



MINISTRY OF JUSTICE

Law Society of Namibia Commemorative Book Launch 2005-2016¹

Good morning colleagues, ladies and gentleman.

I stand on the protocol established by the Master of Ceremonies, Dr Meyer van den Berg.

I was very pleased to be asked by the Law Society of Namibia to make the closing statement at the launch of the Commemorative Book, because as Ramon said, my career in law began with the Law Society.

My name appears in this 85th Anniversary Commemorative Book in 1996 alongside many of my contemporaries that now bear significant titles. I was very interested to see the section from 1995 dealing with the Legal Practitioner's Act, 1995 (Act No. 15 of 1995). At that stage the president of the Law Society was Mr Andrew Theunissen. With reference to the launch of the commemorative book he said:

“I hope that conferences like this will be held at least every five years to remind ourselves of the duty that lawyers bear to contribute to the maintenance of those principles of law which facilitate a just and equitable society”.

Twenty three years later, I wish to echo the same sentiment. We have a duty to ensure that legal principles are maintained to facilitate a just and equitable society in terms of what is just and equitable at present.

¹ Closing address by the Honourable Minister of Justice, Mr Sakeus Shanghala, MP on 23 February 2018, De Kayak Club, Windhoek.

Paging through the previous commemorative book, I saw the familiar faces of so many previous presidents that all had the dream of amending the Legal Practitioner's Act. Raymond Heathcote specifically noted that in 2002 the legislature was approached to begin an amendment to allow for equal representation of formerly advantaged and disadvantaged legal practitioners on council. Elia Shikongo followed in 2003 by instituting proceedings to challenge to the legality of some provisions of the Legal Practitioner's Act, 1995.

As seen here on page 165 the process received much media attention. My name appears here too! I have been part of the reform process for years. This year, it will receive attention again, but this time in a positive light.

While I was the Attorney-General I met with the Law Society and we agreed that an overhaul of the Legal Practitioner's Act, 1995 is long overdue. In response to my request for an amendment Bill, the LSN embarked on the Change Project as a form of intense public consultation.

This year I trust that the result of the Change Project will be an amendment Bill submitted to me as Minister and custodian of the Legal Practitioner's Act, 1995.

Through the amended Act, I want to see complete inclusion of all lawyers, whether government or private, practicing or non-practicing. The idea that a drafter or researcher is inferior to a lawyer that appears in court is short-sighted. I want to see a culture of inclusivity and camaraderie among everyone with a law degree.

I pledge my support and cooperation to the Law Society as they have done at today's launch and through the work done on the Change Project. It is going to be my distinct honour to reform the legal landscape through amendment of the Legal Practitioner's Act.

I also want to recommit the Ministry of Justice to the continuation of the Namibian Law Reports. Without law reports, how can we develop our jurisprudence further? I urge you all to do what you can to ensure that we develop our legal system with reference to our own needs, borrowing where we can from others in the Commonwealth and beyond, and giving to them what we can offer. Terms such as a *living constitution*, emanate not from this part of the world, but rather from Canadian judgments, cited with approval in the Supreme Court of the United States, which in turn has been cited into our law by our eminent jurists. South Africa

has given the world the concept of *Ubuntu*, a term not unknown to you. What will be our input in the global justice discourse if we cannot even produce our own law reports?

We need to generate our own intellectual resources and encourage discourse. Through discourse, we understand our different points of view, and we find ourselves in our diversity as 'One Namibia One Nation.'

As Francis Bacon once stated:

“Reading maketh a full man; conference a ready man; and writing an exact man.”

Let us all be reminded that we hold today in trust for future generations. I pledge my commitment trusting that everyone here is dedicated to the same purpose.

I want to thank the team that has put together this new Commemorative Book. The hard work and dedication that it takes to produce such a historical gem is often unseen and not always appreciated as it should be. Well done!

Thank you