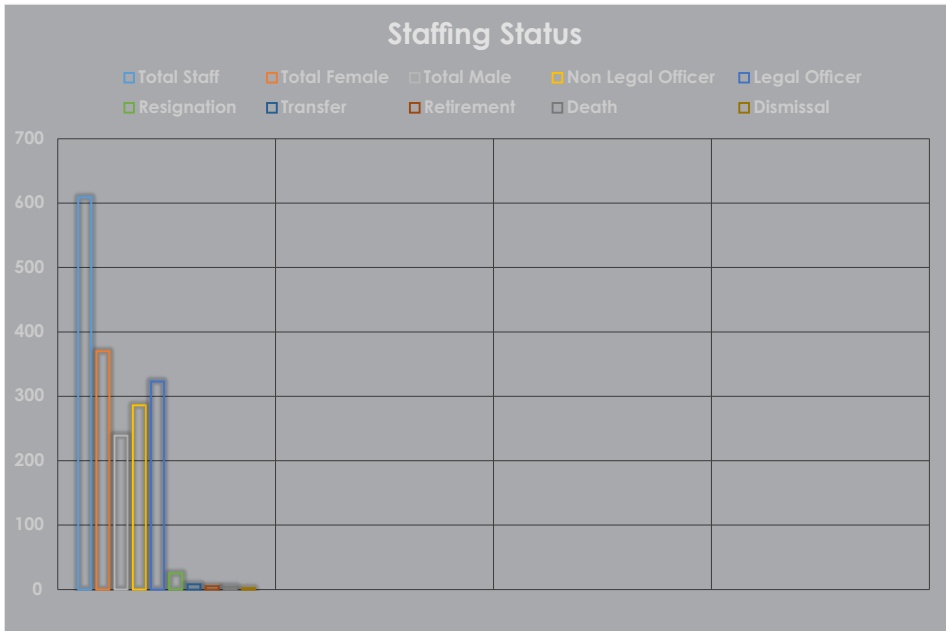
WORKFORCE PROFILE

During the reporting year, the Ministry employed a total workforce of 609 employees which includes legal officers and non -legal officers.

Human Resources Metrics

Human resource metrics are important measurements that qualify the impact of employee programs and human resources management programs. Utilizing the below metrics allows for the tracking of effective human resource practices.

The table below reflects the staffing status for the Ministry during the reporting period.

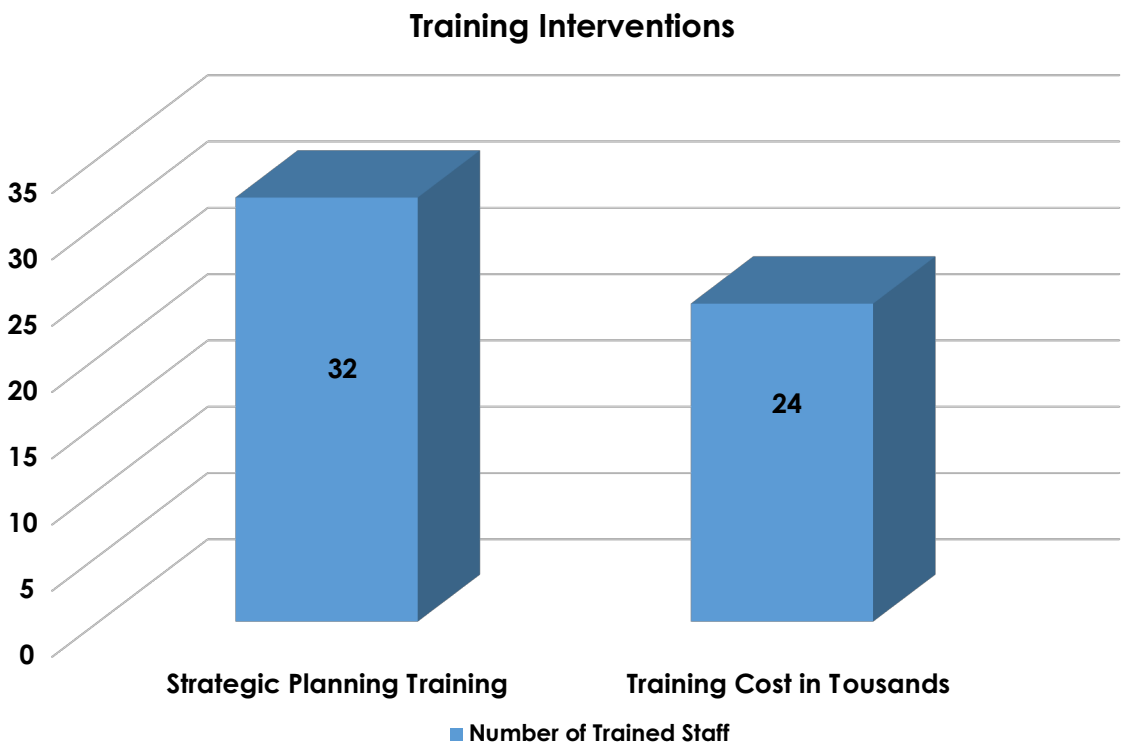


TRAINING AND DEVELOPMENT

The Ministry of Justice values and encourages human resources development and is committed to enhancing organisational performance and reputation through the development of employees. Human resources development encompasses both long-term and short-term development and training interventions to ensure the employees are equipped with appropriate skills to deliver on the mandate.

The following training and development initiatives were implemented.

During the review period various training interventions were implemented and attended by employees at various levels in the Ministry . The training interventions were dominantly delivered through seminars .

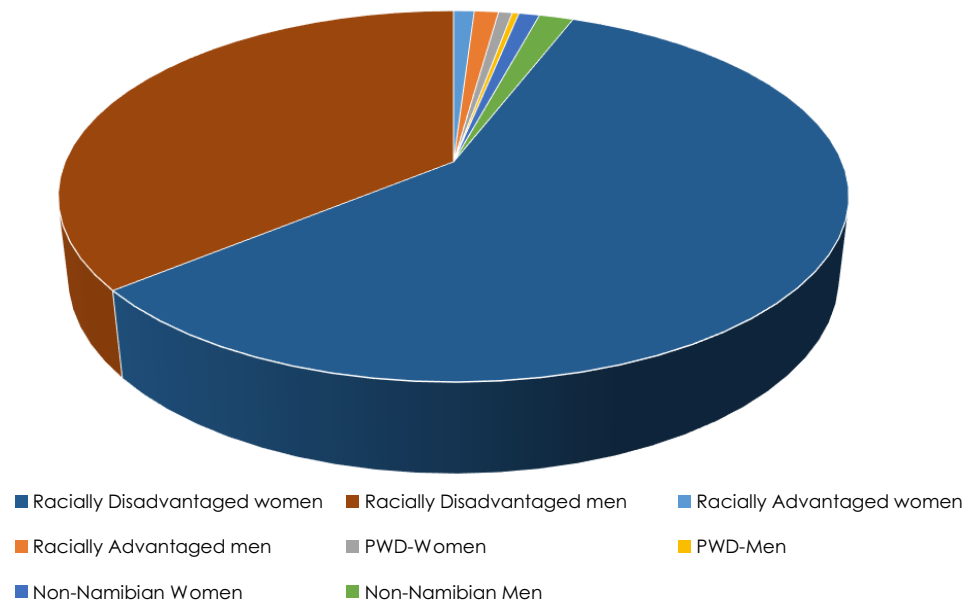


DIVERSITY MANAGEMENT

The Affirmative Action (Employment) Act, 1998 (No. 29 of 1998) was established to redress imbalances at the workplace, arising from the discriminatory socio-economic dispensation which had previously existed in Namibia. As a designated employer and through its Affirmative Action Policy, the Ministry strives to transform our current demographic workforce profile in compliance with the requirements and aims of the Act, to achieve an equitable representation of competent employees from designated groups at all occupational levels as far as practical within the Corporation.

The chart below indicates the workforce profile and demography in the Ministry during the period under review.

The workforce profile and demography



EMPLOYEE WELLNESS

The Ministry values employees' wellness and understands the close link between staff wellness and their performances. During the reporting period, respective Directorates conducted quarterly wellness interventions on various aspects ranging from medical, health nutrition, financial and sports activities.



2. DIRECTORATE: LEGAL AID

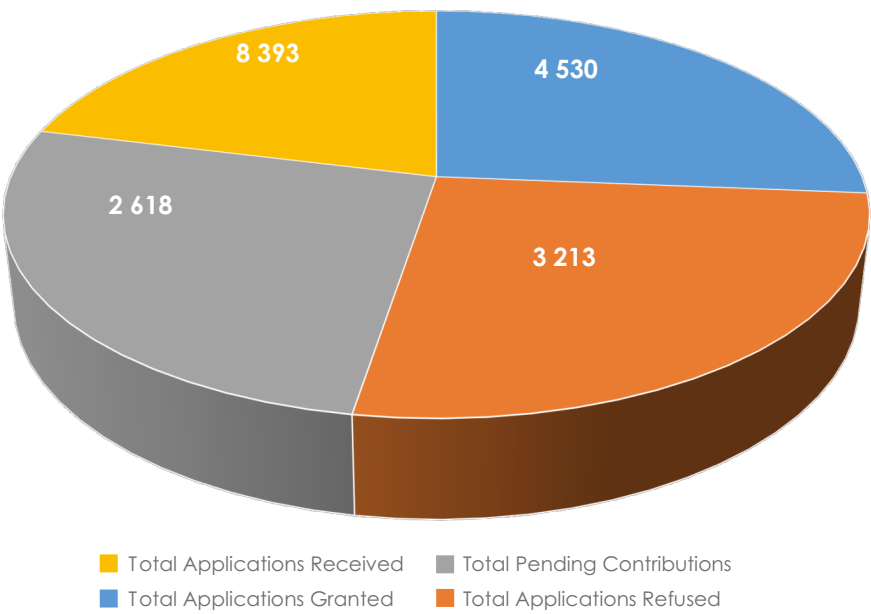
Article 12 and 95 of the Namibian Constitution culminated into the promulgation of the Legal Aid Act of 1990, Act 29 of 1990, as amended by Legal Aid Amendment Act, 2000 No. 17 and Regulations promulgated there-under. The mandate of this directorate is to ensure access to justice by providing legal aid, that is, legal advice and legal representation to persons with insufficient income, at the expense of the State.

