

**SPEECH BY HIS LORDSHIP PETER S. SHIVUTE,
CHIEF JUSTICE OF THE REPUBLIC OF NAMIBIA, ON
THE OCCASION OF THE OPENING OF THE 2026
LEGAL YEAR, SUPREME COURT, WINDHOEK**

5 FEBRUARY 2026

Salutations

1. It is my distinct honour to welcome you to the Supreme Court for the official opening of the 2026 Legal Year. This ceremony remains an important fixture on our national calendar, not only because it marks the commencement of the judicial year, but because it provides an opportunity for reflection, transparency and renewal.

2. Allow me at the outset to acknowledge, with deep appreciation, the presence of Her Excellency, the President of the Republic of Namibia, at this occasion. It marks the first such attendance by Your Excellency since assuming office of President. Your Excellency's attendance affirms the respect accorded to the Judiciary within our constitutional order and underscores the State's commitment to judicial independence, the separation of powers and the centrality of the courts in the protection of rights and freedoms.
3. I also wish to acknowledge the presence of senior members of the Executive and the Legislature, judicial officers from all levels of our courts, members of the

legal fraternity, representatives of constitutional bodies and all distinguished guests present this morning. Your attendance reflects the shared responsibility we bear in sustaining a justice system that serves the people of Namibia.

4. The opening of the legal year is not intended to be ceremonial only. It is rooted in the principles of transparency and accountability. Each year, we take stock of where we are – what we have achieved, where the challenges lie and our ongoing efforts to strengthen the administration of justice.
5. In reviewing the past year, I will refrain from an exhaustive recital of figures and statistics.

Comprehensive data on the performance of the Supreme Court, the High Court, and the Lower Courts, together with information relating to financial management and human resources for the year under review, are publicly accessible on the Superior Courts website. Further information is contained in the Office of the Judiciary's annual reports for past financial years, which are available on its website.

6. I encourage, therefore, not only those present here, but the wider public, to engage with these reports. They are not mere administrative documents. They are intended as a clear and honest reflection of how the Judiciary is

performing. Accountability to the people of Namibia demands nothing less.

7. It is sometimes said, perhaps wisely, that one should begin with difficult news and end on a hopeful note. I therefore begin by outlining the most significant challenges encountered in the past year and which regrettably persist.
8. Across all court levels, case registrations have fluctuated, with increases in some categories and decreases in others. Despite this variation, overall registration levels remain high. While this can be attributed to a range of factors, it also reflects something important and positive: continued public confidence in

the courts as places where disputes are resolved and rights are vindicated. In a constitutional democracy, such confidence is invaluable and remains a clear sign that the rule of law is alive and trusted.

9. Access to justice lies at the heart of the Judiciary's constitutional mandate. However, that is only one side of the coin. Access must be matched by the effective delivery of justice. That delivery requires adequate resources – human, financial and infrastructural. Without these, access risks becoming theoretical rather than real.
10. Human resources remain one of the Judiciary's most immediate and pressing challenges. Judicial officers

and support staff are required to manage not only increasing caseloads, but also the ancillary administrative, technological, and procedural demands of a modern justice system.

11. The shortage of judicial officers has reached a critical point. The Supreme Court has recently experienced the retirement of two seasoned, career jurists. Justice Sylvester Mainga retired in August 2025, and Justice Elton Hoff concluded his service at the end of January this year.

12. The High Court also experienced retirements. Last year, we bid farewell to Judge Herman Oosthuizen and Judge Herman January. The shortage at the High Court is

particularly dire in the civil stream. I indicated earlier that I would avoid statistics, but to convey the gravity of the situation, some numbers are unavoidable.

13. Over the past year, the civil stream of the Main Division of the High Court has operated under severe and sustained constraints in judicial capacity. Excluding the Deputy-Judge Presidents, the civil bench stood at seven judges, while in the Northern Local Division a single judge carried responsibility for the entire civil stream. These conditions have placed exceptional demands on judicial officers and the institutional support structures of the court.

