



Republic of Namibia

Ministry of Justice

Annual Report Financial Year **2018/2019**



MANDATE

TO PROVIDE LEGAL SERVICES
AND ACCESS TO JUSTICE

MISSION

TO DELIVER QUALITY
LEGAL SERVICES AND
JUSTICE FOR ALL

VISION

TO BE A MODEL PROVIDER OF
LEGAL SERVICES AND JUSTICE
FOR ALL

CORE VALUES

INTEGRITY,
TRANSPARENCY,
SERVICE EXCELLENCE,
ACCOUNTABILITY,
PROFESSIONALISM,
AND SYNERGY

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FOREWORD: MINISTER OF JUSTICE



Hon. Sackeus Shanghala, (MP)
Minister of Justice

I am delighted to present to you the Ministry of Justice 2018/19 Annual Report. It is with my outmost pleasure to have steered the Ministry in a direction that resulted in many projects being realized. Though the realization of these projects did not come as easy as we thought, but through commitment and hard work of the management and the entire staff members of the ministry, the ministry was able to achieve some of its targets.

Good leadership is one core area that the ministry desires at all times, as it leads to good results. Through good leadership, this financial year, a total of 23 Bills became Acts of Parliament. Some of the notable pieces of legislation enacted in this financial year are; the Gaming and Entertainment Control Act, 2018; Urban and Regional Planning Act, 2018; the Micro-Lending Act, 2018; Namibia Deposit Guarantee Act, 2018; Combating of Trafficking in Persons Act, 2018; Estates Amendment Act, 2018,

the Extradition Amendment Act, 2018 and the Public Service Amendment Act, 2018, amongst others.

The Ministry through the Law and Research Development Commission (LRDC) has finalised its proposals for legislation on Divorce and also on Matrimonial Property Regime to address the issue of the "Red Line Marriages". The outcome of this project recommendations will go a long way in changing the lives of many people in a positive way. It will provide clarity and certainty when it comes to issues of dealing with estates of persons who were affected by the discriminatory law and the recommendations made by the Divorce Law Project will provide relief to those who are wanting but unable to get a divorce due to the cumbersome procedures and costs involved in the current divorce procedures.

It is worthy to note that, the Ministry has implemented the Integrated Financial and Case Management System for the Master of the High Court. The Master's Online System is an integrated case management system that enables the Directorate to create a paper-less work environment, automate case working processes and improve efficiency, productivity and transparency.

Despite economic hardships the nation is experiencing, the ministry still managed to overcome the financial shortcomings and achieved its set targets. As a ministry responsible for the provision of legal services, we made sure to improve timely delivery of quality legal services by constructing new pre-fabricated court structures at various magistrates courts across the country.

I therefore would like to thank all stakeholders involved in the justice system to have made significant strides during this financial year possible. I would also like to urge the ministry's workforce to continue working hard in order to deliver timely and quality justice for all.

INTRODUCTORY NOTE: EXECUTIVE DIRECTOR



**Mr. Issaskar V.K Ndjoze Executive Director,
Ministry of Justice**

The 2018/19 financial year once again proved to be a challenging one, but the Ministry endeavored to improve its overall performance, amongst others, through regular strategic review progress meetings in an attempt to deepen the implementation of the Performance Management System. While this did not go as well as one would have hoped, I am satisfied that strides were made to accomplish this important intervention towards improved public service delivery.

The Ministry has effectively implemented the Performance Management System (PMS) with 94% performance agreements signed and 100% annual quarterly reviews completed.

In order to ensure effective and efficient service delivery, the Ministry recruited 17 Legal Aid Counsel which will be deployed to various stations such as Okahandja, Eenhana, Okakarara, Luderitz, Karasburg, Omaruru, Usakos and Opuwo. With this addition to the establishment, Legal Aid Counsel will be able to cope with the work load and match the ratio of Public Prosecutors and Magistrates.

However, as indicated earlier, the achievements did not come without challenges; amongst others, the Ministry experienced serious financial and human resources constraints as well as others reported on under the sections of various directorates. Despite the many challenges facing the Ministry, the staff members mostly managed to deliver on the objectives as a team. I wish to reiterate that the Ministry will continue its commitment to skills development and capacity building, including the funding of applicable tertiary studies considered essential for the growth of the Ministry.

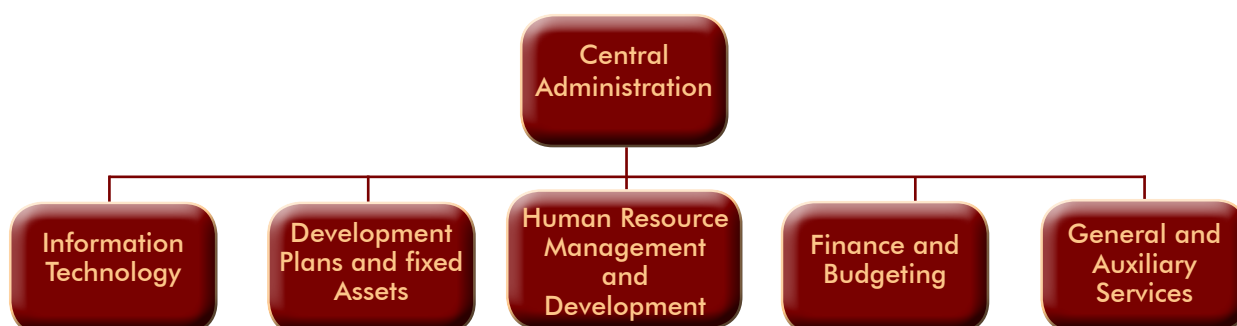
I would like to thank all staff members who worked hard to ensure a successful 2018/19 financial year for the Ministry.

DIRECTORATE: CENTRAL ADMINISTRATION

1. Mandate

The Directorate: Central Administration provides various administrative support services to the Ministry of Justice and to the Office of the Attorney-General in terms of its strategic objective: "To ensure an enabling environment and high performance culture".

2. Structure



3. Overview of Activities



4. SUCCESSES

Based on the overview of the activities undertaken by the Directorate, the following successes were achieved:

4.1 Facilitate strategic planning and management interventions

The Ministry has effectively implemented the Performance Management System with 94% performance agreements signed and 100% annual quarterly reviews completed.

4.2 Manage and maintain fixed assets

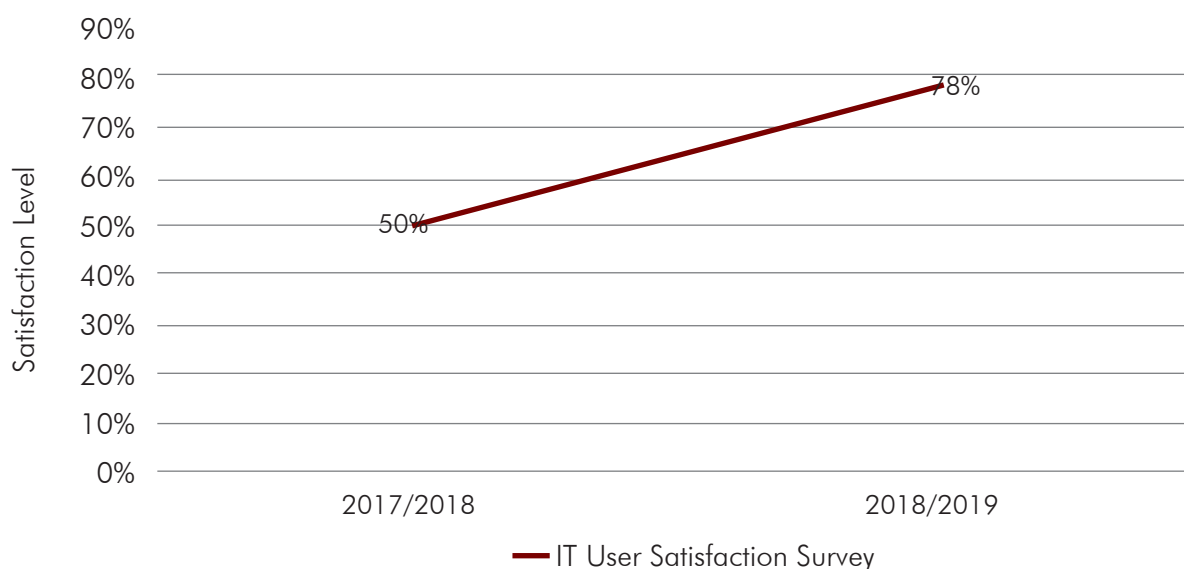
- ❖ New pre-fabricated court structures were constructed at Rundu Magistrate's Court, Grootfontein, Ondangwa, Outjo, Otjiwarongo.
- ❖ The Ministry's assigned houses were renovated at Karibib (Erongo Region), Eenhana (Ohangwena Region), Opuwu (Kunene Region), Ondangwa (Oshana Region), Oshakati (Oshana Region) and Tsumeb (Oshikoto Region).
- ❖ Sixty (60%) of upgrading work was done at Walvis Bay Magistrate's Court in the Erongo Region, which will be completed in the 2019/2020 financial year.

