

*Advocacy Advice for Civil Society*

# RESEARCH TIPS



**Dianne Hubbard**  
**Legal Assistance Centre**  
**2022**

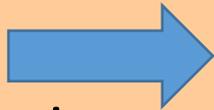
# INTERNET RESEARCH



# Choose well-considered search terms

## Example:

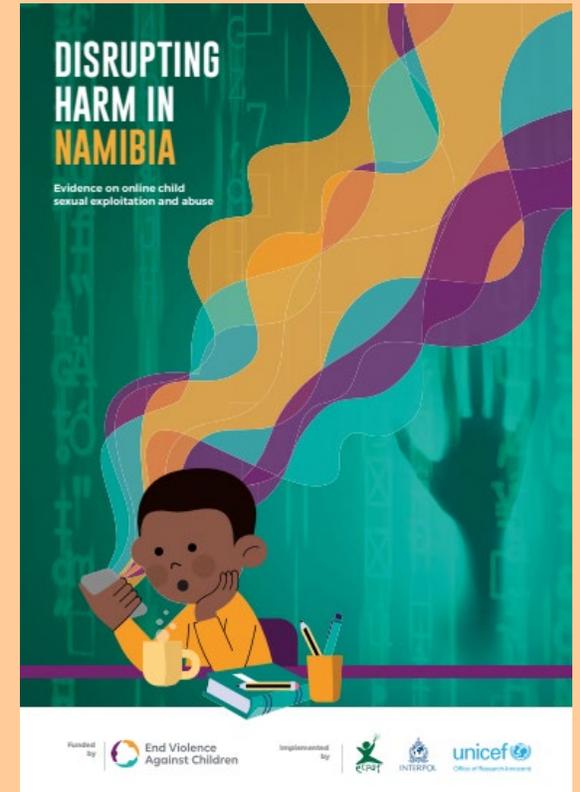
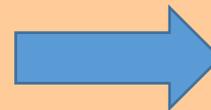
(1) "grooming"



pet grooming  
plus sexual grooming



(2) "grooming" "child sexual abuse" "namibia"  
relevant articles



# My favourite search tricks

- **Use quotation marks:** This searches for **the exact phrase** inside the quote marks and also only returns documents that include any word or phrase inside quote marks.

- “Harambee Prosperity Plan”
- “Namibia”

“ ”

- **Use “site:” to search a specific website or domain:** Use the word **site** followed by a colon **:** and then copy the website address or the domain (such as **.na .za .zw**) you want to search, with no space between.

- “child care and protection act” **site:lac.org.na**
- “public service” “strike” **site:namibian.com.na**
- “corporal punishment” **site:.na**
- decentralisation **site:ippr.org.na**

**site:**

- **Use “...” between two dates** to search a specific time frame.

- “Annual Report” “Children’s Advocate” “Namibia” 2019...2022

**2019...2022**

# “Boolean” search terms

- Namibia **AND** Zambia
  - find websites with both words
- Namibia **OR** Zambia
  - find websites with either word
- Namibia **NOT** Zambia
  - do not include websites with the word Zambia

