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MEDIA STATEMENT

ACTION Coalition calls on the Government of the Republic of Namibia to clarify the fees paid to UK-based lawyers for legal advice in the context of Namibia's demands for genocide reparations from Germany

The ACTION Coalition is made up of a number of organisations that have one common goal: the passing of legislation and policy that supports access to information as is required in a constitutional democracy. Access to information is a human right that enables us to ascertain how and what our government is doing with the mandate the electorate has provided. It allows us to make good choices in the future and also provides the opportunity for us to support government in their choices and to suggest alternative courses of action that may be advantageous. Access to information is a prerequisite for our constitutional right to freedom of expression.

Recently there have been numerous reports in our media about alleged exorbitant fees paid to legal counsel in the United Kingdom for research done around Namibia's genocide reparations demands. This matter was also raised in the National Assembly and responded to by the Attorney-General. Unfortunately many questions remain unanswered with one very pertinent one being why it was necessary to engage legal counsel in the United Kingdom when we have competent legal minds in Namibia? It has been reported that the Namibian lawyer based in the UK and her British colleagues have either no or only limited experience in international law.

This has created an atmosphere in which speculation abounds. Such speculation includes disturbing discrepancies between the various invoices, absences of clarity about time spent working on the case, questions about the numbers of hours and days worked (up to 18 hours per day over long periods while, in some instances, apparently attending to other clients) and charging fees for administrative work such as booking tickets which could have been delegated to an assistant. Full disclosure as to the actual fees paid and the justification for such fees could lay all speculation and suspicions of untoward conduct to rest. Unfortunately, the lack of information has continued to fuel perceptions of wrongdoing.

The Namibian people still have no idea what professional work was completed and delivered for such astronomical fees that were paid out of the national budget. The actual sum of public money paid over is not certain but ranges between 1.8 million and 2.1 million pounds, in Namibian dollars between N\$32

million and N\$37 million. This at a time when we are confronted on a daily basis with reports of government not being able to pay contractors and service providers, many of which have been forced to lay off workers due to government's non-payment of invoices. This at a time when far too many Namibians are struggling to put food on the table. This at a time when government has cut budgets and introduced austerity measures in an attempt to relieve the state's financial stresses and to put the economy back on track.

Namibians should be told and need to know why it was not possible for Namibian legal counsel to attend to the research and advice sought and provided? Even South African counsel would have been a more viable option. We are also aware of many top-notch law firms and other organisations in various countries which might well have been willing to assist with such an important and high profile issue on a *pro bono* basis.

The Action Coalition calls upon the Office of the Attorney-General to fully disclose the fees charged by the UK-based lawyers, including an outline of the services provided for such fees and to submit justification as to why it was necessary to engage legal counsel in the UK.

The people of Namibia have the right to know.

STATEMENT BY:

ACTION Coalition