4.3 Provide access to information technology

- ❖ A new Integrated Financial and Case Management System for some Directorates was implemented, most significantly at the Master of the High Court now provides clients with online access to services which reduces the need to travel to the High Court in Windhoek, increases the speed of service and ensures transparency.
- ❖ The Ministry of Justice has established an online presence through the creation of a website, Facebook Page and Twitter Account which are all regularly updated.
- ❖ IT facilitated the finalization of the following items for MOJ.
 - Setup and launch of the Legal Aid Website : www.legalaid.gov.na
 - Finalizing the user requirements for Directorates: Legal Aid and Legislative Drafting.
- ❖ The Ministry has established a Ministerial Information Technology Committee to assist the Ministry on all IT related matters that pertains to operations, including setting up and implementation of policies, etc.; in order to ensure good governance and compliance with international standards.

- 4.4** IT conducted a user satisfaction survey to measure user satisfaction in order for the Division to know whether or not it is doing enough to enable users to efficiently perform their duties with ease. The outcome of the survey allowed us to identify areas of improvement, and gave us an opportunity to be more proactive. User satisfaction rate for 2018/2019 stands at 78%.

IT User Satisfaction Survey



5. Challenges

During the period under review, the Directorate encountered various challenges which hindered it from successful implementation of some of its activities. The challenges were:

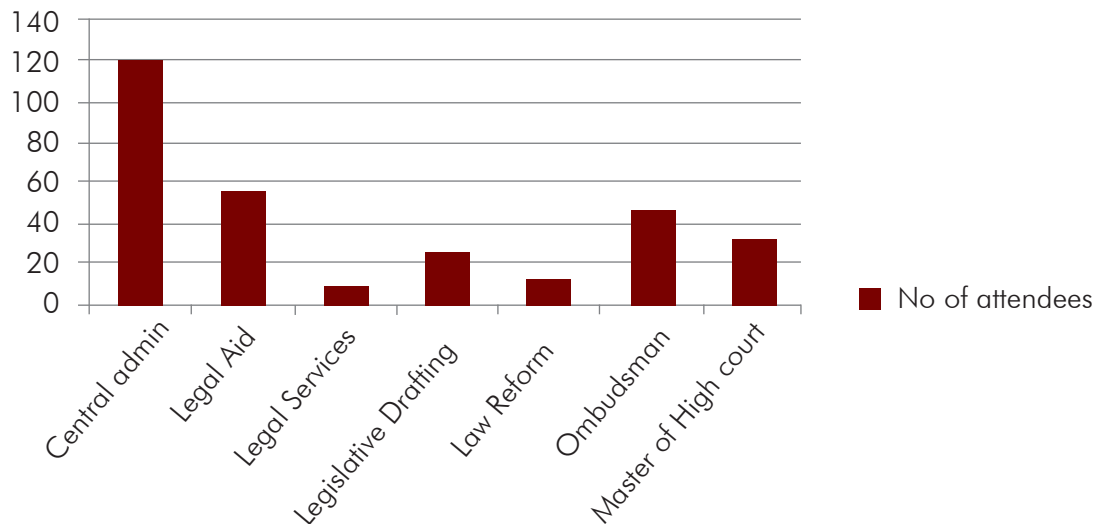
- ❖ Mid-year budget suspension.
- ❖ Inadequate budget allocation.
- ❖ Lack of centralised office space.
- ❖ Budget cuts resulted in all capital projects except Katima Mulilo Magistrate Court and High Court project being put on hold.
- ❖ The number of not-funded vacancies on the establishment creates a huge workload on the appointed staff members.
- ❖ High staff turn-over.
- ❖ Lack of staff training to embrace new technologies/services
- ❖ Lack of proper System hand over to ensure proper support.

6. Training and Statistics

During the period under review, the Ministry made efforts to ensure staff members are equipped with the necessary skills in order to ensure efficient service delivery. The various interventions undertaken by staff members are depicted in the below graph.

Skills development is one core area that the Ministry consider to be essential in order to improve performance by closing skills gaps that exists within the Ministry. During the 2018/19 financial year, 942 staff members received training in their various core work areas

MoJ No of staff members trained



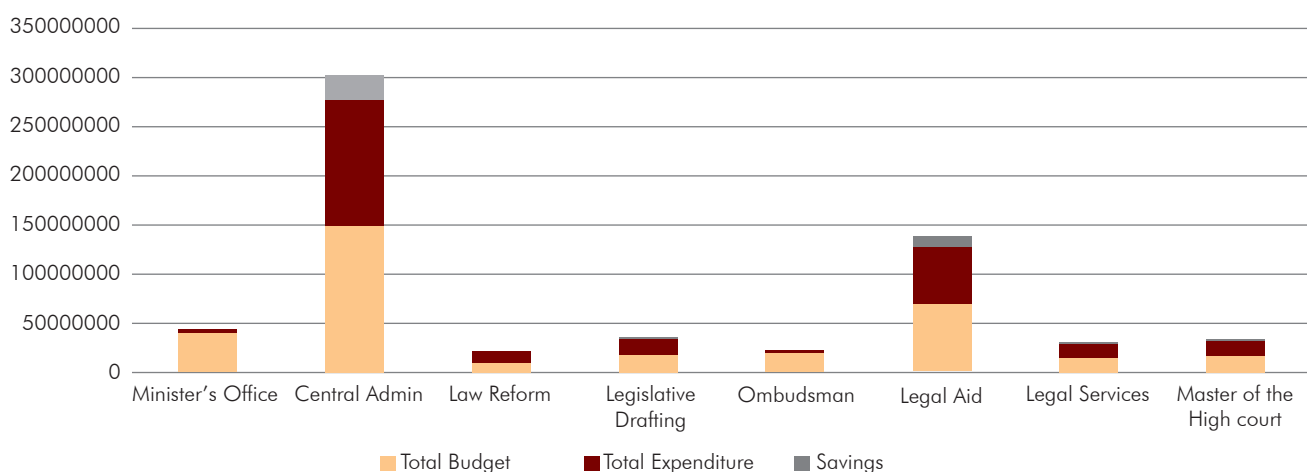
Training interventions attended by MoJ employees during 2018/19

| Name of Training | No of staff | Quarter |
|--|-------------|---------|
| Emotional Intelligence | 20 | Q3 |
| | 78 | Q4 |
| Benchmarking on Legislative Drafters | 8 | Q3 |
| Performance Management Training | 62 | Q1 |
| | 128 | Q2 |
| | 62 | Q3 |
| | 8 | Q4 |
| Induction program | 20 | Q3 |
| Advanced procurement and tendering skills | 5 | Q2 |
| Advanced driving skills | 10 | Q4 |
| Case Management (Master of the High Court) | 16 | Q2 |
| Advanced Trial Advocacy | 31 | Q3 |
| International Drafting Programme | 2 | Q4 |
| SADC Parliamentary Forum | 10 | Q1 |

Sub-division Finance & Budgeting

Budget allocation & expenditure per Directorate.

Budget allocation



ANNUAL BUDGET ALLOCATION AND EXPENDITURE REPORT AS AT 31 MARCH 2019 (2018/2019)

| | Numbers in N\$ |
|--|----------------------|
| Total Annual Budget Allocation | N\$ 301629000 |
| TOTAL BUDGET EXPENDITURE | 261,304,116.49 |
| TOTAL SAVINGS MADE | |
| (001) Remuneration | 115,461,166.92 |
| (002) Employers Contribution to G.I.P.F and M.P.O.O.B.P.F | 13,937,347.79 |
| (003) Other Conditions of Services | 2,406,519.47 |
| (005) Employers Contribution to Social Security Commission | 281,931.83 |
| (021) Travel and Substance Allowances | 5,917,953.69 |
| (022) Material and Supplies | 2,609,817.52 |
| (023) Transport | 484,107.21 |
| (024) Utilities | 12,901,875.12 |
| (025) Maintenance Expenses | 2,242,098.31 |
| (026) Property Rental and Related Charges | 1,515,588.84 |
| (027) Other Services and Expenditure | 36,924,678.92 |
| (029) Printing and Advertisement | 3,073,636.56 |
| (031) Entertainment Politicians | 47,658.55 |
| (033) Office Refreshment | 7,796.52 |
| (040) Security Contracts | 411,117.66 |
| (041) Membership Fees and Subscriptions: International | 683,575.98 |



ANNUAL REPORT 2018-2019

| | |
|--|----------------------|
| (042) Membership Fees and subscription: Domestic | 144,563.42 |
| (101) Furniture and Equipment | 405,574.37 |
| (103) Operational Equipment, Machinery and Plants | 549,508.25 |
| (105) Feasibility Studies, Design and Supervisions | 5,841,287.08 |
| (107) Construction, Renovation and Improvement | 55,456,312.48 |
| | |
| TOTAL SAVING | 40,324,883.51 |

The Ministry was allocated an annual appropriation amount of N\$301,629,000.00 for its operational needs.