2.1 OVERVIEW OF ACTIVITIES

LEGAL AID APPLICATIONS

A remarkable reduction in applications for legal aid assistance has been noticed in comparison to the previous financial year by almost 30%. This is likely to be attributed to the lockdowns and restrictions in movement around the country due to the Covid-19 pandemic.

The Directorate received a total of eight thousand three hundred and ninety three (8393) applications during the reporting period. From the applications received, 4530 (54%) were granted and 3213 (38%) were refused. A total of 2618 (58%) are pending contribution from applicants, as shown in the chart below:



TYPES OF CASES

During the period under review the following major cases were handled by the Directorate:

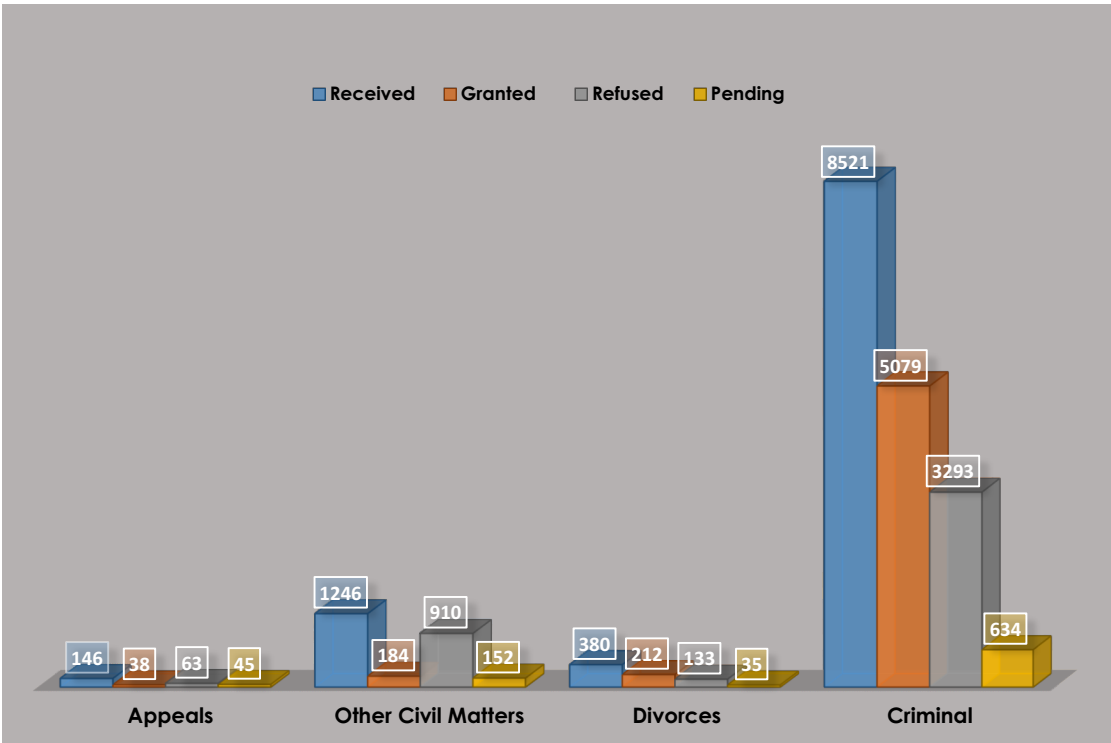
- ❖ The long running appeal to the Supreme Court involving 30 appellants in the high treason main trial which was heard during August and September 2021. The Directorate provided legal representation to all the appellants and appointed 8 private legal practitioners. The appeal was partially successful as all appellants had their sentences reduced with 3 years. This case has been costly to the Directorate and is finally concluded.

- ❖ On-going high treason trial, involving a smaller group of 10 accused persons. this case continues to put a huge financial burden on the legal costs for the Directorate as two private legal practitioners are appointed by the Directorate to represent the accused persons.
- ❖ The tax fraud case heard in the High Court, Main Division in which a group of 13 accused were charged with fraud involving more than 26 million was finalized in August 2021. The Ministry of Finance is the complainant in the matter. All 13 accused were represented by lawyers instructed by the Directorate of Legal Aid. Of the total accused charged, 12 were convicted and received lengthy custodial sentences.

In order to streamline its internal processes, such as processing of applications and their storage, a Case Management solution for the Directorates was undertaken. Progress status on this project by the end of the reporting period was: a local IT solution company was contracted to create a tailor-made Case Management System for the Directorate and had commenced with work on the project and is expected to go live in the coming financial year.

2.2 STATISTICS

The table below gives an overview of the legal aid applications received and how they were handled during the period under review.



2.3 SUCCESSES

The Directorate was able to achieve the following success during the period under review.

- A Civil Unit was created and set up within the Directorate. The unit creation has enabled the Directorate to assign in house lawyers to attend to civil matters, this practice was not possible due to shortage of in-house lawyers to handle civil matters. Civil matters were instructed to private legal practitioners which was a costly and untenable practice. The Directorate took a strategic decision to bring on-board in-house lawyers to handle civil matters which will result in cost reduction on legal fees. The unit is now fully functional and deals with divorce, labour and all other civil matters. The lawyers are serving the country from the Unit offices in Windhoek and Oshakati, future plans for further decentralization are under ways.
- The Directorate was able to record a positive outlook on the cases representation. In the criminal court, the bulk of the cases are assigned to in house lawyers as opposed to private legal practitioners. In house lawyers handled 28% while private legal practitioners were instructed to handle 14% of the cases. It is expected this proportion will increase with the establishment of the civil unit. It is worth highlighting that, the more cases are assigned to in house lawyers the less legal fees the Directorate will spend on. Which in turn will enable the Directorate to channel its funds to other important matters such as further improvement of litigation skills of the lawyers in specific legal specializations.

CHALLENGES

The following were the major challenges experienced by the Directorate during the reporting period:

- Office space problems for legal aid lawyers remains a challenge, some stations, have three officials sitting in very small offices. The situation worsened during the Covid-19 pandemic, there was little or no social distancing especially when conducting consultation with clients.
- Shortage of official transport for legal aid lawyers to perform official duties, posed various negative implications on the delivery and access to justice and as well as further implication such as insurance, wear and tear on private vehicles of legal aid lawyers who do qualify for a car scheme as part of their employment contract package.
- Official accommodation for legal aid lawyers in the regions was another pressing matter. The few available official accommodations for the Ministry have been used to house other officials of the Ministry leaving legal aid lawyers disadvantaged.

3. DIRECTORATE: LEGISLATIVE DRAFTING

The Directorate is mandated to provides legislative drafting services and publication services in the followings Bills, Statutory Instruments, Publications in the Government Gazette and Advisory function; to Offices, Ministries, Agencies, Local Authority and Regional Councils, Public Owned Enterprises, other statutory bodies and the general public.

3.1 OVERVIEW OF ACTIVITIES

During the period under review, the Directorate received three hundred and thirty-six (336) pieces of Legislations to work on. Of the eleven Bills received, ten were completed and four became Acts of Parliament. The Directorate published five thousand five hundred and sixty -two (5562) publication in the Gazette.

The Directorate has recorded tremendous improvement in the duration within which Legal Drafters take to complete various legislations such as Bills, Statutory Instruments and publication of instruction in the Gazette, with an overall efficiency rate at 86%.

In order to address uniformity in drafting and creating a reference guide for Drafters, a project to create a Drafting Manual was undertaken, which has since been awarded to a consultant who is already underway with the first draft. The project is expected to finalized during the next financial year.

3.2 STATISTICS

The table below reflects an overview of the pieces of legislations handled by the Directorate during the period under review.

Instructions	Total received	Completed	Finalised Within Timeframe	Annual target	Annual actual
Bills	11	10	10	70%	91%
Regulations/Rules	46	36	36	75%	78%
Proclamations	52	49	49	100%	94%
Administrative Notices	227	193	193	75%	85%
TOTAL	336	288	288	-	

The table below reflects different publications which were published in the Gazette during the period under review.

PUBLICATIONS 2018/2019	NUMBER OF PUBLICATIONS
Acts	4
Proclamations	30
Government Notices	502
General Notices	713
Air Services	6
Road Carrier Permits	10
Advertisement	4297
TOTAL PUBLICATIONS	5 562

3.3 SUCCESS

The following were the highlight achievements recorded by the Directorate during the period under review.