14. The impact of these constraints is evident from the case-load data across successive legal years. During the 2024 Legal Year, a civil bench of 13 judges managed a total of 4,987 cases, translating into an average workload of approximately 384 cases per judge. In the 2025 Legal Year, the reduced civil bench managed 4,295 cases. Although the overall number of cases declined only marginally, the average workload per judge rose sharply to approximately 614 cases per judge.

15. This represents an increase of nearly 60% in the average workload per judge. It is a clear indication that judicial officers have been required to carry significantly

heavier caseloads in order to maintain the effective functioning of the court and to avert the accumulation of backlogs. This level of productivity has been achieved at a cost, with clear institutional implications.

16. The implications are therefore unavoidable. Judges of the High Court, in both the criminal stream and the civil stream, together with the court staff who support them, are operating under immense and sustained pressure – pressure that underscores the urgent institutional need for adequate judicial appointments and corresponding support if the administration of justice is to remain timely, effective and resilient.

17. Similar constraints continue to affect the Lower Courts.

The backlog situation remains the most critical challenge confronting the Magistrates' Courts. The combined backlog increased from 57,090 cases at the end of 2024 to 63,679 cases in December 2025, representing an 11.5% increase.

18. This growing backlog is occurring against the backdrop of persistent shortages of magistrates, resulting in unsustainable caseloads per judicial officer. The situation is compounded by inadequate staffing levels among administrative personnel, which continue to create bottlenecks in case processing and delay the progression of matters through the system. These

pressures are further exacerbated by ongoing budgetary constraints, which limit the courts' ability to respond effectively to rising demand.

19. The frustrations expressed by judicial officers are understandable, given the sustained pressures under which they continue to serve. Recent events have drawn attention to these challenges and the need for constructive engagement around them. However, in giving expression to legitimate concerns, judicial officers must remain acutely conscious of the unique constitutional role they occupy. Certain forms of conduct, however well-intentioned, are incompatible with the oath of office and risk undermining public

confidence in the judiciary. The courts command authority not only through institutional independence, but also through the restraint, discipline and dignity with which judicial officers discharge their responsibilities. It is through principled dialogue and institutional processes that such concerns are best addressed.

20. With all that said, I must acknowledge and applaud our judicial officers and court staff. Your dedication, resilience, and sacrifice do not go unnoticed. The Judiciary continues to function because of your commitment, often under conditions that test endurance and resolve.

21. Having outlined some of the most pressing challenges facing the Judiciary, I now turn to the steps being taken to address them. The Aspirant Judges Training Programme, revived last year, continues to show promise. A total of 33 participants took part in the programme in August 2025 and have demonstrated encouraging progress. Several serving High Court judges are products of this programme, demonstrating its long-term value. In parallel, work continues toward the establishment of a Judicial Training Institute, which will strengthen structured judicial education and professional development.

22. I must express appreciation to the legal fraternity, who made the sacrifice at the expense of their practices to serve as acting judges during the past year. Your willingness to step into these roles has provided much-needed relief to the High Court. At the same time, acting appointments are not a long-term solution. The system requires permanent capacity.

23. I therefore take this opportunity to call upon those suitably qualified to consider availing themselves for judicial service. Judicial office is demanding, but it remains one of the highest forms of public service. The Judiciary requires individuals of skill, integrity and commitment.

24. In this regard, the Judicial Service Commission, as the body mandated to make recommendations on judges' remuneration and conditions of service, is reviewing the existing framework to enhance the attractiveness of judicial service.

25. The Legislature, in the exercise of its mandate, continues to enact laws establishing specialised courts. While these developments are necessary and beneficial, they also place additional pressure on an already strained system, with implications for both human and capital resources, and therefore require proportionate budgetary allocations to ensure their effective functioning.

26. A judiciary weakened by lack of capacity affects every sector of society. On a large scale it affects economic confidence, investment, social stability. More immediately, it affects ordinary citizens seeking timely and effective resolution of disputes. This is not a challenge for the Judiciary alone. It affects us all.

27. As I said earlier, it is not all bad news. Despite these challenges, the Judiciary continues to strive for excellence and innovation.