An amount of N\$261,304,116.49 was spent which represent a 87% execution rate as at 31 March 2019

DIRECTORATE: LEGISLATIVE DRAFTING

1. Mandate

The Directorate: Legislative Drafting provides legislative drafting services and publication services. Under the Programme: Provision of Legal Services, the objective of the Directorate is to improve timely delivery of quality Legal Services. The Directorate's clients/customers include Offices, Ministries, Agencies, Local Authority and Regional Councils, state owned enterprises, other statutory bodies and the general public.

Bills: In terms of the Administrative Directive published under Government Notice No.1 of 5 February 1993, all Bills, whether it is a proposal for a new law or an amendment to an existing law, must be scrutinised and certified by the Directorate before the Attorney-General certifies them for introduction in the National Assembly.

Statutory Instruments: The Directorate also scrutinises and certifies proclamations by the President, regulations, rules and administrative notices for offices, ministries and agencies as well as for local authorities and regional councils, state owned enterprises and other statutory bodies, but only where a Minister is involved in the making of such statutory instrument.

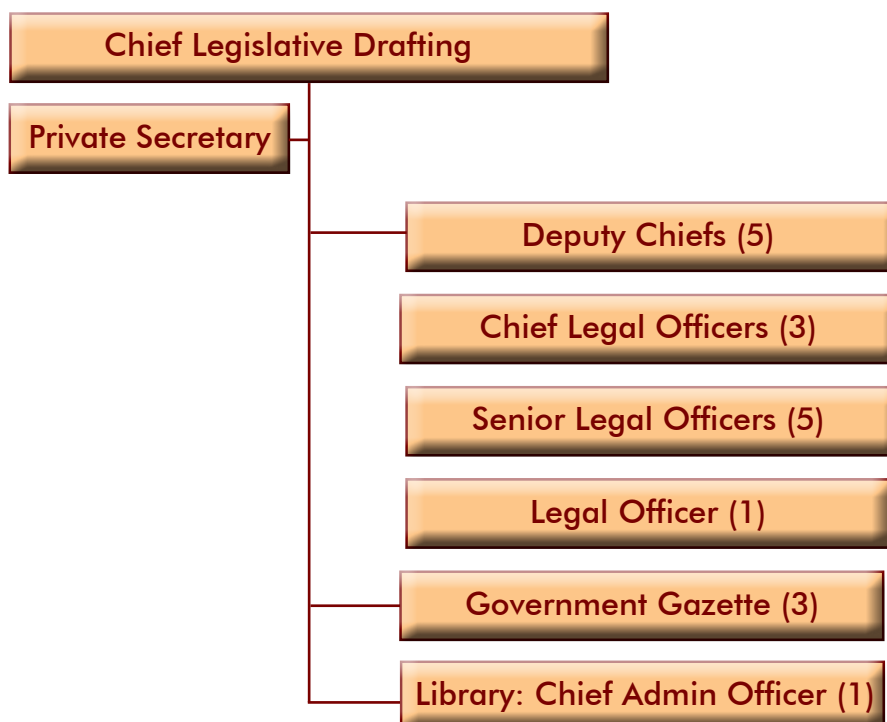
Publications in the Government Gazette: The Directorate is also responsible for publishing legislation and notices and other legal publications in the Government Gazette.

Advisory function: The Directorate also advises the Cabinet Committee on Legislation (CCL) on matters of legislative drafting.

2. Structure

The current establishment of the Directorate consists of 48 posts of which 20 are filled and 15 are occupied by legislative drafters. The remainder are not funded. The organogram reflects the currently filled positions.

“Despite the increasing demand for fast and responsive legislative drafting and publication services, and within the constraints of resources, the Directorate continues to deliver on its mandate and for the year 2018/2019, the Directorate was one of the best performing Directorates in the Ministry.”



3. Overview of Activities

Since Independence on 21 March 1990 to 31 March 2019, the Directorate's Gazette Office has published 621 Acts of Parliament.

- ❖ The Directorate submitted 14 Bills to Parliament.
- ❖ A total of 23 Bills became Acts of Parliament. Some of the notable pieces of legislation enacted in this year are; the Gaming and Entertainment Control Act, 2018; Urban and Regional Planning Act, 2018; the Microlending Act, 2018; Namibia Deposit Guarantee Act, 2018; Combating of Trafficking in Persons Act, 2018; Estates Amendment Act, 2018, the Extradition Amendment Act, 2018 and the Public Service Amendment Act, 2018, amongst others.

4. Successes

- ❖ **Bills:** The standard is to finalise Bills within 6 months from the date of receipt of instructions. This financial year, 15 Bills were due for completion and 11 were completed within the timeframe of 6 months, translating to 73% against the target of 85%. Some urgent Bills were completed within 1-10 days.
- ❖ **Statutory Instruments:** The standard is to finalise Proclamations within 10 days, Regulations/Rules within 120 days and Administrative Notices within 10 days. This financial year a total of 34 regulations were due and 25 were completed on time, translating to 74% over the target of 60%. Furthermore, 299 Proclamations and Notices were due, of which 165 were finalised on time, translating to 55% against the target of 70%.
- ❖ **Publications in the Gazette:** This year the Directorate's Gazette Office published a total of 1 147

instructions consisting of Acts, Statutory Instruments, Estates, Trade Marks and Advertisements, amongst others.

- ❖ **In-house Training:** The Directorate held an in-house training for all its Legislative Drafters whereby the senior and experienced Legislative Drafters trained the rest of the drafters in problematic legislative areas experienced by the drafters.
- ❖ **Client Education:** The Directorate held one client education session for the Ministry of Justice and Office of the Judiciary staff members during the month of December 2018.
- ❖ **Drafting Manual:** The procurement process for obtaining the services of a consultant to finalise the drafting manual has been completed and the manual is expected to be finalised and implemented in the 2019/2020 financial year.
- ❖ **Performance assessment:** The Directorate has introduced monthly training meetings and implemented a new performance assessment tool called the “peer assessment” whereby a group of drafters who supervised the work of a drafter in a given period give focused and constructive feedback to the drafter.

5. Challenges

- ❖ **Shortage of experienced legislative drafters.** It is a global fact that drafting is a highly specialized field and that the skill of drafting is linked to passion for drafting and that it takes years of on the desk training to master the skill. Shortage of experienced drafters continues to affect the Directorate. The Directorate functions with 15 drafters, 3 with 16-40 years’ experience, 4 with 7 years and the rest with between 3-5 years’ experience.
- ❖ **Delays:** On average clients take 2-3 months to respond to requests for information or to give policy directions. Other factors include supervision of work by more experienced drafters; the complexity of instructions; constitutionality/legality issues; contact persons often not being fully knowledgeable in the policy to be translated into law; incomplete and unclear instructions; proofreading of work before publication; drafting of amendments on the floor of Parliament; client’s delay in submitting the required approvals and information; frequent requests from clients for drafting urgent instructions or publishing urgent instructions, which means that some instructions are delayed to accommodate urgent requests.
- ❖ **No Incentives:** Currently there are simply no incentives to retain and attract legislative drafters.
- ❖ **No drafting course in Namibia:** The plea from the Directorate to introduce legislative drafting as a stand-alone course at university level or at postgraduate level has not received the much needed attention.

6. Training

This year -

- ❖ One (1) legislative drafter successfully completed her LLM in Advanced Legislative Studies from the Institute of Advanced Legal Studies, University of London.
- ❖ Two (2) legislative drafters successfully completed the 3 months online certificate course in Legislative Drafting offered by University of Pretoria, South Africa, and one (1) legislative drafter is currently enrolling for the same course, with the same University.

- ❖ Two (2) legislative drafters successfully completed a Certificate in International Training in Legislative Drafting, by the Bureau of Parliamentary Studies, India.
- ❖ The Directorate has introduced in-house training for drafters during the monthly meetings where problematic topics, challenges and common mistakes being encountered by drafters in drafting are being intensively discussed. The discussion is being facilitated by more senior and experienced drafters. So far the discussions are rated by the Directorate as the most effective in-house training even though time is normally not sufficient for these type of discussions.

7. Statistics

Instructions received and finalised this year

| Instructions | Received 2018/2019 | Due in 2018/2019 | Finalised Within Timeframe 2018/2019 | Finalised 2018/2019 |
|------------------------|-----------------------|---------------------|--|------------------------|
| Bills | 26 | 15 | 11 | 23 |
| Regulations/Rules | 38 | 34 | 25 | 29 |
| Proclamations | 24 | 23 | 23 | 23 |
| Administrative Notices | 275 | 275 | 142 | 167 |
| TOTAL | 363 | 347 | 201 | 242 |

PUBLICATIONS IN THE GAZETTE

The Directorate's Gazette Office published 1 147 instructions in this financial year.

| PUBLICATIONS 2018/2019 | NUMBER OF PUBLICATIONS |
|---------------------------|------------------------|
| Acts | 23 |
| Proclamations | 16 |
| Government Notices | 369 |
| General Notices | 654 |
| Air Services | 11 |
| Road Carrier Permits | 12 |
| Trade Marks | 10 |
| Estates | 52 |
| TOTAL PUBLICATIONS | 1 147 |

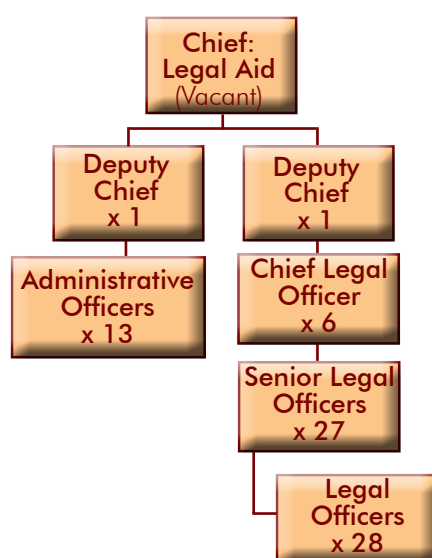
Information on the Directorate: Legislative Drafting can be accessed via the Ministry of Justice website via this link <http://www.moj.gov.na/>

DIRECTORATE: LEGAL AID

1. Mandate

The Directorate of Legal Aid provides legal aid to indigent persons at State expense. The Directorate derives its mandate from Article 12 and Article 95 (h) of the Constitution, as well as the Legal Aid Act 29 of 1990 as amended, together with the Regulations made thereunder.