- **Bills** : The standard is to finalize Bills within 6 months from the date of receipt of instructions. This financial year, 11 Bills were due for completion and 10 were completed within timeframe of 6 months, translating to 91% against the annual target of 70%.
- **Statutory Instruments** : The standard is to finalize Regulations/Rules within 120 days, Proclamations within 10 days and Administrative Notices within 10 days. A total of 46 regulations were due and 36 were completed on time, translating to 94% over the annual target of 75%.
- **Proclamations** : The standard is to finalize Proclamations within 10 days. A total of 52 were due and 49 were completed on time, translating to 94% over the annual target of 100%
- **Notices** : The standard is to finalize Notices within 10 days. A total of 227 Notices were due and 193 were completed on time, translating to 85% against the annual target of 75%.

3.4 CHALLENGES

The Directorate recorded the following challenges during the course of execution of its duties:

- **Shortage of experienced legislative drafters**: It is a global fact that drafting is a highly specialized field and the skill of drafting is linked to the passion for drafting that it takes years of on the job training to master the skills of drafting. Shortage of experienced drafters continues to haunt the Directorate. During the financial year under review, the Directorate's functioned with 17 drafters, 3 with 16- 40 years' experience, 4 with 10 years' experience and the rest between 5 -7 years' experience.
- **Staff turnover and Death** : During the financial year under review, the Directorate was confronted with drafting burden as most experienced drafters and supervisor for junior drafters passed on due to COVID-19. This left the Directorate with few experienced drafters that can supervise

junior drafters. Further, one of the drafters in the Directorate also resigned from the Directorate contributing to the already few numbers of the drafters in the Directorate.

- **Delays** : On average clients have taken long (2-3 months) to respond to request for information or to give policy directions. Other delaying factors included, supervision of work by more experienced drafters; the complexity of instructions; constitutionality/legality issues; contact persons often not knowledgeable in the policy to be translated into law; incomplete and unclear instructions; proofreading of work before publication; drafting of amendments on the floor from Parliament; frequent request from clients to draft urgent instructions or publishing urgent instructions, this resulted in some instructions to be delayed to accommodate urgent request.
- **Lack of policy** : It is a fact policy drives the law, and such policies need to be well assessed and defined. The Directorate functioned in an environment where there were hardly any policy documents to guide the translation of the text into law. It was often required to draft laws which were not well assessed and defined and could have led drafting of laws not fitting the Namibian context. This resulted in the drafters having to overhaul the proposed law, guide the policy, researching all aspects of the law and drafting.
- **Declaration of State of Emergency** : With the declaration of the State of Emergency by the President due to Covid-19 pandemic, attention shifted to the drafting of Covid-19 State of Emergency laws, this caused delays in the finalization of the normal, usual instructions received by the Directorate.
- **Lack of Incentives** : Currently there are no incentives to attract legislative drafters to the Directorate.
- **No drafting course in Namibia** : there is currently no drafting course in Namibia at PGD level. This has negatively impacted the level of skills within the drafting space. However, this financial year the Directorate through the office of the Executive Director of the Ministry has started engaging the Faculty of Law for the University of Namibia on the possibility of introducing a legislative drafting as a post-graduate stand-alone course at the University of Namibia.

4. DIRECTORATE: LEGAL ADVICE

The Directorate Legal Advice is responsible for assisting the Hon. Attorney-General to execute his/her constitutional functions, which is to render legal advice to the President and the Government.

4.1 OVERVIEW OF ACTIVITIES

During the period under review, the scope of work for the Directorate involved consultations with clients, drafting of agreements, scrutinizing of Bills and Proclamations before tabling in Parliament, representing and negotiating on behalf of the Government on national and international forums, representing the President and Government on Commissions of Enquiry and Offices/ Ministries/ Agencies (O/M/As) in disciplinary hearings as Presiding Officers, Investigators, and Initiators.

4.2 STATISTICS

The table below reflects numbers of requests for legal advice received during the period under review, and their status. The pending matters includes Opinions, Agreements and Bills. The large number of pending files are due to either outstanding information or the fact that many are continuous files (matters).

Received requests	Finalized requests	Pending
791	290	501

The table below reflects numbers of Boards and Committees on which the legal advisors in the Directorate served during the period under review.

Total of board & Committee	National	Regional	International
159	131	20	8

The following were the negotiated agreements by the Directorate during the period under review. There were fewer physical meetings which took place, therefore less agreements than usual were negotiated as follows:

- AfCFTA Secretariat Negotiations
- Global Biodiversity Framework
- Namibia/Zambia Joint Permanent Commission on Defence and Security

The following were the virtual trade negotiations which took place during the period under review:

- SACU -EFTA Trade Agreements
- SADC EPA
- SACU Institution meetings
- SADC Minister of Justice and AG's meetings on foreign maintenance orders
- Green Hydrogen Project Negotiations

4.3 SUCCESS

The following were the highlight achievement of the Directorate during the period under review:

International level	National level
SACU – EU Poultry Arbitration	Drafting and certification of the Covid-19 Regulations
9th Round of Negotiations on Genocide, Apology and Reparations between Namibia and Germany	Notice of Question, Hon. Henny H. Seibeb (AG)
Dissolution of Air Namibia	Opinion on the convening of the Transportation Commission of Namibia by persons other than the Chairperson of the Commission an Interpretation Section 6(1) of the Road Traffic and Transportation Act 1999
Dispute Settlement Body of the African Continental Free Trade Area Inaugural Meeting	Draft Agreement between NPC and Mondjila Advisory and Management – Lithon Project Consultants Joint Venture on the Provision of Performance Delivery Unit – Harambee Prosperity Plan
Namibia Covid-19 Vaccine Procurement Contracts with AVATT, AFREXIM Bank and Janseen Manufacturer	Revision of OKACOM agreement for the permanent Okavango River Basin Water Commission .
Scrutiny on the SFC Supplementary Agreement between Namibia and Janssen Pharmaceutica NV with respect to the Janssen Pharmaceutica NV Vaccine donation from the government of the United States of America;	Proposed draft Memorandum of Understanding (MoU) between the Namibian Police Force and Rand Hand in Hand Couriers
The Purchase Contract for Sars -COV-2 Vaccine (vero cell) inactivated (or covid-19 Vaccine (vero cell), inactivated) between China Nationalbiotec Group Company Limited, China Sinopharm International Corporation and the Ministry of Health and Social Services of the Republic of Namibia;	Proclamations on the State and Official Funerals;
Purchase Contract between the Ministry of Health and Social Services and Sinopharm International HK;	Burial/Funeral arrangements of the late Ombara Otjitambi Jovaherero, Adv. Vekuii Rukoro;
Covax Indemnification Agreement and Country Side letter for Covax supply of Feizer Vaccine between Namibia and Pfizer Overseas llc	Agreements on Government Guarantees;
Review of draft all Government Support Agreement for the Development of a Green Hydro-gen Project;	High Court Case.: HC -MD-CIV-MOT - GEN -2021/00288 -Immanuel Kaulinawa Shivute // President of the Republic of Namibia and 4 others;
Repatriation of Ms. Christofina Amunyela from Addis Ababa	Draft procedures agreement for Traffic for Traffic Law Enforcement agencies between NAM-POL and Road Fund Administration.

International level	National level
Identification and Nomination of experts to the Arbitration Panel under the SACU - MER -COSUR PTA;	Request for Legal Advice to make use of a Contract Agreement and Code of Conduct for Volunteers to Operate State Owned Shelters on a Temporary Basis;
Draft Rules of Procedure of the Joint Administration Committee of the Preferential Trade Agreement between SACU and MERCOSUR	Interpretation of Section 27(3) (a)(ii) of the Local Authorities Act 23 of 1992 as Amended;
Agreements on African Legal Support - Funding for Transaction Advisor for Baynes Hydro Power Project for Namibia-Angola;	Variation Order V004 -Engineers Determination in respect of Interim Claim 1.2: Change in Legislation due to Covid 19 - Lockdown and other Contractual Claims in General;
Agreement on Cooperation and Mutual Administrative Assistance in Customs Matters between Namibia and the Russian Federation	Proclamation: Appointment of Electoral Commission of Namibia (ECN) Commissioners;
Reporting back from tour of duty of Mr. G. Tsatumbu to the High Commission of Namibia in London (Works and Transport)	Wind Power Development in the Sperrgebiet Area
Land Conference Resolutions – Technical and High-Level meetings	Lease Agreement: The Government of the Republic of Namibia and Diaz Wind Power (PTY) LTD
Kampala Protocol for the voluntary registration of the registration of the copyright and related rights for legal scrutiny	Legal Opinion on the recall of commercial councillors from their posting by the Namibia Investment Promotion Development Board
MoU between the Federal Minister of Energy of the Kingdom of Belgium and Ministry of Mines and Energy of Namibia	Legal Opinion on the Interpretation of Treasury Instructions
Green Hydrogen Project negotiations	Agreement for NUST and Ministry of Health on the placement of students
	Contract on Maintenance and Support of the United Exchange Platform Technology used for the Namibian Government Interoperability

4.4 CHALLENGES

During the period under review, the Directorate encountered the following challenges in the cause of the execution of its mandate.