28. Recognizing that modern judiciaries cannot operate in isolation, the Judiciary has prioritized comparative learning and cooperation as integral to its reform agenda. To this end, the Judiciary of Namibia has

concluded Memoranda of Understanding with the Judiciaries of Botswana, Cuba, Indonesia, Lesotho, Mozambique, Uganda, Zimbabwe, and most recently with Ethiopia, Malawi and South Africa.

29. Through these cooperative arrangements, the Judiciary has drawn valuable support and insight in advancing its ongoing reform initiatives. One such reform is the Integrated Electronic Case Management and Information System – or IECMS for short. The objective is not only to digitize all our courts but to integrate them and, ultimately, to achieve system-wide integration across the justice chain.

30. I am pleased to report, Your Excellency, that this reform has received widespread stakeholder support, expressed during last year's National Conference on Judicial Innovation. Our collaboration with sister judiciaries in the region and beyond has been particularly instructive, and I was deeply impressed by the innovations observed in some of those jurisdictions during the signing of our Memoranda of Understanding.

31. Alternative dispute resolution in criminal matters through plea bargaining has now received acceptance from all sectors of the criminal justice sector and is set to gain momentum in 2026. The National Conference on Alternative Dispute Resolution held in June 2025

demonstrated broad support for this reform. Our work with a jurisdiction where these measures have been introduced, has enriched this process. Further momentum was generated in October during the ADR Training Week conducted in collaboration with Pepperdine University's Sudreau Global Justice Institute, Caruso School of Law based in California, United States of America, an initiative arising from Namibia's membership of the African Chief Justices' ADR Forum.

32. On 4 December 2025 in Windhoek, the Judiciary of Namibia signed a Memorandum of Understanding with the Judiciary of South Africa. For those familiar with our

shared history, this formalised a relationship that has existed for many years. The event concluded with a well-attended dialogue on gender representation in the judiciary and the legal profession, involving judicial officers, members of the legal fraternity, and law students. Fittingly, the visit coincided with Your Excellency's appointment of the Supreme Court's first woman judge, who will join the Apex Court bench on 1 March 2026.

33. These agreements are reciprocal in nature. While Namibia's judiciary may be relatively young and small, we have much to offer and our expertise is sought after. For example, just as we have used the services of

foreign judges in the past, our judges too have served in foreign jurisdictions. At present, our Deputy Chief Justice serves as an acting judge in the Court of Appeal of the Kingdom of Lesotho, and Judge Tommasi, a former judge of our High Court, serves in the High Court of Zimbabwe. We continue to receive requests from sister jurisdictions to avail our serving judges, but as I have pointed out, we currently have a shortage here which does not allow for this. It bears mentioning that due to the shortage of judges, we may, as we did in the early years of our judiciary, have to look beyond our borders for judges from comparable jurisdictions. These relationships make that possible.

34. What may seem run-of-the-mill to us is impressive to others. Jurisdictions benchmark us for our High Court judicial case management systems and our civil law rules and procedures. We have successfully implemented mediation in civil matters in the High Court since 2014, and we continue to receive requests from other jurisdictions to share our experience in implementing and sustaining this mechanism.

35. We have also been lauded for the financial and administrative independence of our institution, and this too is something other jurisdictions in our region and beyond have shown much interest in.

36. As a nation, we must take pride in and protect the independence of our judiciary, respect for the separation of powers, and the rule of law. These are the pillars upon which our democracy stands.

37. As we look ahead to the year before us, we do so mindful of the challenges that face our courts, but also with confidence in the resilience, professionalism, and dedication of those who serve within the Judiciary. The administration of justice is a shared national responsibility, one that calls for continued cooperation among all organs of State, the legal profession, and the public whose trust sustains our constitutional democracy.

38. Guided by the Constitution and strengthened by this collective commitment, the Judiciary will continue to protect its independence, enhance its capacity, and pursue reform with care and purpose. In doing so, it will remain steadfast in its duty to serve the people of Namibia with integrity, fairness, and an unwavering commitment to the rule of law.

I thank you.