2. Structure



3. Overview of on-going Activities

- ❖ To designate legal aid officers at all Magistrates Courts
- ❖ To implement performance standards for designated legal aid officers
- ❖ To review the Legal Aid Structure with a view to decentralize the Legal Aid decision making process.
- ❖ To improve the Legal Aid Website

4. Successes

- ❖ Revised Legal Aid Regulations have been finalized and will come into operation on the 1st April 2019. Regulations are on the website.
- ❖ Performance standards for designated legal aid officers were finalized, and are being used by the legal officers in the performance of their duties. However it remains for the Ministry and the Office of the Judiciary to conclude a memorandum of Understanding to regulate the efficient management of these performance standards.

- ❖ 17 legal aid lawyers under the second Public Defender Project were recruited in this reporting period. Induction training is scheduled to commence during May 2019, with plans to have them all deployed to their duty stations in June 2019.
- ❖ The 17 Legal Aid Lawyers will be deployed at stations where there has been only one legal aid lawyer, such as at Okahandja, Eenhana, Okakarara, Luderitz, Karasburg, Omaruru, Usakos and Opuwo,
- ❖ Additional legal aid lawyers will be deployed to the major towns of Oshakati, Ondangwa, Swakopmund, Otjiwarongo, Windhoek and Katima Mulilo. At these stations, there will now be two or more legal aid lawyers, to enable the legal aid counsel to cope with the workload and match the ratio of public prosecutors and magistrates to legal aid lawyers. This will also see a reduction in instructions to private legal practitioners which should save on legal fees costs.

5. Challenges

- ❖ **Designation of clerks of the court as legal aid officers in terms of the Act**
 - ❖ Designation of legal aid officers require an amendment to the Legal Aid Act, following the split with Office of the Judiciary
 - ❖ Consultations with the stake holders was done to decide whether a Memorandum of Understanding can be entered into with the Directorate: Court Services, in which the performance standards for the legal aid officers can be implemented. The concern in this regard is that applications for legal aid from the magistrates' courts still take long to reach the Legal Aid office in Windhoek for decision making.
 - ❖ To solve this problem, performance standards were prepared for the clerks of the court, to guide them on how to handle applications for legal aid and introduce time lines to be followed.
- ❖ **Office Space for Legal Aid Lawyers (Counsel)**
 - ❖ There is a severe shortage of office space for legal aid lawyers country wide. The majority of legal aid lawyers share offices, which does not auger well with consultations, which must ideally be done in private, due to the confidential nature of instructions from clients.
- ❖ **Official accommodation for legal aid lawyers in the regions**

The Directorate faces a major set back with accommodation for officials in the regions.

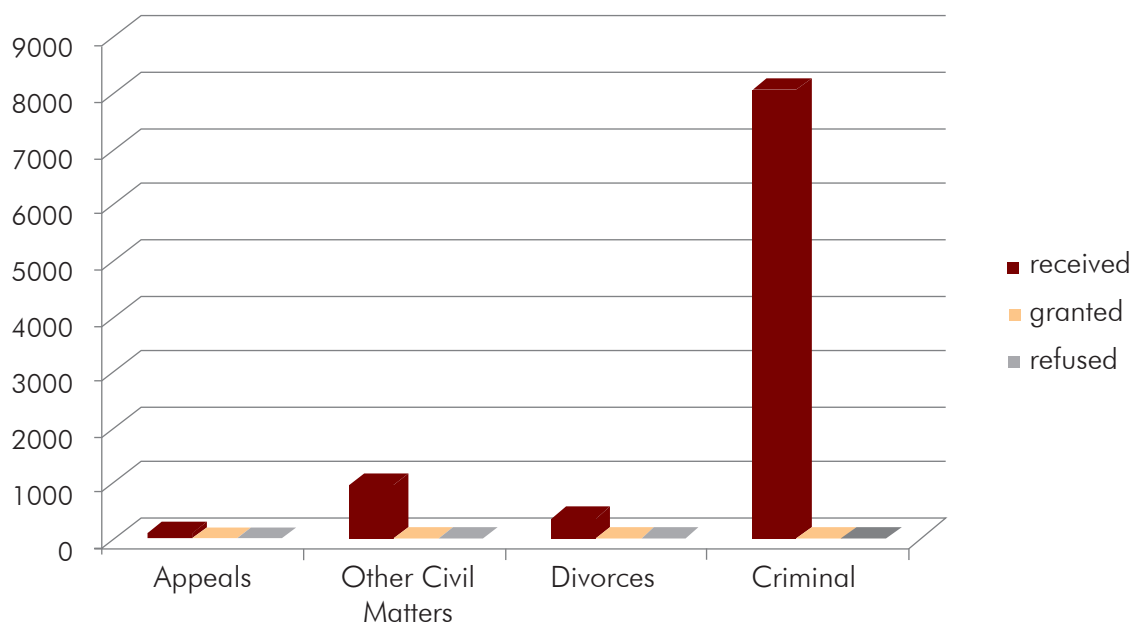
6. Training

- ❖ A total of 13 legal aid lawyers were trained during November 2018 by the Black Lawyers Association (BLA) of South Africa in Advanced Trial Advocacy. The Directorate had planned to have 8 legal officers trained in Basic Trial Advocacy, unfortunately the trainers could not run both trainings simultaneously. It is hoped that the 8 will be trained during 2019.
- ❖ Advanced trial advocacy teaches legal officers litigation skills, and how to properly conduct a trial. This was both in civil and criminal trials. All the lawyers received their certificates of competence.

- ❖ The Directorate selected the legal officers who have done basic trial advocacy already, and have been in the courts at least three years after basic trial advocacy. Following the training most legal aid lawyers have now started to appear in the superior courts i.e. High and Supreme Court in which, in the past, only private lawyers were instructed. The Ministry/Directorate are very pleased to report that when legal officers have their cases arraigned in the High Court, they proceed to do the cases, unlike in the past when they would withdraw.

7. Statistics

A graphical representation of the work done by the Directorate of Legal Aid is shown below, and indicates an increase in the number of applications for legal aid received. The statistics reflected in the graph are only from March 2018-February 2019.



DIRECTORATE: LEGAL SERVICES

1. Mandate

The Directorate Legal Services is responsible for processing requests for mutual legal assistance in criminal matters; extradition; reciprocal enforcement of maintenance orders; reciprocal service of civil process; enforcement of foreign civil judgments; a human rights reporting; administrative support to the Board for Legal Education and to the Inter-Ministerial Committee on Human Rights and Humanitarian Law; investigate and initiate maintenance cases; to facilitate recognition and establishment of community courts and to provide operational support to the community courts.

2. Overview of activities

- ❖ The Directorate processed requests for extradition to and from foreign countries in respect of persons who are alleged to have committed an offence in the requesting or requested foreign country. During the period under review, the Ministry of Justice entered into a agreement on Mutual Legal Assistance in Criminal Matters with the Government of the Russian Federation.
- ❖ During the period under review the Office of the High Commissioner for Human Rights sponsored training on the clustering of recommendations (elaborate on the purpose of clustering) and implementation of recommendations on Human Rights instruments. Again under the reporting period several agreements were concluded as highlighted under the Directorate's successes.
- ❖ **Actual Work and Meetings Recorded**
During the period under review, the Disciplinary Committee held five (5) ordinary meetings in which thirty nine (39) complaints were tabled for consideration and twenty four (24) complaints were registered by the Secretary against legal practitioners who mainly are in private practice.
- ❖ During the period under review, the Board held ten (10) ordinary meetings, fourteen (14) interviews of exemption applicants and one (1) JTC Examiners meeting. Furthermore the consideration of one (1) foreign academic qualifications for purposes of prescription by the Minister of Justice which, was University of Nizhni Novgorod, the Russian Federation.

3. Successes

- ❖ During the period under review all members of the inter-ministerial committee and other stakeholders successfully attended the Office of the High Commissioner of Human Rights sponsored training on the clustering of concluding observations, recommendations and implementation of recommendations arising from treaty bodies overseeing the implementation of international human rights instrument of which Namibia is a party.
- ❖ The payment for apostilles was successfully implemented as from 1 August 2018.
- ❖ The positions for maintenance investigation officers for all regions were advertised in February 2019.