- **Covid -19 pandemic** : A lot of human resource (within official working hours as well as after hours) were taken up by Covid-19 related matters. A team of lawyers had to attend to the drafting and scrutinizing of Covid-19 Regulations and Covid-19 related legal opinions, resulting in not being able to attend to any other requests for legal advice, which resulted in backlog files building up.
- **Staff turn-over:** During the period under review, the Directorate lost four (4) experienced lawyers and created a vacuum that need to be filled urgently. Another senior lawyer requested transfer to another ministry.
- **Demand to serve on boards** : As per the Directorate's mandate, there has been high demand by O/M/As for legal officers to serve on committees and boards (which entails negotiations, investigations and the attendance of several meetings) *vis a vi* the number of legal officers in the Directorate. Of the total ninety-nine (99) legal officers positions only twenty-eight (28) are filled and seventy-one (71) are not filled due to financial constraints.

5. DIRECTORATE: LEGAL SERVICES

The Directorate carries out the following functions:

- Issue Apostille.
- Process requests for Extradition and Mutual Legal Assistance in criminal matters.
- Process requests for Reciprocal Service of court process on behalf of foreign Governments.
- Process requests for reciprocal enforcement of maintenance orders and foreign civil judgment on behalf of foreign Governments.
- Provide administrative functions to the Disciplinary Committee of Legal Practitioners; Provide administrative functions to the Inter-Ministerial Committee on Human Rights.
- Draft and submit state reports to international human rights bodies.
- Respond to queries and questions on human rights and international humanitarian law.
- Represent government at SADC, AU, commonwealth countries and UN meetings on legal matters.
- Facilitate the recognition and establishment of the Community Courts.
- Supervise the administration of Community Courts.
- Provide training to personnel of the Community Courts.
- Provision of maintenance services.

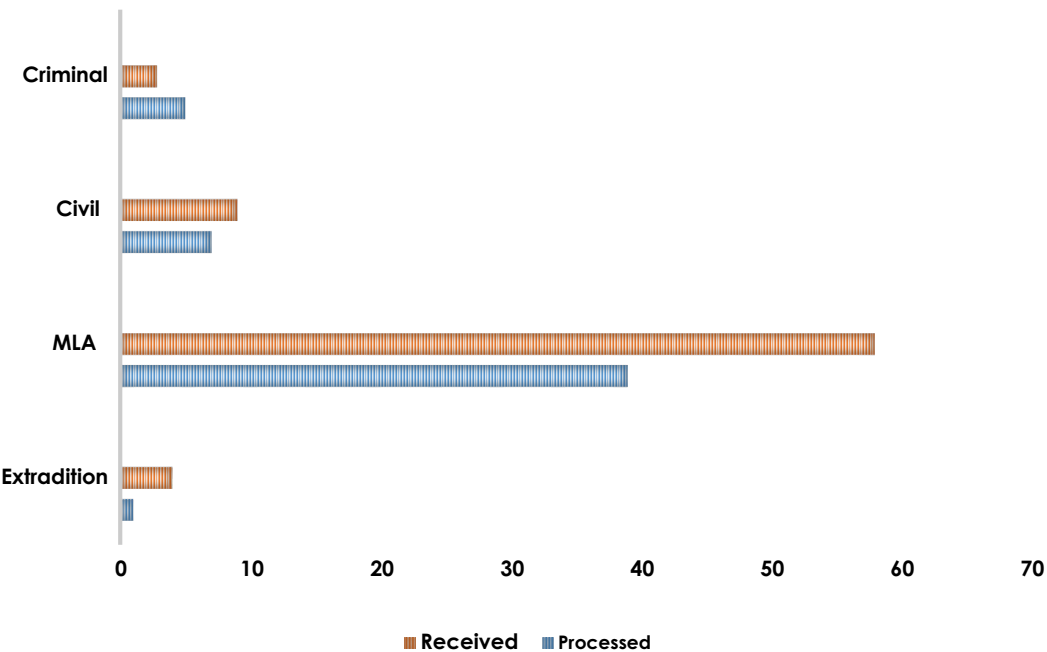
5.1 OVERVIEW OF ACTIVITIES

During the period under review, the scope of the Directorate revolved on the following key aspects.

- Attending to maintenance matters.
- Handling of extradition requests.
- Draft and submit state reports to international human rights bodies.
- Supervise the administration of the Community Courts affairs.
- Provide administrative functions to the Disciplinary Committee of Legal Practitioners.
- Handling of Mutual Legal Assistance in criminal and civil matters.
- Attending to various meeting on international related matters on legal issues.

5.2 STATISTICS

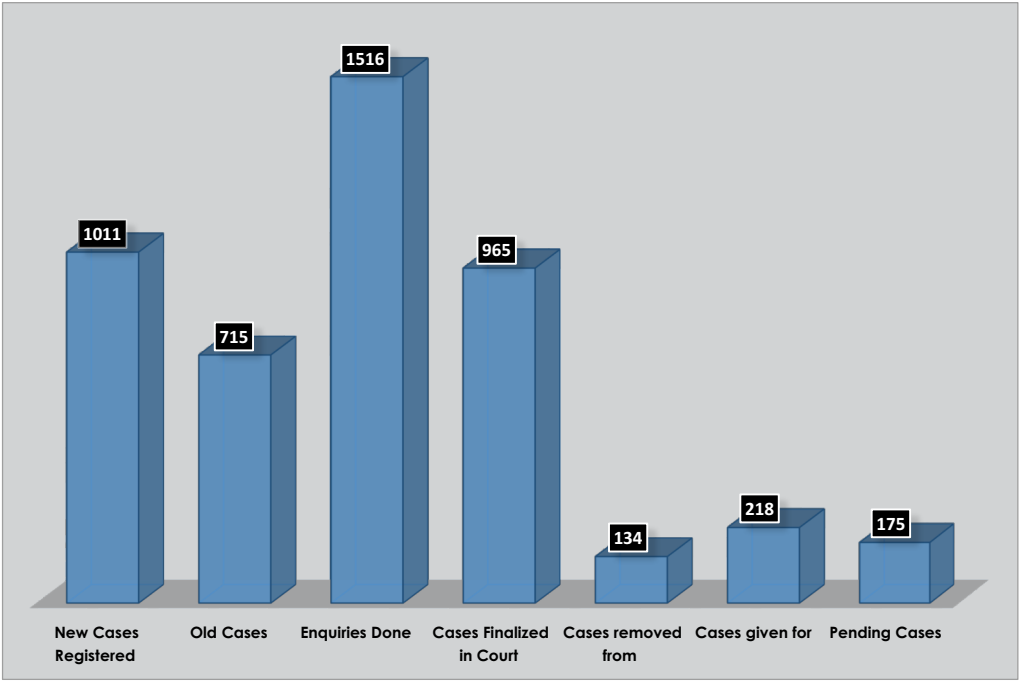
The following table reflect the overview on Extradition matters and Mutual Legal Assistance (MLA) in Criminal and Civil matters over the period under review.



The following were the Human Rights Reports drafted and projects coordinated by the Directorate during the period under review.

- Report on the International Covenant on Economic, Social and Cultural Rights was submitted to Cabinet and rejected requested additional information.
- A workshop was held where a core document was discussed regarding implementation of the National recommendation tracking database.

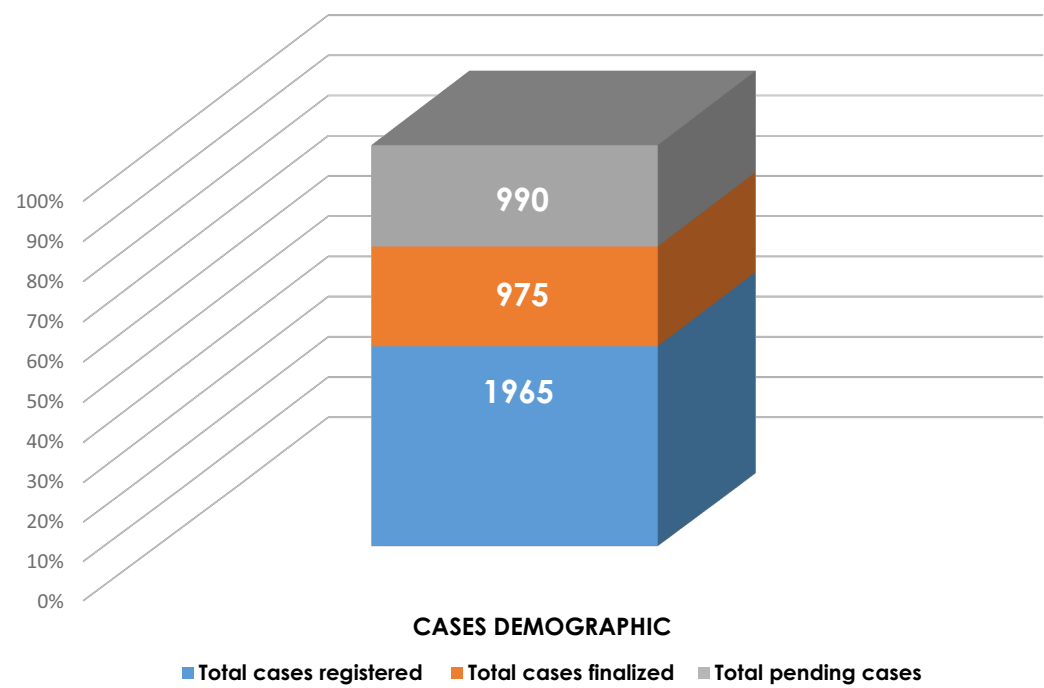
During the period under review, the following were the affairs of the maintenance matters handled by the Maintenance Division.