named after mathematician &  
computer pioneer  
George Boole

**AND**

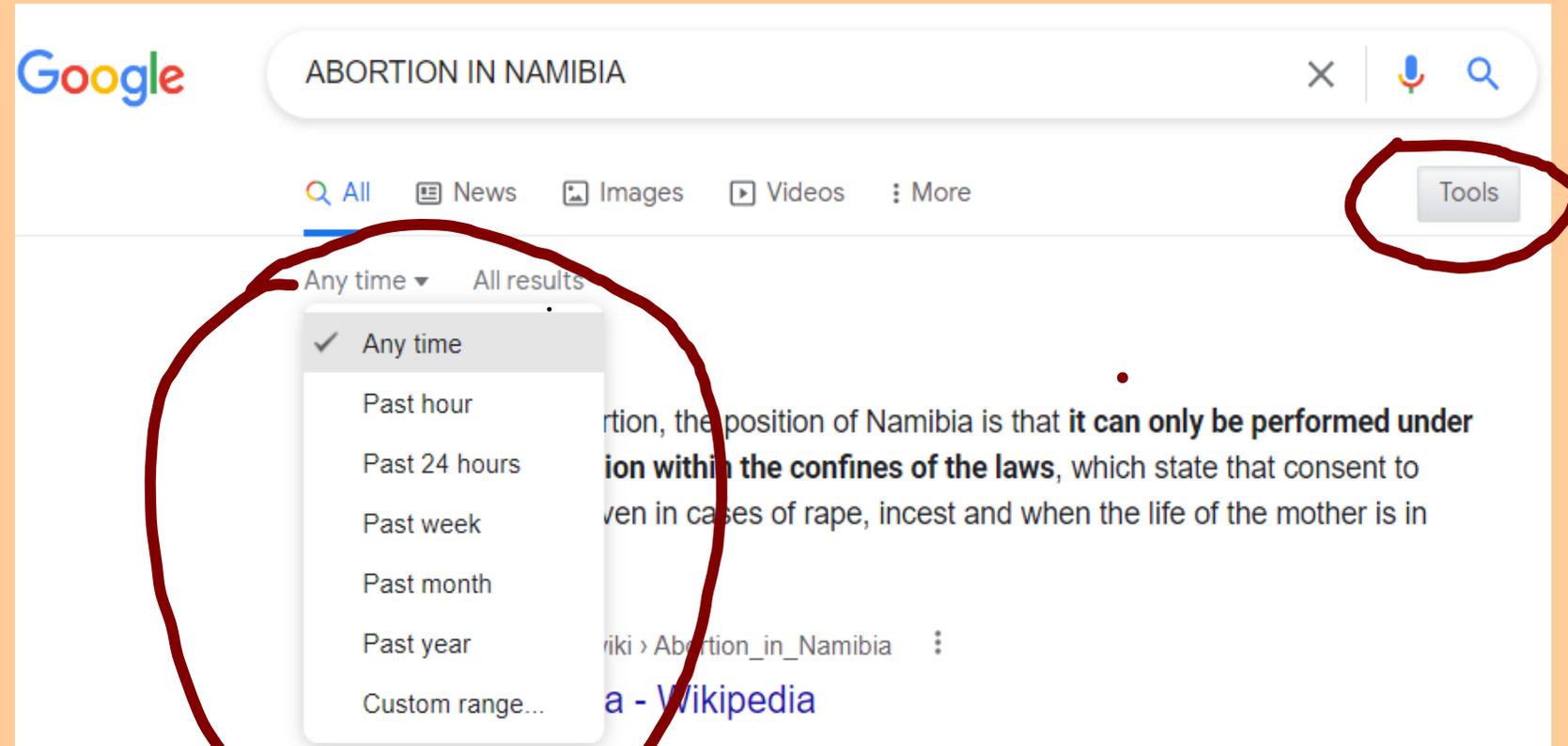
**OR**

**NOT**

Some search engines on individual websites ask for Boolean terms.

# Another way to search for specific timeframes

**Use Google tools:** Click on “Tools” and then use the list you see when you click the drop-down arrow beside “Any time”.



# Try searching in Google Scholar to get results from academic journals only.

- Google “Google Scholar”
- Go to the Google Scholar page
- Enter your search term
- Choose a date range if you wish

The screenshot shows the Google Scholar interface. At the top, the search bar contains the text "corruption namibia". Below the search bar, the results are categorized as "Articles" with approximately 2,550 results found in 0.08 seconds. On the left side, there are several filter options: a date range filter with "Any time", "Since 2022", "Since 2021", "Since 2018", and "Custom range..." (all highlighted with a red box); sorting options for "relevance" and "date"; a filter for "Any type" with "Review articles" selected; checkboxes for "include patents" and "include citations"; and a "Create alert" option. The main content area displays a list of search results. The first result is "Fishing Rights Corruption" by P Gottschalk, published in Financial Crime Issues, 2022, from Springer. The second result is "[HTML] Gender Does Not Matter with the Corruption Practices in Namibian Enterprises Actually" by A Kamanzi and A Shiimi, published in the Open Journal of Social Sciences, 2022, from scirp.org. The third result is "[PDF] Corruption of Land Administration in Sub-Saharan Africa: Reports from Nigeria and Namibia" by B Adamu, MR Mabakeng, and T Tosin, available on researchgate.net. The fourth result is "The justice sector & the rule of law in Namibia" by LN Ambunda and OC Ruppel, published in 2022 by digital.unam.edu.na. The fifth result is "[PDF] Predictive Influence of Petty Corruption on Operations of Southern African Universities" by A Jeremiah, SO Atiku, M Ochurub, and F Shimaneni, available on researchgate.net. Each result includes a brief abstract and options to save, cite, or view all versions.

