OPENING REMARKS BY HONOURABLE DR. PEYA MUSHELENGA, MINISTER OF URBAN AND RURAL DEVELOPMENT AT THE LEGAL FRAMEWORK TRAINING WORKSHOP FOR THE MEMBERS COUNCIL OF TRADITIONAL LEADERS AND MEMBERS OF THE TRADITIONAL AUTHORITIES

21 JANUARY 2019, OSHANDIRA LODGE
OSHAKATI
Director of Ceremonies,

Mr. Michael Mwinga, Special Advisor to the Governor of Oshana Region
Aakwaniilwa and Heads of Traditional Authorities
Senior and Junior Traditional Councillors
Workshop participants
Invited guests,
Members of the Media,
Ladies and Gentlemen

I am delighted to officiate at this training workshop for the traditional authorities. At the outset, allow me extend to you warmest felicitations for the year 2019.

This training workshop came at the right time, energising you while at the beginning of the year and thus preparing you for productive months ahead and, therefore, guaranteeing you a successful year.

His Excellency, Dr Hage G Geingob, President of the Republic of Namibia declared 2019 as the year of accountability. Swedish academic, Professor Staffan I. Lindberg, states in his discourse titled: Accountability: the core concept and its subtypes that accountability entails five characteristics, namely: an entity that is to give an account; a sphere that is subject to accountability; an entity to whom another accounts; the right of an entity to enquire information and explanations from another entity; and the right of an entity to take measures against another, if such another entity fails to explain satisfactorily its actions.
In respect of the above, Traditional Authorities will be held accountable both by the Government and members of the traditional communities. In order to satisfy the requirements of accountability, it is necessary that traditional authorities are trained and equipped with knowledge to conform to the legal framework governing their operations, particularly the Namibian Constitution and the Traditional Authorities Act No. 25 of 2000. This training workshop therefore is designed to impart skills and knowledge to our traditional leaders, particularly those in the Traditional Authority structures and Members of the Council of Traditional Leaders, by providing practical advices and examples of the day to day operations of the Council of Traditional Leaders and Traditional Authorities.

Director of Ceremonies
It is public knowledge that some Traditional Authorities by commission or omission demonstrate disregard for laws. This is illustrated by partial administration whereby in some Traditional Authorities some structures of governance are deliberately not established such as the Chief's Council, a very important organ in the Traditional Authority set up to be responsible for the day to day administration of the affairs of the Traditional Authority in order to advice the Chief and to advice the Traditional Authority and even to protect the Chief from taking any unwanted decisions. Other traditional authorities are mixing and confusing the parameters of the royal families with the roles of Traditional Authorities, whereas the two roles are distinct in such respective communities.
Perhaps most of the problems that we have are due to lack of comprehension of the laws of an independent republic versus customary laws. I would like to sensitise you that article 66 of the Namibian Constitution provides that customary laws in force on the date of Independence shall remain valid only when they do not conflict with the Constitution or any other statutory law. You are therefore expected to note this constitutional provision without fail – the Constitution is the Supreme Law of the country and no law of any institution competes with the Constitution.

This workshop will therefore look closer at all these loopholes and pave a way for improvements. Mostly the training will focus on the application of the Law by the Traditional Authorities and its structures to curb the tendency of resorting to litigations in the courts of Law. I therefore implore upon you to take this training seriously and implement the knowledge gained in order to serve your respective communities in adherence to the provisions of law.

I wish you a fruitful workshop and please feel free to participate and ask questions when necessary. With these few words I now declare the Legal Framework Training Workshop officially opened.

I thank you