The Maintenance Division in an effort to cater to the vast clients who are spread throughout the country, it has offices at various Magistrates Courts in the country . The work of the Maintenance Division at the respective stations is reflected as follows in the diagram below.

Keetmanshoop	Windhoek	Swakopmund	Walvis Bay	Otjiwarongo	Oshakati	Ondangwa	Rundu	Katima Mulilo
Investigations 97	Investigation 157	Investigation 56	Investigation 45	Investigation 31	Investigation 24	Investigation 79	Investigation 37	Investigation 125
Default Judgement 29	Default judgement 55	Default judgement 6	Default judgement 50	Default judgement 5	Default judgement 0	Default judgement 8	Default judgement 45	Default judgement 74
Emolument applications 35	Emoluments application 71	Emoluments application 33	Emoluments application 47	Emoluments application 38	Emoluments application 0	Emoluments application 0	Emoluments application 21	Emoluments application 13
Summons Served 19	Summons served 116	Summons served 261	Summons served 258	Summons served 209	Summons served 89	Summons served 72	Summons served 400	Summons served 160
Warrants of arrest 63	Warrants of arrest 0	Warrants of arrest 19	Warrants of Arrest 6	Warrants of arrest 21	Warrants of arrest 21	Warrants of arrest 23	Warrants of arrest 193	Warrants of arrest 67
Directives Served 34	Directive served 138	Directive served 33	Directive served 13	Directive served 15	Directive served 107	Directive served 29	Directive served 8	Directive served 11

The table below reflects the number of matters handled by the Community Courts Division during the period under review.



5.3 SUCCESS

The following were the achievements by the Directorate during the period under review.

- **Collection of maintenance monies:** The Maintenance Division was able to enforce Maintenance Court Orders resulting in collection of a total amount of N\$ 13,313,858.47 for the benefits as per the Court Orders, of which majority were minors, a total of N\$ 13,484,907.63 was then paid over to the beneficiaries.
- **Human Rights Reports :** The Directorate was able to draft and coordinate the following reports and projects.
 - Report on the International Covenant on Economic, Social and Cultural Rights was submitted to Cabinet and rejected requested additional information
 - A workshop was held where a core document was discussed regarding implementation of the National recommendation tracking data -base.
- **Community Courts:** Courts have a three-week court session in a month and an average attend to 8 cases per day, this translates to 1500 cases per year. Through fines and penalties issued by the Courts, the Division encountered an increase of revenue generated by Community Courts ranging from an average of N\$ 50,000.00 to N\$ 90,000.00 per year, these funds will be further re-invested in the betterment of the business affairs of the Community Courts such as, training for the Courts officials and other needs.

5.4 CHALLENGES

The following were the challenges encountered by the Directorate during the period under review.

- **Stations with no Maintenance Officers :** Some Magistrate Courts do not have Maintenance Officers to handle maintenance matters, as a result, Public Prosecutors discharge this function. Shortcomings have been encountered that Public Prosecutors are not carrying out the mandate in conformity with the Maintenance Act.
- **Prosecutors supervising Maintenance function :** Public Prosecutors are over burdened with Criminal Cases and don't give much effort to the Maintenance Cases. Due to workload the Maintenance matters are only attended to every Fridays and delays on resolving matters are encountered. Some Control Prosecutors are supervising the Maintenance Investigators have a lot to do on their hands and are unable to supervise the Maintenance Investigators.

6. DIRECTORATE: MASTER OF THE HIGH COURT

The Directorate: Master of the High Court is required by statute to supervise the administration of deceased estates, liquidations (insolvent estates) registration of trusts, appointments of and administrators pertaining to tutors and curators, and the administration of the Guardian Fund (in respect of minors and persons with mental disabilities).

6.1 OVERVIEW OF ACTIVITIES

During the period under, the Directorate undertook the following key functions.

The Master supervised the administration of deceased estates, the purpose being to ensure an orderly winding up of the financial affairs of the deceased, and the protection of the financial interests of the rightful heirs and creditors that have claims against estates.

All liquidations and insolvencies fall under the jurisdiction of the Master of the High Court and as such the Master must ensure that the rights of creditors and the business world are protected. The administrative process supervised by the Master includes the following duties:

- With an application to Court the Master must advise the Court by way of a report on whether or not insolvency will be to the advantage of the creditors;
- appoints and removes trustees and liquidators;
- advertise Court orders and first meetings of creditors;
- preside at all meetings and interrogations;
- decide on the validity of creditor's claims;
- issue orders for payment of contribution by the insolvent;
- approve trustee's/liquidator's liquidation and distribution account;
- with an application for rehabilitation to Court, the Master must advise the Court by way of a report on whether or not the applicant should be rehabilitated.

All inter vivos trusts must be registered to the Master of the High Court. The Master ensured that trusts were administered in terms of the provisions the Trust Deed and the Trust Monies Protection Act (Act No 34 of 1934).

The Master of the High Court administered the Guardian Fund, which is created to administer funds which are paid to the Master on behalf of various persons known or unknown, such as minors, persons incapable of managing their own affairs, unborn heirs, missing or absent persons or persons having an interest in the moneys of a usufructuary or fideicommissary nature. Funds may be claimed by guardians of minors for maintenance and education of such minors. Funds not needed for the needs of minors were invested and earned interest.

The Guardian's Fund carried out the following functions during the period under review:

- To receive and disburse funds;
- to invest funds and calculate interest thereon;
- to safe keep and control hypothecation and security deeds for money accruing to minors;
- to compile and publish annual lists of unclaimed sums exceeding N\$500,00.

6.2 STATISTICS

The table below reflects the overall case report of all applications submitted on the Master's integrated financial and case management online system during the period under review.

Overall Case Report										
Case Type	Number of Online Applications									
	Received		Approved		Rejected		In Process		% Processed	
	2020/ 2021	2021/ 2022	2020/ 2021	2021/ 2022	2020/ 2021	2021/ 2022	2020/ 2021	2021/ 2022	2020/ 2021	2021/ 2022
Financial year										
Guardian Fund	5940	6019	5538	4699	378	1005	24	315	99.60%	94.77%
Deceased Estates	2767	4692	2581	3997	60	272	126	423	95.45%	90.98%
Trust	828	913	722	677	66	108	12	85	95.17%	85.98%
Total	9535	11624	8841	9373	504	1385	162	823	98.01%	92.55%

Difference in number of online applications from 2020/2021					
Case Type	Received	Approved	Rejected	In Process	% Processed
Guardian Fund	79	-839	627	291	-4.83%
Deceased Estates	1925	1416	212	297	-4.47%
Trust	85	-45	42	73	-9.19%
Total	2089	532	881	661	-5.46%

The table below reflect total number of Insolvencies and liquidations matters which were reported during the period under review :

TYPE	2021	2022
Insolvencies	165	52
Insolvent deceased estate	0	0

The table below reflect the total number of Trusts registered during the financial year under review:

TYPE	2021	2022
Trust	644	389

The table below reflect the activities of the Guardian Fund during the financial year under review:

DESCRIPTION	2020/2021	2021/2022
Interest rate	6.5%	6.5%
Monies paid to beneficiaries	N\$163,105,537.93	N\$ 166,465,435.87
Value of the fund	N\$ 1,858,792,115.97	N\$2,667,775,970.49

The Guardian's Fund is a statutory fund managing the funds of mainly minor beneficiaries that provides for their education, medical and daily needs. The investment strategy of the Fund is capital preservation, stable income for beneficiaries and is in line with the Guardian's Fund liquidity needs and its liability profile.

The bulk of the funds are invested through the Sanlam Namibia administrative platform in various underlying funds. This portfolio aims to grow capital at moderate levels of risk and with an investment horizon of 3 to 5 years. In addition to the growth of capital over rolling 12-month periods, the fund also aims to outperform the benchmark over rolling 24-month periods. To achieve these objectives, a diversified portfolio of local and offshore based collective investment schemes has been constructed.

During the period under review, the Guardian's Fund held the following investments of which the average return on the investment portfolio was 9.38%.