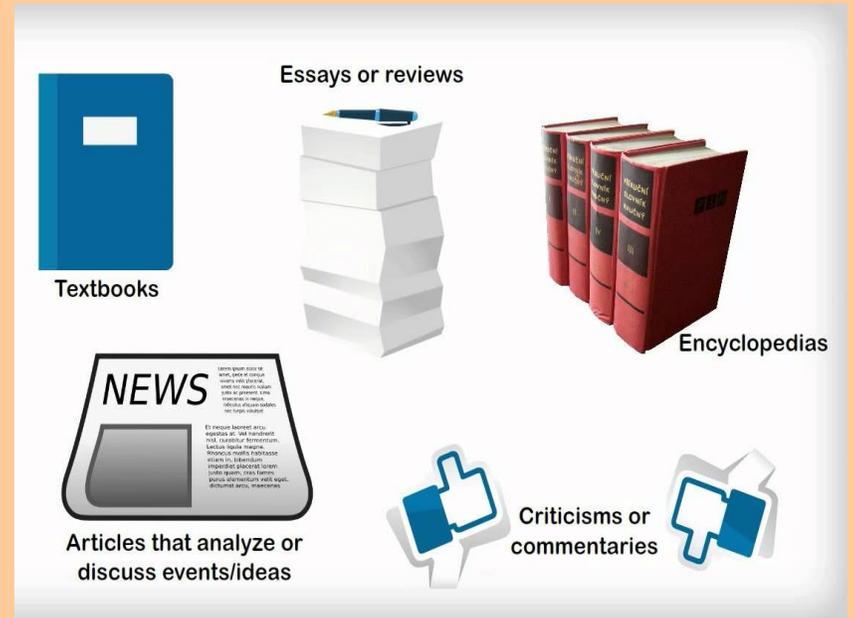
# Evaluating trustworthiness

## What is the **source** of the information?

- If you don't know the author or the institution, Google them to check the credentials of the author or to see if the organisation has a political bias. (CHECK "About" on the group's own webpage, plus external sources such as Wikipedia or news articles)
- Does the article include footnoted references, or other indications of the original source for specific data? (eg "According to the 2020 Annual Report of the Office of the Ombudsman...")

## How **recent** is the information?

- If the information is outdated, it may not be useful unless you are writing about a historical timeline or the background to some current issue.



**Being up-to-date is especially important in researching law.**

- Has the law you are discussing been amended?
- Has the case you are discussing been overruled by a higher court?

# Evaluating trustworthiness

EXAMPLE

## EXAMPLE: Heritage Foundation

**Wikipedia:** The Heritage Foundation is an American conservative [think tank](#) based in [Washington, D.C.](#) that is primarily geared toward [public policy](#). The foundation took a leading role in the conservative movement during the presidency of [Ronald Reagan](#), whose policies were taken from Heritage's policy study [Mandate for Leadership](#).<sup>[4]</sup>

**Heritage Foundation website:** Heritage's mission is to formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense.

*Mobilizing Conservatives—uniting the conservative movement to work together*

## EXAMPLE: Pew Research Center

**Wikipedia:** The **Pew Research Center** is a **nonpartisan** American [think tank](#) (referring to itself as a "fact tank") based in [Washington, D.C.](#) It provides information on [social issues](#), [public opinion](#), and [demographic](#) trends shaping the United States and the world.<sup>[1]</sup> It also conducts [public opinion polling](#), [demographic](#) research, calls people randomly through their cell phone and landline numbers,<sup>[3]</sup> media [content analysis](#), and other empirical social science research. The Pew Research Center **does not take policy positions**, and is a [subsidiary](#) of [The Pew Charitable Trusts](#).<sup>[4][5]</sup>

**Pew Research Center website:** Pew Research Center is a **nonpartisan** fact tank that informs the public about the issues, attitudes and trends shaping the world. We conduct public opinion polling, demographic research, content analysis and other data-driven social science research. **We do not take policy positions.**

# NEW JERSEY BROTHER AND SISTER ALLOWED TO MARRY AFTER 10-YEAR-LONG COURT BATTLE

# SATIRE



“The United States Supreme Court has ruled that a brother and sister can now get married. A New Jersey brother and sister have won the right to marry after a landmark ruling by the Supreme Court of the United States.”

