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

11 FEBRUARY 2019, OUTJO
KUNENE CLUSTER REGION
Director of Ceremonies,
Honourable Marius Sheya, Governor of the Kunene Region
Esteemed Chiefs
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 workshop came at the right time, energising you while at the beginning of the year and thus prepares 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 Sttafan 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 advice and example 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 role of Traditional Authority whereas the two roles are distinct in such respective communities.
We have further observed that some Traditional Authorities deliberately omit the establishment of Community Trust Funds to be managed by the Board of Trustees as per the regulations in the Traditional Authorities Act.

We have further observed that some Senior and Junior Traditional Councillors are undermining the authority of the Chiefs and wield power at free will within their respective societies. Similarly, we observed some Chiefs or Heads of Traditional Authorities making arbitrary decisions made on issues of hiring and firing their members. I would like to remind all of you that article 1 of the Namibian Constitution stipulates that Namibia is a country that upholds the principles of the rule of law and justice for all. This means that no one is allowed to take arbitrary decisions. Further, article 18 obliges administrative bodies and administrative officials – and these include traditional authorities – to act fairly and reasonably. Failure to do so avail aggrieved persons opportunities to seek redress from the Court, so that justice could be served.

Traditional Authorities are largely embroiled in scuffle of undesirable leadership disputes, land disputes, succession disputes and other disputes that could be resolved if our existing Laws are applied fairly in every situation. Accordingly, because of such clashes, contradictions and arbitrary decisions in some traditional authorities, the end result is litigations and endless conflicts where government is embroiled. This takes away the precious time of the Government, as we spent time resolving conflicts at the expense of focusing on developmental issues in the country.
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