Description	Opening balance 1/4/2021	Closing balance 31/03/2022	Interest Amount	Interest %
Sanlam Admin Platform				
1536663	53,850,306.02	58,554,521.22	4,704,215.20	8.74%
1833250	51,146,187.73	55,613,493.52	4,467,305.79	8.73%
1542380	39,296,999.14	42,729,199.09	3,432,199.95	8.73%
1500255	35,984,474.35	39,127,707.46	3,143,233.11	8.73%
1807064	35,470,225.89	38,568,512.51	3,098,286.62	8.73%
1558972	35,463,473.44	38,561,077.06	3,097,603.62	8.73%
1777580	26,142,070.34	28,425,679.35	2,283,609.01	8.74%
1750397	23,319,340.96	25,356,255.60	2,036,914.64	8.73%
2259752	22,884,635.00	24,538,193.72	1,653,558.72	7.23%
1698646	16,903,816.09	18,380,501.96	1,476,685.87	8.74%
1767706	16,422,563.78	17,857,149.90	1,434,586.12	8.74%
2025690	14,876,922.19	16,176,574.78	1,299,652.59	8.74%
2220283	13,958,398.54	15,178,047.57	1,219,649.03	8.74%
1946425	12,366,050.12	13,446,398.78	1,080,348.66	8.74%
1841931	69,995,074.00	76,232,166.60	6,237,092.60	8.91%
1400779	43,895,244.00	47,805,614.55	3,910,370.55	8.91%
1412782	41,387,311.00	45,074,115.32	3,686,804.32	8.91%
1285915	39,920,043.00	43,476,193.57	3,556,150.57	8.91%
1345339	38,865,071.00	42,327,429.59	3,462,358.59	8.91%

Description	Opening balance 1/4/2021	Closing balance 31/03/2022	Interest Amount	Interest %
Sanlam Admin Platform				
1361898	38,763,814.00	42,216,956.52	3,453,142.52	8.91%
2166023	30,032,579.00	32,708,166.32	2,675,587.32	8.91%
1424431	25,977,339.00	28,292,450.49	2,315,111.49	8.91%
1881655	22,651,209.00	24,669,369.92	2,018,160.92	8.91%
1391010	19,213,184.00	20,925,127.63	1,711,943.63	8.91%
1910975	15,611,415.00	17,002,100.06	1,390,685.06	8.91%
2055333	14,737,188.00	16,050,381.37	1,313,193.37	8.91%
2010809	12,035,994.00	13,108,252.30	1,072,258.30	8.91%
1227826	73,125,408.67	81,680,246.99	8,554,838.32	11.70%
1247345	57,382,846.15	64,095,430.75	6,712,584.60	11.70%
1216886	55,163,327.68	61,616,741.26	6,453,413.58	11.70%
1187657	27,545,846.45	30,768,168.89	3,222,322.44	11.70%
988659	26,416,389.00	29,030,987.24	2,614,598.24	9.90%
1199520	22,707,266.43	25,364,139.22	2,656,872.79	11.70%
1227461	22,214,452.37	24,813,687.60	2,599,235.23	11.70%
2789006	83,885,062.09	93,703,350.00	9,818,287.91	11.70%
1444132	32,461,884.66	36,258,561.00	3,796,676.34	11.70%
1484336	23,962,359.71	26,765,103.00	2,802,743.29	11.70%
1518638	23,673,158.14	26,441,996.00	2,768,837.86	11.70%
1616135	23,261,027.35	25,981,984.00	2,720,956.65	11.70%
1644780	18,852,109.57	21,057,244.00	2,205,134.43	11.70%
1341734	87,273,147.00	97,797,018.89	10,523,871.89	12.06%
1271238	83,326,281.00	93,364,760.78	10,038,479.78	12.05%
1330992	73,151,728.00	81,962,959.44	8,811,231.44	12.05%
1256379	59,059,977.00	66,175,747.80	7,115,770.80	12.05%
1298611	47,733,395.00	53,484,306.70	5,750,911.70	12.05%
1322262	38,721,341.00	43,388,198.78	4,666,857.78	12.05%
Simonis Storm Portfolio				
Call	120,237.37	136,612.00		4.96%
Call	2,951,673.43	10,568,459.68		4.96%
Bond GC 25	1,000,000.00	1,000,000.00	85,000.00	8.50%

Description	Opening balance 1/4/2021	Closing balance 31/03/2022	Interest Amount	Interest %
Sanlam Admin Platform				
Bond GC 24	20,000,000.00	20,000,000.00	2,100,000.00	10.50%
Bond GC 24	4,700,000.00	4,700,000.00	493,500.00	10.50%
Cirrus Securities Portfolio				
Call Account	168,015.08	20,590,757.36		4.95%
Bond GC21	20,000,000.00		Matured	
Bond GC21	3,010,000.00		Matured	
Bond GC21	940,000.00		Matured	
Bond GC 23	10,000,000.00	10,000,000.00	83,190.00	8.85%
Bond GC 23	2,000,000.00	2,000,000.00	885,000.00	8.85%
Bond GC 23	10,000,000.00	10,000,000.00	177,000.00	8.85%
Bond GC 24	9,200,000.00	9,200,000.00	966,000.00	10.50%
Bond GC 35		28,030,000.00	2,662,850.00	9.50%
FL Rate BWHK NCD	3,300,000.00	3,300,000.00	170,940.00	5.18%
Fixed 364 Days	1,995,000.00	1,995,000.00		
FW Debentures	2,000,000.00	2,000,000.00		
FW Debentures	4,500,000.00	4,500,000.00		
FW Debentures	2,000,000.00	2,000,000.00		
FW Debentures	1,000,000.00	1,000,000.00		
FW Debentures	1,000,000.00	1,000,000.00		
FW Debentures	14,500,000.00	14,500,000.00		
FW Debentures	10,000,000.00	10,000,000.00		
FL Rate BWHK NCD	1,900,000.00		Matured	
Platinum Financial Services	36,475,930.87	39,156,969.71	2,681,038.84	7.35%
Bank Windhoek	37,190,607.94	39,172,867.34	1,982,259.40	5.33%
First National Bank	7,049,075.30	7,309,186.18	260,110.88	3.69%
Standard Bank	7,112,395.01	7,374,842.39	262,447.38	3.69%
Capricorn Wealth				
Namibia IRS GC50 15/07/50		49,494,740.40	3,228,750.00	10.25%
Namibia IRS GC45 15/07/45		50,003,187.55	3,155,939.99	9.65%
Namibia IRS GC35 15/07/35		24,810,000.00	2,672,037.00	10.77%
Namibia IRS GC32 15/04/32		16,498,000.00	1,719,091.60	10.42%
Sanlam Admin Platform				
Namibia IRS GC43 15/07/43		15,316,000.00	1,776,656.00	11.60%
Namibia IRS GC37 15/07/37		15,254,000.00	1,687,092.40	11.06%
Namibia IRS GC40 15/10/40		7,515,000.00	849,195.00	11.30%
Bank Windhoek Account	200,000,000.00	373,198,078.78		6.50%
	2,105,200,870.86	2,667,775,970.49	202,962,431.73	9.38%

6.3 SUCCESS

The major achievement recorded by the Master of the High Court during the period under review are:

- the Directorate attended to and processed all applications it received despite the huge increase in applications. The increase was mainly in deceased estates due to the impact of the Covid-19 pandemic.
- The Directorate carried out various public education interventions aimed at providing the necessary information to clients and the nation at large on the mandate, functions and operations of Master of the High court and as well as to employees to ensure that they are adequately prepared for retirement and drafting of last Wills and Testament as a vital part of estate planning.

6.4 CHALLENGES

The Directorates experienced several interruptions to business process operations due to breakdown in telecommunication facilities and the downtime of the integrated financial and Case Management Online System used at the Directorate. The telecommunication facilities breakdown which affects the internet connectivity to the Master's head-office was mainly attributed to the old infrastructure. These challenges will be resolved in the immediate future as plans are at an advanced stage to move the Master's head-office into a newly renovated office space



7. DIRECTORATE: LAW REFORM

The Directorate Law Reform and Development Commission is tasked to conduct research and to make recommendation for the reform and development of the Namibian laws. Also, the Law Reform and Development Commission (LRDC) Act empowers the Minister to designate an official in the public service as the Secretary to the LRDC. The Law Reform and Development Commission is a statutory body established in terms of the Law Reform and Development Commission Act, 1991 (Act No. 29 of 1991).

7.1 OVERVIEW OF ACTIVITIES

During the period under review the Directorate was seized with researching and worked on the following Bills and Laws.

- The National Equitable Economic Empowerment Framework Project.
- Report on the Review of Administrative Justice in Namibia.
- Report on The Review of Article 46 of The Namibian Constitution and Section 77(4) (A) Of The Electoral Act, 2014 (Act No. 5 Of 2014).
- Customary Law Marriages Phase 2.
- Disability Law.

The Directorate also attended various workshop and Committees with stakeholders to provide legal inputs.

7.2 PROJECTS UNDERTAKEN AND PROGRESS

The Directorate has been engaged with the following projects during the period under review.

● The National Equitable Economic Empowerment Framework Project

Statement of the problem

The NEEEF project came to the LRDC in 2015 when the Office of the Prime Minister approached the LRDC to translate the NEEE framework into Law. The purpose of NEEEB is to supersede all other transformation and empowerment policies of Government as well as to provide the framework to which all private sector empowerment initiatives, past and future will be expected to conform. The problem that NEEEF wishes to address is unequitable participation of previously disadvantaged persons (PDP's) in the Namibian economy. It is common knowledge that years of systemic colonialism and apartheid served to legislate previously disadvantaged persons (PDP's) into poverty and that these systems continue to perpetuate the contemporary economic woes in the country. Just like the apartheid system used the law to define and divide certain people, the Namibian government recognizes that the same law should be used as a tool to undo the racial definitions and imbalances inherited from that segregationist policy.