The following agreements were concluded:

- ❖ The Republic of Namibia and the Republic of Angola
Memorandum of Understanding between the Ministry of Justice of the Republic of Namibia and the Ministry of Justice and Human Rights of the Republic of Angola;
- ❖ The Republic of Namibia and the Republic of Botswana
 - (i) Treaty on Extradition; and
 - (ii) Treaty on Mutual Legal Assistance in Criminal Matters.
- ❖ The Republic of Namibia and the Russian Federation
 - (i) Treaty on Mutual Legal Assistance in Criminal Matters
 - (ii) Agreement on Cooperation between the Ministry of Justice of the Russian Federation and Ministry of Justice of the Republic of Namibia.
- ❖ The development of the Child Justice Bill and Community Court amendment Bill are at an advanced stage of finalisation.
- ❖ Successful appointment of five (5) pro bono initiators to conduct the scheduled hearings during 2018 was assisted in finalising the backlog of complaints dating from 2013 to 2018.

4 Challenges

The lack of bilateral-agreements between countries on mutual legal assistance, extradition and reciprocal enforcement of maintenance orders. The mandate of the Directorate continues to expand but there is no corresponding increase in the member of staff members to service the mandate adequately.

5. The Disciplinary Committee

The Disciplinary Committee, especially the secretariat component had numerous challenges and obstacles to overcome. The impending national financial downturn and inability to access state funds has resulted in the backlog of twenty two (22) disciplinary hearings against accused legal practitioners.

6. Training

| Training | No. of Staff Member | Date | Institution |
|---|---------------------|-------------|---|
| the clustering of concluding observations, recommendations and implementation of recommendations. | 3 | August 2018 | Office of the High Commissioner of Human Rights |
| Induction | 1 | | |

7. Statistics

STATISTICS FOR THE PERIOD MARCH 2018 - APRIL 2019 – LEGAL SERVICES

| EXTRADITION REQUESTS | | MUTUAL LEGAL ASSISTANCE REQUESTED | | RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS | | RECIPROCAL SERVICE OF CIVIL PROCESS | | CRIMINAL (SUBPOENA'S) | |
|----------------------|--------------|-----------------------------------|--------------|--|--------------|-------------------------------------|--------------|-----------------------|--------------|
| To Namibia | From Namibia | To Namibia | From Namibia | To Namibia | From Namibia | To Namibia | From Namibia | To Namibia | From Namibia |
| 4 | 4 | 15 | 10 | 27 | 6 | 11 | 2 | 0 | 11 |

STATISTICS FOR THE PERIOD APRIL 2018 – MARCH 2019 LEGAL SERVICES

| PERIOD | MLA Received | MLA Finalised | EXTR Received | EXTR Finalised | CIVIL Received | CIVIL Finalised | CRIMINAL Received | CRIMINAL Finalised |
|----------------|--------------|---------------|---------------|----------------|----------------|-----------------|-------------------|--------------------|
| April-June | 3 | 2 | 1 | 1 | 1 | 1 | 2 | 2 |
| July-September | 8 | 4 | 3 | 2 | 4 | 2 | 4 | 4 |
| October-Dec | 4 | 4 | 2 | 2 | 2 | 1 | 0 | 0 |
| Jan-March | 6 | 3 | 0 | 0 | 0 | 0 | 4 | 3 |
| Total | 21 | 13 | 6 | 5 | 7 | 4 | 10 | 9 |

COMMUNITY COURTS

| | |
|---|--|
| 16-25 April 2018 | |
| Rundu Region Inspection of Community Courts | Gciriku Community Court Ukwangali Community Court |
| 24 May 2018 | |
| Meeting Ondonga Traditional Authority and Community Court | Ondonga Traditional Authority Community Court |
| 16-20 July 2018 | |
| Training for Justices and Assessors of Community Courts | Mafwe Community Court Mayeyi Community Court Masubia Community Court Linyanti Community Court |
| 23-27 July 2018 | |
| Zambezi Region Inspection of community courts | Mafwe Community Court Mayeyi Community Court Masubia Community Court Linyanti Community Court |
| 15-17 October 2018 | |
| Kunene Region (Khorixas) recognition of Dariem remarks | Dariem |

08-19 October 2018

Kunene Region
Inspections for community courts

Daure Daman Community Court
Otjikaoko Community Court
Fransfontein Community Court
Tsoadaman Community Court
Aodaman Community Court
Zeraua Community Court
Gaio daman Community Court
Oegan Community Court
Vita Royal Community Court

12—16 November 2018

Training for Justices and Assessors of Community Courts

Khobesen Community Court
Tsaouxudaman Community Court
Ongandjera Community Court
Fransfontein Community Court
!Xoo Community Court
Ombalantu Community Court
King Morwe Community Court
Khai Khuben Community Court

26 November 2018 to 7 December 2018

Inspection for Community Courts

Ondonga Community Court
Oukwanyama Community Court
Ukwambi Community Court
Uukwaluudhi Community Court
Uunkolokadhi Community Court
Ongandjera Community Court
Ombalantu Community Court

DIRECTORATE: LAW REFORM

1. Mandate

The core mandate of the Directorate is to examine existing legislation, undertake research both domestically and in comparable jurisdictions and to make recommendations for the review, reform and development of such laws if and when necessary.

In particular, as part of the objects of the Directorate and in terms of section 6 of its enabling Act, the Directorate can make recommendations for:

- ❖ The repeal of obsolete or unnecessary enactments;
- ❖ The consolidation or the codification of any branch of the law
- ❖ The introduction of other measures aimed at making the law more readily accessible
- ❖ The integration or harmonization of the customary law with the common and statutory law
- ❖ New or more effective procedures for the administration of the law and the dispensing of justice
- ❖ The enactment of laws to enhance respect for human rights as enshrined in the Namibian Constitution or to ensure compliance with international legal obligations; and
- ❖ To advise the Minister in regard to any matter which the Minister may refer to it

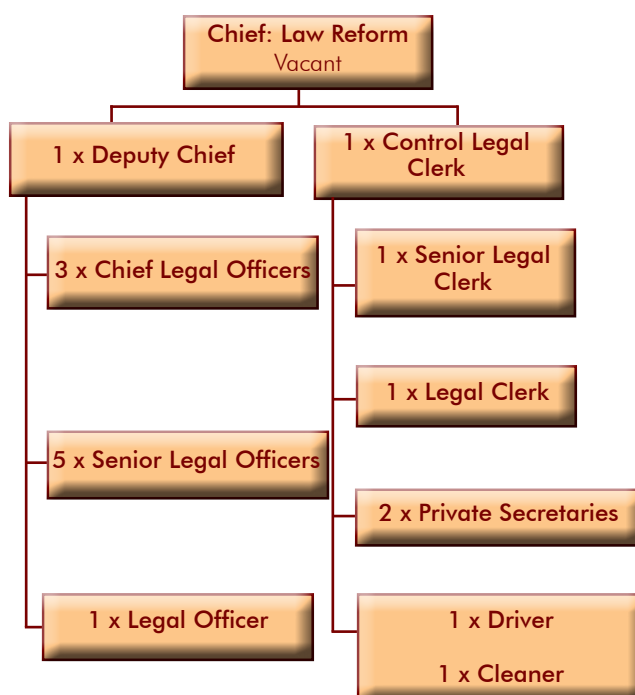
Structure

The Directorate of Law Reform which provides the secretariat functions to the Commission has an approved staff structure of a total of 67 (sixty seven) posts. Currently, only 18 (eighteen) posts of the 67 (sixty seven) are funded. The 18 ('eighteen') posts are filled as follows:

| Professional Staff & Posts | | Administrative Staff & Posts | |
|----------------------------|---|------------------------------|---|
| Chief | 1 | Control Legal Clerk | 1 |
| Deputy Chief | 1 | Senior Legal Clerk | 1 |
| Chief Legal Officer | 1 | Legal Clerk | 1 |
| Chief Legal Officer | 1 | Senior Private Secretary | 1 |
| Chief Legal Officer | 1 | Senior Private Secretary | 1 |
| Senior Legal Officer | 1 | Messenger/Driver | 1 |
| Senior Legal Officer | 1 | Cleaner | 1 |
| Senior Legal Officer | 1 | | |
| Senior Legal Officer | 1 | | |
| Senior Legal Officer | 1 | | |
| Legal Officer | 1 | | |

The Directorate was not able to fill any other positions from the approved structure during the period under review due to budgetary constraints. The Directorate was however able to motivate for the unfreezing of the

Chief (Secretary) position. The position was advertised and interviews were conducted. It is therefore likely that the position will be filled in the coming financial year.



2. Overview of Activities

The work of the Directorate Law Reform and the LRDC is project based and therefore its activities relate to the projects under its consideration.