## Useful fact-check sites for debunking hoaxes

**Snopes**

[www.snopes.com](http://www.snopes.com)

**Africa Check**

<https://africacheck.org>

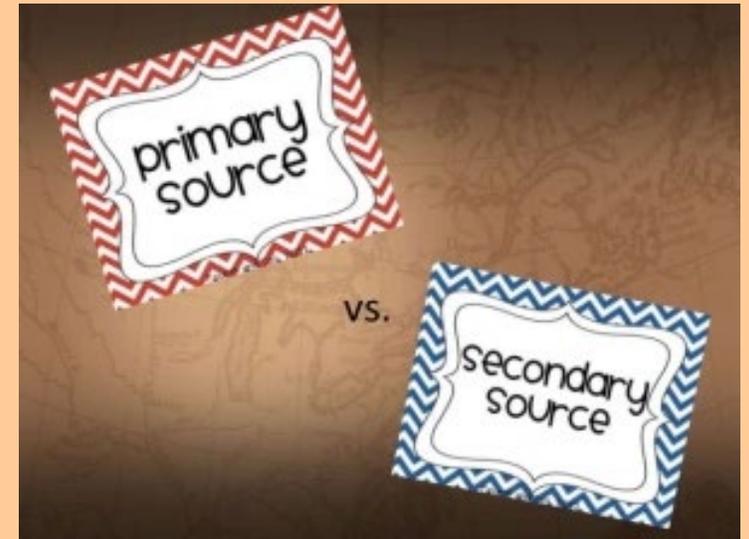
**Namibia Fact Check**

<https://namibiafactcheck.org.na>

Some Namibian politicians believed this false story.

# Check primary sources

- If an article quotes another research study, try to locate the original research report online to see if the secondary source gave a correct summary or excerpt of the primary document.
- If a Namibian news article quotes a speech from the President etc, look online for a print or video version or contact the relevant office to request the official text.
- Anyone could have checked the story on the previous slide by searching online for the actual US Supreme Court case. If you read a news article or law journal article quoting a court case, law, etc look for the actual document online.





# What about Wikipedia?

## PROS

- can be a helpful overview of a topic to use as an introduction
- footnotes can provide helpful links to primary sources
- popular topics likely to be more correct because of active public interest

## CONS

- authors usually anonymous
- unsuitable to cite as a reference
- seldom-viewed topics (such as articles on Namibia) less likely to have been corrected by interested members of the public

## Wikipedia: “List of members of the Constituent Assembly of Namibia” (as the article read on 3 September 2019)

Below is a list of members of the Constituent Assembly of [Namibia](#), which became the [National Assembly of Namibia](#) upon independence in March 1990. Individual members were selected by political parties voted for in the [1989 election](#), the first multi-racial, universal franchise elections in Namibian history.

The seat distribution per party was:<sup>[1]</sup>

- [South West Africa People's Organization](#) (SWAPO): 44
- [Democratic Turnhalle Alliance](#): 21
- [United Democratic Front](#) (UDF): 4
- [Action Christian National](#) (ACN): 3
- [Council of Churches in Namibia](#) (CCN): 1
- [Democratic Coalition of Namibia](#) (DCN): 1
- [Federal Convention of Namibia](#) (FCN): 1

- SWAPO won 41 seats, not 44.
- Neither CCN nor DCN were contenders in the election, and so obviously won no seats.
- The National Patriotic Front and the Namibian National Front each won 1 seat, but they are not on this list.

## Wikipedia: “1989 Namibian parliamentary election” (as the article reads now)

Party	Votes	%	Seats
SWAPO	384,567	57.33	41
Democratic Turnhalle Alliance	191,532	28.55	21
United Democratic Front	37,874	5.65	4
Action Christian National	23,728	3.54	3
National Patriotic Front	10,693	1.59	1
Federal Convention of Namibia	10,452	1.56	1
Namibia National Front	5,344	0.80	1
SWAPO Democrats	3,161	0.47	0
Christian Democratic Action for Social Justice	2,495	0.37	0
National Democratic Party	984	0.15	0

If you find incorrect information about Namibia, be proactive to correct it. This is often easy and effective.

- The author of this Wikipedia article corrected it after the mistake was called to his attention.
- Constitute.org ( a popular source for full texts of national constitutions) published a **Namibian Constitution** that was out of date. They updated it within a week of being notified that their version pre-dated the 2014 amendments.

# Ask yourself: Does this make sense?

The next slides contain five examples of inaccurate information about Namibia. The inaccuracies came to light because the quoted “facts” seemed improbable. Further investigations showed that they were all misleading. When confronted with “factual information”, think critically.