Response to the problem

NEEEF is targeted towards the elimination of enduring income disparities, lopsided ownership of productive assets; low level of participation in business by previously disadvantaged persons and the lack of socio-economic transformation in traditional communities. Accordingly, NEEEF has been designed to promote transformation in business through 8 empowerment pillars including: 1) the ownership pillar, which is aimed at promoting the equitable ownership of entities and productive assets in Namibia by empowerment beneficiaries; 2) the management control and employment equity pillar is aimed at ensuring that the management structures and workforces of entities in Namibia more accurately reflect the overall demographics of the Namibian population; 3) the human resources and skills development pillar is aimed at strengthening the skills and human resource base in Namibia; 4) the entrepreneurial development pillar is aimed at promoting sustainable access to the economy by empowerment beneficiaries and enhancing economic growth of entities owned by empowerment beneficiaries; 5) the procurement pillar aimed at growing development by promoting sourcing goods, works and services from empowerment beneficiaries; 6) the corporate social responsibility pillar is aimed at promoting the wellbeing and upliftment of empowerment beneficiaries with the aim of contributing towards socio-economic development of empowerment beneficiaries; 7) the value addition, technology and innovation pillar is aimed at promoting an export driven Namibian financing for the establishment of, and sustaining of, entities of empowerment beneficiaries and empowerment transactions.

The quintessential justification for this project is to distribute wealth across a broad spectrum of previously disadvantaged Namibians and to move from a national program of equality to equity.

Status

The NEEEF Draft Bill was handed over to its custodian, the Office of the Prime Minister (OPM) in December 2020. Since then, the Technical Working Committee has been instructed by the OPM to finalize the development of the NEEEF Scorecard as well as research on best practices with regards to the administrative functions formed under NEEEF.

As a result, the Office of the Prime Minister requested for technical support from the Department of Trade, Industry and Competition (DTIC) from the Republic of South Africa to assist with the finalization of the National Equitable Economic Empowerment legislation, Generic scorecard and other ancillary documents.

A workshop consisting of members of the Inter-Ministerial NEEEF Working Committee and 3 senior members from the DTI was held from 4 - 8 April 2022. The NEEEF Scorecard and Standards were thoroughly discussed and recommendations were made for submission to the Prime Minister.

● **Project: Report on the Review of Administrative Justice in Namibia**

Statement of the problem: The Project on the Review of Administrative Justice in Namibia recognizes the role which administrative fairness and efficiency can play in the protection of human and constitutional rights. Administrative fairness and efficiency should also be seen and recognized as a notion of democracy. In undertaking this project, the Law Reform and Development Commission has seen the importance of strengthening administrative justice in Namibia through the enhancement of legislation and other appropriate measures.

Response to the problem

Initially the approach adopted was two fold: a) that is to firstly establish the content of administrative law in Namibia under the common law and the constitution. Thereafter, draft and enact a statute that would codify these common law principles of administrative justice as well as define some of the constitutional principles that are not defined; and b) to find areas within the administrative process that may require the establishment of small administrative tribunals on a permanent or ad hoc basis. Thereafter amend the multiple pieces of legislation governing each area identified to create these tribunals. However, upon further research, the latter approach turned to require more than expected. Consequently the project will be divided into two stages namely: a) the produce the final report with the administrative justice bill which codifies the common law principles; and thereafter, b) produce consequent reports the various administrative areas that require tribunals.

Status

The Final Report with the Bill has been printed for submission to the Minister of Justice.

● **Project: Report on The Review Of Article 46 Of The Constitution And Section 77(4)(A) Of The Electoral Act, 2014 (Act No. 5 Of 2014)**

Statement of the problem

The provisions of Article 46, Article 47 of the Constitution, which provide the initial parameters for the National Assembly election, read together with section 77 of the Electoral Act, 2014 (Act No. 5 of 2014) have caused some uncertainty regarding the requirements for nomination to the National Assembly. The main question before the Law Reform and Development Commission as the subject of this report, is whether a person who is a remunerated member of the public service, the National Council, the Regional Councils or a local authority, and who otherwise qualifies to be nominated to the National Assembly, must first resign from such a public office before they can be eligible to be nominated as a candidate to the National Assembly.

Response to the problem

This report by the Namibian Law Reform and Development Commission, aims to answer this question and provide recommendations. The first recommendation would be to opt for an interpretation of the provisions by the Supreme Court of Namibia. The second recommendation pertains to the principal legal advisor to the Government. Notwithstanding the above, our main recommendation would be to amend the

provisions of the Electoral Act, 2014 to make provision for candidates nominated to the National Assembly list to be placed on leave as is done with the Regional Council and Local Authority Elections.

Status

The Final Report, as well as the Repealing Bill were both completed and certified by the Commission. The report was published, submitted to the Minister of Justice, and tabled in parliament for discussion.

● Project: Customary Law Marriages Phase 2

Statement of the problem

The identified challenges mainly relate to the consequences of providing a customary marriage certificate, competition in terms of inheritance and uniformity or lack thereof when it comes to customary marriages. The maintenance of surviving children and spouse as well as personal and real rights are mayor aspects that may have to be addressed when dealing with customary law marriages in this phase. There is a need to create a customary marriage register. Another challenge identified is the effective date of the customary marriages to be registered once the act is commenced. While consulting the question arose as to the registration of those men and women who are married first by way of customary marriage and thereafter a civil marriage or vice versa. Can marriages be registered in customary marriage register and civil marriage register. What are the rights of a woman who want to divorce from customary marriage between a male person with two women?

Response to the problem

The Ministries of Home Affairs, Immigration, Safety and Security and Regional and Urban Development has been appointed contact persons to work with the researchers on the draft bill. The Ministry of Home Affairs proposed to co-opt or invite the Office of the Prime Minister as they host the database for civil marriages. A request to the Office of the Master of the High Court to nominate persons from their Office is pending.

Status

In the absence of a Chairperson of the Commissioner, Commissioners and a Chief of the Law Reform Directorate inhouse consultations are being conducted between researchers to ensure that the project does not stagnate. In the same vein it was agreed to present the draft amendments internally to the Bill made under phase 1 and thereafter to the stakeholders to address the additional challenges identified.

A Director: National Population Register, Identification and Production at Ministries of Home Affairs, Immigration, Safety and Security has been appointed to assist with the creation of a Customary marriage register. The Law Reform was also advised to include the Office of the Prime Minister (OPM) since it was involved in the creation of the module of the National Population Register. A Director for the Directorate of the Regional, Local Government and Traditional Authorities Coordination was appointed as the Ministry's contact person. Further advise was given to contact all the recognized traditional authorities for their input.

A proposal to present an “out of community with accrual regime” under customary marriages to all the recognized traditional authorities for their input, warrants input from the Office of the Master of the High Court to ensure that A Properties and Assets Register is kept or presented at the time of solemnizing customary marriages.

● **Project: Disability Law**

Statement of the problem

The Disability law project is aimed at ensuring that disability issues are included in the LRDC law reform endeavours. Currently, the LRDC is working on the Disability Law Audit in collaboration with the Department of Disability Affairs under the Ministry of Gender. The project is intended to examine and review the entire Namibian legal framework with reference to disability and determine Namibia's compliance to international standards in ensuring the rights of persons with disabilities. The issue to be interrogated by this project is a question of law. As a result of continues discrimination and stigmatisation due to out dated disability laws.

Response to the problem

The LRDC is suited to carry out this project in line with section 6 of the Law Reform and Development Commission Act that provides for the objects of the Commission. The obstacles in undertaking this project were the conflicting views among stakeholders and limited or no sharing of information by administrators of these laws. The report will provide the scope, methodology and limitations of the audit, contextual framework that is a synopsis of the historical background and the current position shall provide an in-depth analysis of the current legal and institutional position relevant to the audit. An in-depth legal analysis of all laws shall follow and the findings, conclusions and recommendations shall be presented.

Status

Research concluded. Draft report finalized, await the appointment of the Commission to provide guidance on the way forward.

7.3 SUCCESS

During the period under review the Directorate was able to complete and publish the following four reports:

- Report on the Repeal of Obsolete Laws (ISBN 978-99945-143-4)
- Report on the Abolishment of the Common Law Offences of Sodomy and Unnatural Sexual Offences (ISBN: 978-99945-139-7)
- Report on Laws That Impede and Or Retard Development in Namibia: Access To Housing And Urban Land (ISBN: 978-99945-0-145-8)
- Final Report on the Insolvency Bill.

The Directorate was also able to carry out various wellness initiatives for maintaining the mental and physical health of its staff members such as: Mindfulness Day and a Beginning of the Year Breakfast.

7.4 CHALLENGES

The following were some of the hurdles endured by the Directorates during the period under review in the course of the execution of its mandate:

- Shortage of capacity (Legal Researchers) and insufficient skills pool resulting in slow pace in completion of projects.
- Delays in tabling in Parliament of Bills finalised by the Commission.
- Insufficient budgetary allocation to the Law Reform and Development Commission leading to inability to fill critical vacancies.
- Inadequate Pandemic support from relevant structures within the Government: Law Reform and Development Commission not considered to be a provider of an essential service, negatively affecting efficiency of the Commission in its work.
- Delays in printing of the Commission's approved reports.
- Poor visibility and limited role in efforts to fight Covid-19 Pandemic.

8. DIRECTORATE: CIVIL LITIGATION / GOVERNMENT ATTORNEY

The mandate of the Directorate is derived from the Government Attorney Proclamation of No. R. 161 of 1982. In terms of the said Proclamation the Government Attorney's office performs the functions as provided in the Proclamation. The main mandated functions of the Government Attorney's office are the provision of legal representation in courts for Government Offices, Agencies and Ministries and other entities engaged in Government administration such as public commissions and boards, the Master of the High Court, the Speaker of the National Assembly, the Prosecutor General, Magistrates, the Motor Vehicle Accident Fund, Regional Councils and recognized traditional authorities.