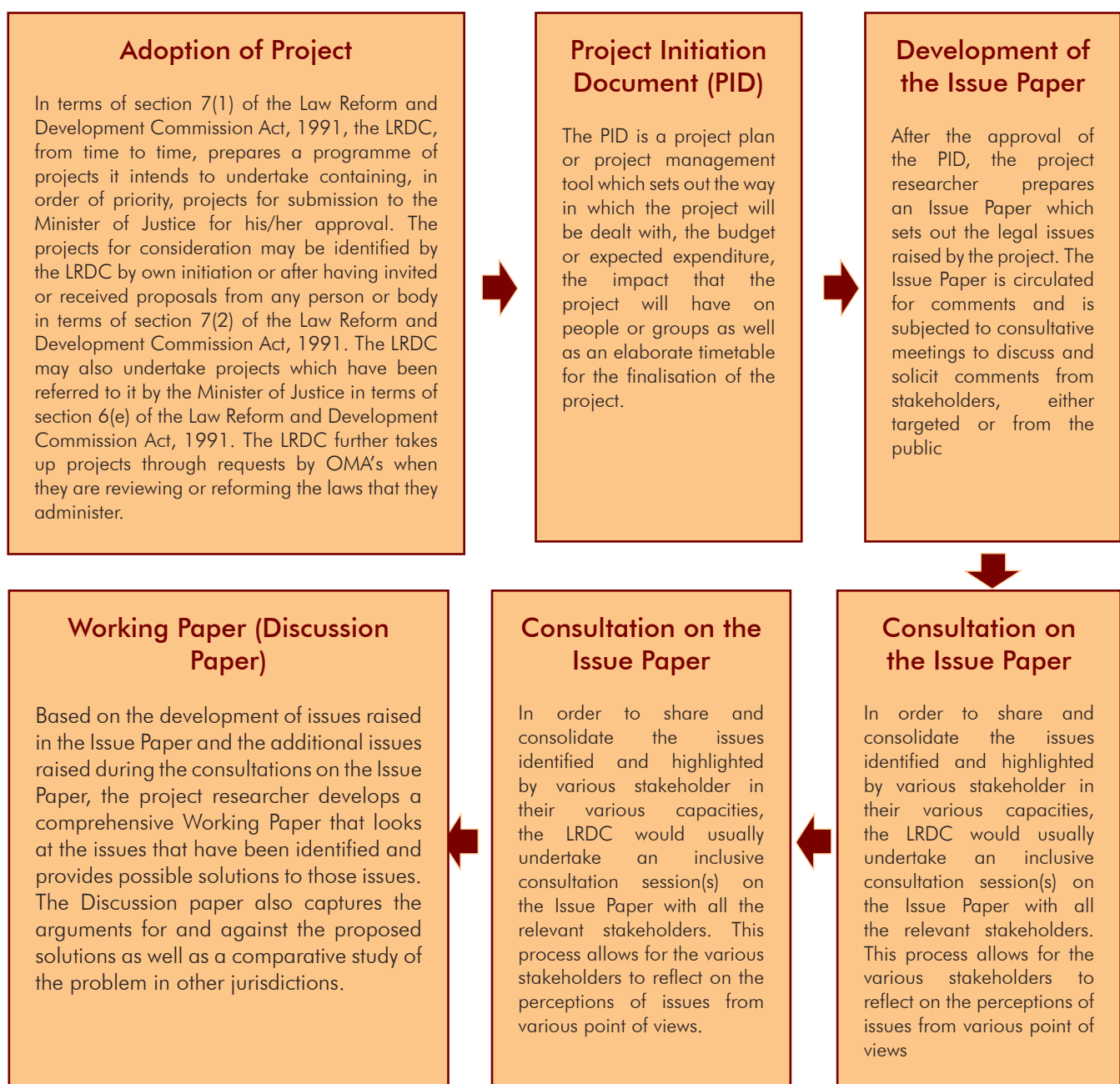
The LRDC is, from time to time, required to submit a programme of its work to the Minister of Justice for approval, in terms of section 7 (1) of the Law Reform and Development Commission Act, 1991 and during 2016/2017, the Commission worked on the following projects:

- ❖ Laws that Impede or Retard Development in Namibia
- ❖ Uniform Matrimonial Property Project
- ❖ Divorce Law Project
- ❖ Road Safety Management Bill
- ❖ New Equitable Economic Empowerment Framework (NEEEF)
- ❖ Review of Administrative Justice in Namibia
- ❖ Review of the Namibian Red Cross Society Act, 1991 (Act No. 16 of 1991)
- ❖ Domestication of the United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment ("UNCAT")
- ❖ The Repeal of Obsolete Laws Programme: Volume 1: Repeal of Obsolete Laws Administered by the Ministry of Agriculture, Water & Forestry

The projects of the LRDC follow a particular life cycle or processes until finalization. The various projects would ordinarily be at different stages of this life cycle, at any given time, and therefore the activities undertaken for a particular project during a particular financial period, depends on the stage at which such a project was. The following is a summary of the project progress and activities for the year under review (2018/19).

LRDC Project Life Cycle/Processes:

The following are the stages of the LRDC law reform process and this is ordinary the standard that is applied to all projects undertaken by the LRDC:



Working Paper (Discussion Paper)

Where necessary, a draft Bill may be produced at this stage in accordance with section 7(4) of the Law Reform and Development Commission Act, 1991. The Commission deliberates on the draft Bill and may engage the Directorate: Legislative Drafters in the Ministry of Justice and other stakeholders for consultations on the draft Bill. In drafting of the Bill, it is important to take cognizance of the provisions of section 7(3) of the Law Reform and Development Commission Act, 1991 that empowers the LRDC to consult any person or body, to study any document prepared by it or to assist the Commission in any other manner.

Consultation on the Working Paper/ Draft Bill, if any

The LRDC may undertake an additional consultation process on a proposed draft Bill when necessary. This process is important because it ensures that a proposed draft Bill is adequately consulted on before the Minister of Justice presents it to the Cabinet Committee on Legislation (CCL). The experience has shown that CCL may refer a proposed draft Bill back to the LRDC for further consultation if it is found that adequate consultation on the Bill did not take place prior to the CCL process.

Drafting the Final Report

Upon the completion of the Working Paper and consultations on the Bill if any, the Commission prepares a Final Report with the attendant Bill, which is submitted to the Minister of Justice in terms of section 9(1) of the Law Reform and Development Commission Act, 1991.

Submit Final Report with Attended Final Draft Bill if any to the Minister of Justice

In terms of section 9 (1) of the Law Reform and Development Commission Act, 1991, the LRDC must submit a final report in respect of projects it undertook to the Minister of Justice for his/her consideration. Sub-section (3) requires a report submitted to the Minister of Justice in terms of sub-section (1) to be laid upon the Table of the National Assembly by the Minister of Justice within one month after receipt of the report from the LRDC.

PROJECT ACTIVITIES 2018-2019:

1. ROAD SAFETY MANAGEMENT BILL PROJECT

Project progress

Project finalized. Report submitted to the National Road Safety Council.

Next anticipated stage for the LRDC process, actions and outputs

Request by the National Road Safety Council to conduct review that determines the compliance of the bill to the African Road Safety Charter.

2. DISABILITY LAW PROJECT

Project progress

Project was on hold for 2017-2018 due to finances. New instructions from the Deputy Minister of Disability Affairs, Office of the Vice President to carry out an audit of the Namibian legal framework and its relevance to disability. The audit report will set out the specific legal instrument, relevance to disability, the administrator, supporting agencies, shortcomings, best practices and recommendations.

Next anticipated stage for the LRDC process, actions and outputs

Project officer is in the process of conducting the audit. Approximately 40 legal instruments were identified. First draft to be submitted to LRDC on the 19 February 2019 for guidance.

3. MENTAL HEALTH BILL PROJECT

Project progress

Public consultations on the Mental Health bill held later in 2018. The project officer is in the process of compiling the consultative report. First draft to be handed to the LRDC in March 2019 for guidance.

Next anticipated stage for the LRDC process, actions and outputs

First draft to be handed to the LRDC in March 2019 for guidance.

4. DIVORCE AND MATRIMONIAL PROPERTY PROJECTS

Progress report

The Divorce and Matrimonial Property final report was revised in 2018 in terms of addition of historical context, case law, and the refinement of the draft law. The Commission finalised the family law project on divorce and matrimonial property in mid-2018.

Next anticipated stage of the LRDC process, actions and output

Submit final report to the Minister of Justice.

5. MOTOR VEHICLE FUND BILL

Progress report

The LRDC obtained the project file from the Motor Vehicle Accident Fund in late November 2018. The LRDC has since, reviewed the project file and developed a Project Initiation Document (PID). After correspondence with the Motor Vehicle Accident Fund it was agreed that client will make use of a consultant to draft the Motor Vehicle Accident Fund Bill and prepare the relevant Memorandum of Understanding (MOU).

Next anticipated stage of the LRDC process, actions and output

Present copy of the PID to Commission for approval/guidance and commence drafting of the Issue Paper. Propose the establishment of an MVA Committee consisting of experts in insurance and actuarial science.

6. INSOLVENCY BILL

Progress report

Relevant chapters of the Insolvency Bill have been summarized as contribution to the Final Report.

Next anticipated stage of the LRDC process, actions and output

Hold a Video Call meeting with, amongst others, consultant and Bank of Namibia to update client on project progress. Ms Weyulu to complete Final Report and consultant to ensure inclusion of discussions at stakeholder consultations into Final Draft Bill. Printing of Final Bill and Report and Handover event to ensue.