8.1 OVERVIEW OF ACTIVITIES

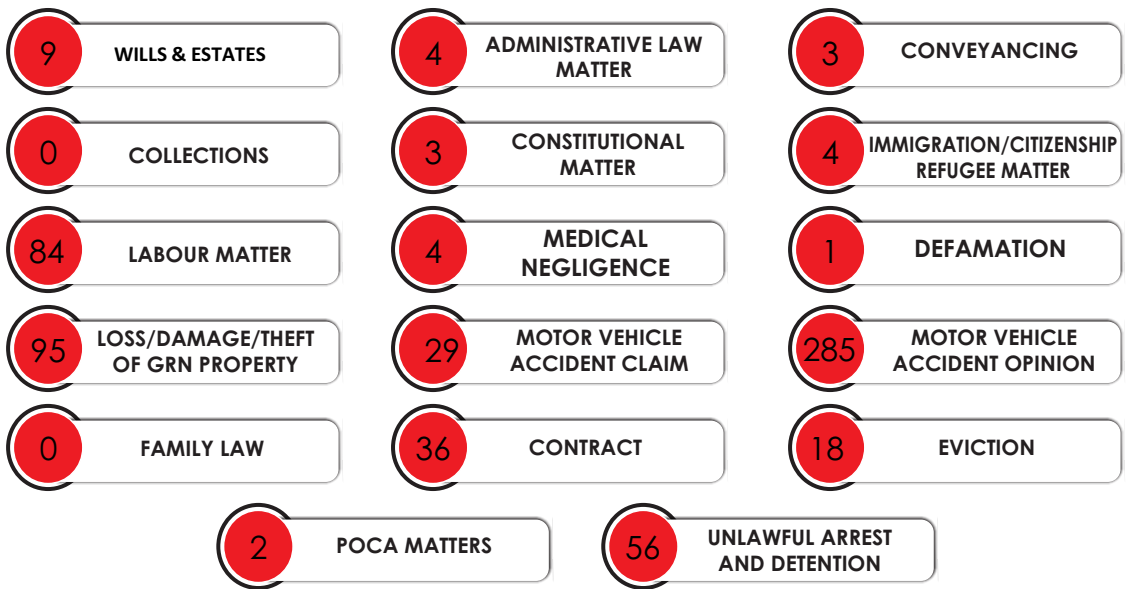
During the period under review the Directorate represented the Government in various cases and was seized with the collection of debts owed to government through varying reasons such as, out of court settlements, payment in respect of court decisions, payment of damages to government property and others.

Further, the Directorate performed activities similar to those performed in accordance with the law, practice or custom by legal practitioners, such as notaries or conveyancers.

The notable aspect on the scope of the Directorate is, its work is determined by, and dependent on, instructions from the clients (listed in the Mandate) either to initiate a claim for, or to defend action against, the Government or the Government entity in criminal or civil matters.

8.2 STATISTICS

The table below reflects the types of collections made by the Directorate during the period under review.



During the period under review, the Directorate was able to make collections to the tune of one hundred million, one hundred ninety thousand, one hundred thirty-nine and eight cents, (N\$ 100, 190, 139.80).

8.3 SUCCESS

The following were some of the notable cases the Directorates handled and were concluded in favor of its clients during the reporting period.

- PROSECUTOR GENERAL // RICARDO GUSTAVO AND 22 OTHERS – HC-MD-CIV-MOT-POCA-2020/00429: This case is currently ongoing and has many interlocutory's for the above case that still have to be dealt with. One of the interlocutory's, is about the respondents having petitioned to the Supreme Court wanting to appeal the judgement of the High Court which stated that the Prosecutor General and its confidential informant/witness will not be required to testify orally pertaining to the seizure and confiscation of assets. The petition was dismissed with costs in our favour of the government.
- MIKE NGHIPUNYA // MINISTER OF JUSTICE AND 2 OTHERS– CASE NO 96 SA / 20200 : This case is about the constitutionality of section 61 of the Criminal Procedure Act 51 of 1977. The High Court dismissed the Applicant's application of wanting the above section declared unconstitutional, however, the Applicant has now appealed to the Supreme Court. The prospects of success and for the Supreme Court to rule in the state favour are good.
- REVOLUTIONARY UNION // LABOUR COMMISSIONER This is a labour matter pertaining to Revolutionary Union wanting to register a trade union that will represent almost all employees in all categories of employment. Their original application for registration as a trade union was rejected due to the organization's constitution not complying with certain requirements of the Labour Act 11 of 2007. The union wanted to challenge such rejection, however, after attempting to consult with them telephonically, they have changed their view and now both parties (Revolutionary Union and the Labour Commissioner) are going to have talks regarding their application for registration as a trade union which will assist, as there will be no court processes involved herein which will assist in saving funds for Government.

8.4 CHALLENGES

The Directorate encountered the following challenges during the reporting period.

- Lack of office at Oshakati High Court.
- Lack of training.

9: FINANCIAL MANAGEMENT

9.1 FINANCIAL OVERVIEW

During the financial year under review, the Ministry received a total budget of four hundred eightnine million and four hundred and five thousand. (N\$. 489 405 000.00)

The table below reflects the appropriation amounts and overview per Directorates during the financial year under review.

Service		Authorized expenditure	Actual expenditure	VARIATIONS	
				Under - expenditure/ (Excess)	Percentage
N\$		N\$	N\$	N\$	%
01. Office of the Minister/Attorney General :					
Original budget	2,883,000.00				
Plus: Virement	78,700.00	2,961,700.00	2,775,363.31	186,336.69	6.29
02. Central Administration:					
Original budget	174,876,000.00				
Plus: Virement	141,397.00				
Less: Suspension	(7,000,000.00)	168,017,397.00	163,965,949.84	4,051,447.16	2.41
03. Law Reform:					
Original budget	10,185,000.00				
Less: Virement	(1,428,000.00)	8,757,000.00	8,710,392.93	46,607.07	0.53
04. Legislative Drafting:					
Original budget	17,861,000.00				
Less: Virement	(1,952,380.00)	15,908,620.00	15,823,885.90	84,734.10	0.53
05. Office of the Ombudsman:					
Original budget	20,118,000.00				
Less: Virement	(806,569.00)	19,311,431.00	19,158,111.04	153,319.96	0.79

Appropriation
account (continued)

2021/2022					
Service		Authorized expenditure	Actual expenditure	VARIATIONS	
				Under - expenditure/ (Excess)	Percentage
	N\$	N\$	N\$	N\$	%
06. Legal Aid:					
Original budget	44,578,000.00				
Plus: Midyear Budget Review	3,000,000.00				
Plus: Virement	3,907,715.00	51,485,715.00	51,397,106.79	88,608.21	0.17
07. Legal Service:					
Original budget	29,743,000.00				
Less: Virement	(2,406,770.00)	27,336,230.00	27,143,849.63	192,380.37	0.70
08. Master of the High: Court					
Original budget	17,804,000.00				
Plus: Virement	306,870.00	18,110,870.00	18,126,668.82		(0.09)
09. Provision of Legal Service:					
Original budget	27,998,000.00				
Less: Virement	(1,622,650.00)	26,375,350.00	25,890,717.84	484,632.16	1.84
10. Civil Litigation:					
Original budget	42,472,000.00				
Plus: Midyear Budget Review	2,000,000.00				
Plus: Virement	4,871,810.00	49,343,810.00	49,196,727.74	147,082.26	0.30
11. Public Prosecution:					
Original budget	102,887,000.00				
Less: Virement	(1,090,123.00)	101,796,877.00	101,583,189.46	213,687.54	0.21
TOTAL:		489,405,000.00	483,771,963.30	5,648,835.52	1.15

The table below reflects the financial allocation for development projects and financial overview during the period under review.

Nature of project	Approved total budget	Total expenditure as at 31/03/2022	Approved appropriation 1	Actual expenditure 2021/2022	Total expenditure as at 31/03/2022	Expected year of completion
	N\$	N\$	N\$	N\$	N\$	
Justitia Building Renovation	67,000,000.00	74,164,594.93	27,423,909.00	25,800,436.40	99,965,031.33	31- Mar 23
Lower Courts Renovations	37,401,000.00	29,623,047.68	-	-	29,623,047.68	31- Mar 23
Lower Courts Upgrading & Construction	258,954,000.00	413,540,276.84	10,971,757.00	10,932,372.55	424,472,649.39	31- Mar 23
Ombudsman Office Construction	29,564,000.00	30,993,713.09	1,864,063.00	1,855,989.79	32,849,702.88	31- Mar 23
Supreme Court Renovation		-	800,000.00	76,820.42	76,820.42	
Upgrading of High Court Building	152,577,000.00	133,409,582.89	8,000,000.00	7,756,028.89	141,165,611.78	31- Mar 23
Construction of Mobile Courts	153,137,000.00	47,488,342.37	5,000,000.00	4,642,532.85	52,130,875.22	31- Mar 23
Office of the Judiciary Renovation	2,000,000.00	374,753.28	571,271.00	368,629.84	743,383.12	31- Mar 23
Renovation of Houses of Prosecutor General in the Regions	13,531,000.00	7,992,996.13	-	-	7,992,996.13	31- Mar 23
Purchased of Legal Aid Houses	20,697,000.00	274,381.70	-	-	274,381.70	31- Mar 23
Total	734,861,000.00	737,861,688.91	54,631,000.00	51,432,810.74	789,294,499.65	



Notes

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