7. LAWS THAT IMPEDE OR RETARD DEVELOPMENT IN NAMIBIA

Progress report

Not much progress was made on the project during the period under review because of other events that overtook the project. It was suggested that the focus of the project be changed to consider land and housing related laws considering the anticipated 2nd National Land Conference. However, because of the potential duplication of work with the process post land conference and the Cabinet Committee tasked with looking into land related matters, the LRDC had asked to be included on this committees and the LRDC is still awaiting feedback in this regard.

Next anticipated stage of the LRDC process, actions and output

The LRDC is looking into publishing a report on laws identified as impeding development based on the consultations held with OMA's.

8. THE REVIEW OF ADMINISTRATIVE JUSTICE IN NAMIBIA

Progress report

The Project on the Review of Administrative Justice in Namibia recognises the role which administrative fairness and efficiency can play in the protection of human and constitutional rights. 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. The project therefore considers the need and viability a legislative framework for administrative justice in Namibia, through an Administrative Justice Bill and the establishment

of an appropriately structured administrative appeals tribunal system for the review of alleged unfair administrative decisions or actions.

Next anticipated stage of the LRDC process, actions and output

The Final Report will be presented to the Commission to deliberate and decide on the need and viability of a legislative framework for administrative justice in Namibia.

9. NATIONAL EQUITABLE ECONOMIC EMPOWERMENT FRAMEWORK (NEEEF)

Progress report

Revision of the NEEEF draft bill; the Technical Team made approved changes to the draft Bill. Ms Felicity Owoses, Chief Legislative Drafter provided much needed guidance to this process and ascertained that the changes were made in accordance to legislative drafting standards and procedures.

Workshop of the draft Bill with the DTI South Africa; a 5 day workshop was held between the Technical Team and the Department of Trade and Industry delegation from South Africa. During this workshop, the DTI provided much needed perspective and guidance on the way forward in terms of implementing NEEEF as well as streamlining its modalities. Creation of a Section 10 Working Committee on NEEEF: Section 10 of the Law Reform and Development Commission Act, 1991 (Act 29 of 1991), provides that the Commission may, if it deems it necessary for the effective performance of its duties or functions establish a working committee, which shall consist of such members of the Commission as the Commission may designate. The purpose of this Section 10 Working Committee is to provide technical and advisory skills to the LRDC on the range of subject matters under NEEEF. Further to this, the Section 10 Working Committee is expected to assist in formulating a strategy on NEEEF and to provide private sector perspective on NEEEF.

Next anticipated stage of the LRDC process, actions and output

The status of NEEEF is that we are currently still reviewing the revised draft of the bill internally and that further work is likely to continue until the end of March 2019. This means, it is still in the form of a proposed law. We hope that it will reach the National Assembly in the second quarter of the year, but this is an ambitious plan given that we still need to undertake a final round of public consultations, plus approval from Cabinet, the Cabinet Committee on Legislation and then only preparation for Parliamentary debate.

10. UNIFORM MATRIMONIAL PROPERTY

Progress report

- The latest Uniform Matrimonial Property final report has been completed, submitted to the printers and will be published in due course.
- The draft Uniform Matrimonial Property Bill was submitted to the Office of the Minister of Home Affairs as the line minister and has already been introduced and discussed at the Cabinet Committee on Legislation. The process that the proposed draft Bill will take thereafter is now out of the scope of the mandate of the LRDC.

Next anticipated stage of the LRDC process, actions and output

Submit copies of the Uniform Matrimonial Property final report to the Minister of Justice in terms of section 9 (1) of the Law Reform and Development Commission Act, 1991.

11. LOCUS STANDI

Progress report

Towards the end of 2018, the LRDC engaged various stakeholders on the project by disseminating the 2014 *Locus Standi* Discussion Paper and the proposed Standing in Civil Action draft Bill to the stakeholders for fresh consideration and input.

The LRDC in this process requested stakeholders to provide written commentary on the draft Bill and the general feedback was in support of the proposed bill with a few new issues being raised. These new issues are currently being studied by the Project Researcher in order to update the proposed draft Bill.

Next anticipated stage of the LRDC process, actions and output

The LRDC will be undertaking a stakeholder consultative workshop on the proposed draft Bill during the first quarter of 2019/2020 financial year after the approval of the budget. The consultations will be followed by the development of a final project report which will contain the final proposed draft Bill. Upon the completion of the project report, it will be submitted to the Minister of justice in terms of section 9 of the Law Reform and Development Commission Act.

12. OBSOLETE LAWS

Progress report

The LRDC is currently studying some laws that have been identified as potentially obsolete in order to produce another volume of laws that need to be repealed. The report on this exercise is anticipated to be completed by the end of the first quarter of the next financial year.

Next anticipated stage of the LRDC process, actions and output

Submit final report on Volume Two of the Obsolete Laws Project to the Minister of Justice for tabling in Parliament.

3. Successes

Since its establishment in 1992, the Law Reform and Development Commission, has contributed significantly to the legal landscape of Namibia. The work of the LRDC over the years has resulted in a number of important legislation being passed. These include:

- ❖ Married Persons Equality Act, 1996 (Act No. 1 of 1996)
- ❖ Electoral Act 2014 (Act No. 5 of 2014)
- ❖ Namibian Constitutional Third Amendment Act 2014 (Act No. 8 of 2014)
- ❖ Repeal of Obsolete Laws Act 2018 (Act No. 21 of 2018)
- ❖ Combating of Rape Act 2000 (Act No. 8 of 2000)
- ❖ Namibian University of Science and Technology Act 2015 (Act No. 7 of 2015)

The LRDC has also assisted numerous stakeholders with projects on amending their laws and policies in the past and assistance to stakeholders in this regard continues to be central to the work of the LRDC.

The LRDC has recently finalised its proposals for legislation on Divorce and also on Matrimonial Property Regime to address the issue of the “Red Line Marriages”. The outcome of this project recommendations will go a long way in changing the lives of many people in a positive way. It will provide clarity and certainty when it comes to issues of dealing with estates of persons who were affected by the discriminatory law. The recommendations made by the Divorce Law Project will provide relief to those who are wanting but unable to get a divorce due to the cumbersome procedures and costs involved in the current divorce procedures.

4. Challenges

Law reform is a very slow process because it inherently involves in-depth and extensive consultation with stakeholders and can take a long time before projects are finalized.

In addition, the following particular concerns cannot be overlooked:

- ❖ Staffing shortage continues to be a big impediment to the functions of the Directorate, as can be observed, the work ratio is 1x researcher to an average of 3 projects.
- ❖ The lack of sufficient financing. It is understood that the total budget allocated to the Directorate is mainly utilized for Salaries & Conditions of Service (including that of the Chairperson). The Commission often seeks external funding for projects, which carries the threat of external partners dictating which projects are undertaken by the Commission.

- ❖ The quantity and quality of staff. Ideally, researchers must have a research degree, the Commission has no LL.M graduates amongst its staff compliment and possess LL.B degrees.

5. Training

Since the introduction of the Performance Management System ('PMS'), the Secretariat has sent staff members to undertake/participate in training programmes as part of their Performance Agreement personal development objectives. The Directorate therefore places great emphasis on staff capacity building and, during the period under review, a number of staff members were allowed to undergo short and long term courses to capacitate them in order to enhance performance.

| Training | Place | Date | No of Staff |
|---|--------------|----------|-------------|
| Local | | | |
| Performance Management System Refresher Training | Windhoek | June | 03 |
| Disability Awareness Training | Windhoek | July | 01 |
| Human Rights Advocacy Committee Members Training | Windhoek | July | 01 |
| Human Rights Advocacy Committee Members Training | Windhoek | August | 02 |
| Ministry of Justice: Generic Induction and orientation Training | Windhoek | November | 02 |
| Online Legislative Drafting | Windhoek | March | 03 |
| Regional | | | |
| NamibLII Training | Johannesburg | August | 01 |
| Advance Training Tendering Procurement and Bid Evaluation | Johannesburg | December | 01 |
| International | | | |
| None | | | |

6. Statistics

The LRDC has not published any publications during the year under review. The reason for the non-publication is mainly attributed to the LRDC going through a transition period during most of the second half of 2018 due to the term of four Commissioners having ended on 03 August 2018. This meant that most of the project reports that were earmarked for publication during the period under review could not be published in time before the end of the term of the supervising Commissioners.

The LRDC is however at an advanced stage to publish the following reports:

- ❖ Divorce Law Report
- ❖ Matrimonial Property Regime Report
- ❖ Road Safety Report
- ❖ Administrative Justice Report

These reports are already with the printers being readied for printing and publication.

DIRECTORATE: MASTER OF THE HIGH COURT

1. Mandate

The 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's Fund (in respect of minors and mentally challenged persons).

2. Overview Of Activities

The Directorate has the following five key functions:



- ❖ The Master supervises the administration of deceased estates, in order 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;

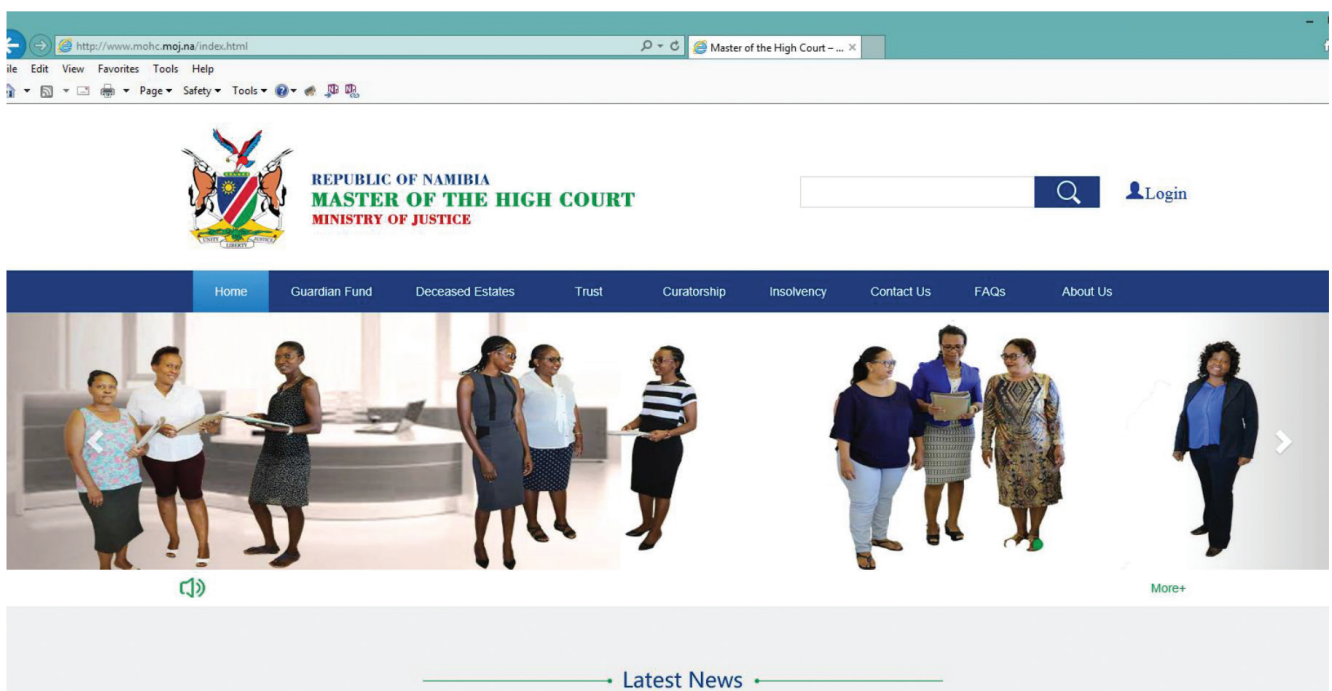
- ❖ approve trustee's/liquidator's liquidation and distribution account;
 - ❖ with an application for rehabilitation to Court, the Master must advise the Court by way of a report on whether or not the applicant should be rehabilitated.
-
- ❖ All inter vivos trusts must be registered to the Master of the High Court. The Master must ensure that trusts are administered in terms of the provisions of the Trust Deed and the Trust Monies Protection Act (Act No 34 of 1934).
-
- ❖ The Master of the High Court administers the Guardian's 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 must be invested and earn interest.

The functions of the Guardian's Fund are as follows:

- ❖ 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\$500,000.

3. Successes

- ❖ The primary achievement of the Directorate is the implementation of the integrated financial and case management system. Trusts and Deceased Estates modules and the Website of the system were implemented during the financial year.



The Master's Online System is an integrated case management system that enables the Directorate to create a paper-less work environment, automate case working processes and improve efficiency, productivity and transparency.

The Master's Online System provides the following online services to the public through the web portal:

- ❖ New trusts and deceased estates can be reported online.
- ❖ Legislation applicable to deceased estates, trusts, curatorships and insolvencies can be downloaded.
- ❖ 9036 historical trust cases were uploaded on the system and certain information is available on the web portal.
- ❖ Progress of each individual application and estate lodged with the Master can be viewed online.

The screenshot shows the web portal for the Master of the High Court, Ministry of Justice, Republic of Namibia. The URL is <http://www.mohc.moj.na/a/deCase.html>. The page features a navigation menu with links: Home, Guardian Fund, Deceased Estates (selected), Trust, Curatorship, Insolvency, Contact Us, FAQs, and About Us. Below the menu, there is a section for 'Deceased Estates' with a 'File Enquiry' link. A form is displayed with fields for 'Full Name', 'Surname', 'ID of Deceased', 'Nationality', 'Marital Status' (set to 'Divorced'), 'Date of Birth', and 'Date of Death' (set to '23/01/2019'). Below the form, a workflow diagram shows the process steps: 1. Appointment, 2. Additional Assets, 3. Certificate, 4. Extension Letter, 5. Liquidation Account, 6. Advertisements, 7. Final Requirements, and 8. Discharge Letter. Below these steps, a row of green boxes indicates the current status: 1.1 Submission, 1.2 Examination, 1.3 Verification, and 1.4 Approval.

- ❖ The Ministry of Justice is in the process of reviewing all legislation relating to succession matters, which includes but is not limited to the Administration of Estates Act, 1965 (Act No. 66 of 1965), the Wills Act, 1953 (Act No. 7 of 1953), Estates and Succession Amendment Act 15 of 2005 and the rules of intestate succession such as the remaining sections of the Native Administration Proclamation 15 of 1928, Schedule 2 of the Administration of Estates (Rehoboth Gebiet) Proclamation 36 of 1941 and the common law.

The review process aims to include all inheritance matters under one law and will include a new legal framework and administration process. Several chapters have been drafted:

- ❖ Intestate succession
- ❖ Wills
- ❖ Guardian's Fund
- ❖ The Administration of Estates Amendment Act 22 of 2018 was published on 31 December 2018. The purpose of the Amendment Act is to further protect the interest of minors and persons under curatorship; to further provide for the protection of estate monies and assets; and to provide for incidental matters.

4. Training

❖ Training was provided to thirty five staff members during the financial year:

| Subject | Nr. Of Staff members |
|--------------------------------|----------------------|
| PMS refresher training | 6 |
| Emotional Intelligence | 6 |
| Deceased Estates system module | 16 |
| Trust system training | 7 |
| Total | 35 |

❖ Training **was provided** to forty-nine external users on the trust module and deceased estates modules of the Case Management System during the financial year

5. Public Education

The Directorate participated in Free Legal Advice Days arranged by the Law Society of Namibia in conjunction with the Office of the Ombudsman:

- ❖ Free Legal Advice Day in Oshakati on 15 June 2018
- ❖ Gobabis on 13 July 2018
- ❖ Windhoek on 3 August 2018
- ❖ Walvis Bay on 28 September 2018

6. Statistics

The overall case report includes all applications received on the Master's online system during the financial year. The deceased estates module was launched early in December 2018 and reflects applications received since December 2018.

| Overall Case Report | | | | | |
|---------------------|-----------------------------------|--|-----------------------------|-------------------------------------|--------------------------------------|
| Case Type | Total No of Applications Received | Total Number of Applications Processed | | Total No of Applications In Process | Percentage of Applications Processed |
| | | No of Applications Approved | No of Applications Rejected | | |
| Guardians Fund | 6513 | 5574 | 375 | 564 | 91.34% |
| Deceased Estates | 624 | 565 | 10 | 49 | 92.15% |
| Trust | 307 | 235 | 55 | 5 | 94.46% |
| Total | 7444 | 6374 | 440 | 618 | 91.54% |

During the 2018/2019 financial year, 2270 estates were reported to Master of the High Court offices in Windhoek while 591 estates were reported to the office at Oshakati.

| Windhoek | | Windhoek | | Oshakati | | Oshakati | |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 2017/2018 | | 2018/2019 | | 2017/2018 | | 2018/2019 | |
| Received | Finalized | Received | Finalized | Received | Finalized | Received | Finalized |
| 2066 | 1270 | | | 591 | 553 | | |

Insolvencies and liquidations that were reported during 2017/18 and 2018/19:

| 2017/2018 | 2018/2019 |
|-----------|-----------|
| 28 | 34 |

Trusts registered during 2017/18 and 2018/19:

| 2017/2018 | 2018/2019 |
|-----------|-----------|
| 508 | 584 |

Activities of the Guardian's Fund during 2017/18 and 2018/19:

| DESCRIPTION | 2017/2018 | 2018/2019 |
|---------------------------------------|------------------|-----------|
| Interest rate | 6.5% | |
| New accounts opened for beneficiaries | 5934 | |
| Monies paid to beneficiaries | 139,886,630.59 | |
| Value of the fund | 1,540,130,772.98 | |

The average return on the investment portfolio was 6.67% for the financial year despite the volatile financial markets.

7. Major activities planned for 2019/20

- ❖ The review of legislation relating to succession matters, will continue and the remaining chapters (testate succession and curatorships) will be drafted.





Republic of Namibia

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