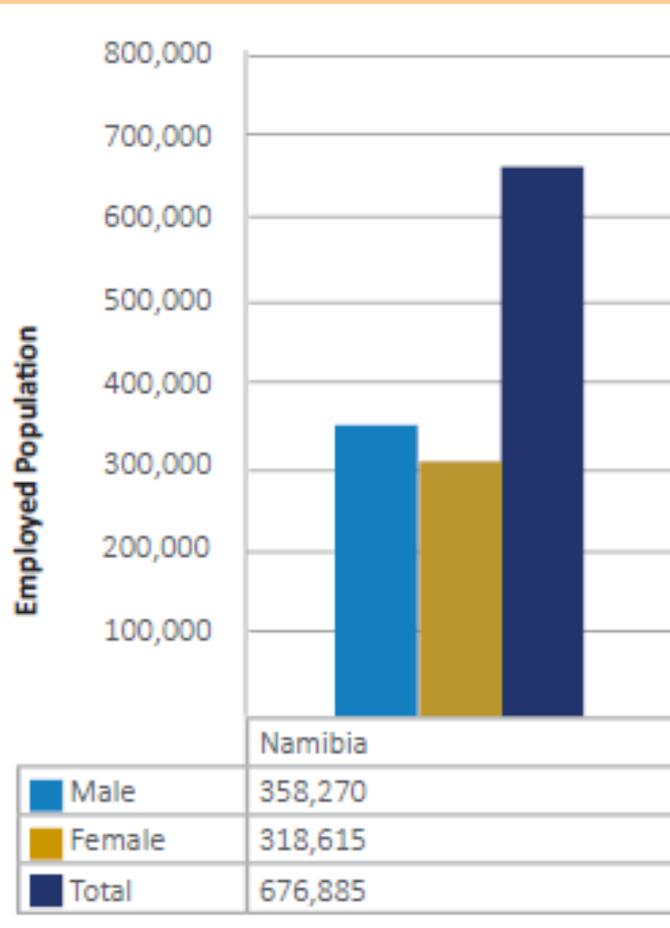


“Critical thinking is skilful, responsible thinking that facilitates good judgment”.

# EXAMPLE: Check everyone's math

## Key Highlights of the Namibia Labour Force Survey 2016

"Figure 2 presents the distribution of employment by sex, as well as by urban and rural areas. The results shows that 358,270 of the employed population in Namibia were males, while 318,615 were females, a difference of 39,656 persons in favour of males, translating into a ratio of 1 employed female to 8 employed males."

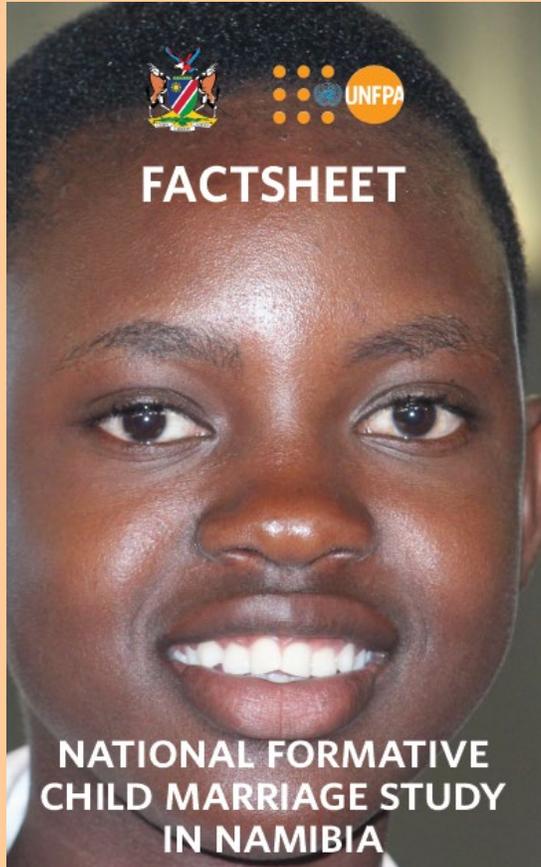


- \* Look at the chart. The light blue column does not look 8 times as tall as the yellow column.
- \* Look at the numbers. The difference does not seem so large.

$$\frac{318\ 615 \text{ employed females}}{358\ 270 \text{ employed males}} = \frac{100 \text{ employed females}}{112 \text{ employed males}}$$

This is a ratio of **1 employed female for every 1.12 employed males.**

# EXAMPLE: Beware of percentages



MGECW / UNICEF Study on Child Marriage 2020:  
Child marriage: “18.4% for women and 4.1% for men.”

Percentage  
of what?

- The source cited in the report is the *2013 Demographic and Health Survey*, which actually says the following: “**Fourteen percent of women age 25-49 are married by age 20...**”. It is important to consider the age of the respondent to understand the situation. Women who were age 49 at the time of the 2013 survey would have married in the early 1980s if they married before reaching age 18. **Girls could legally enter civil marriages at age 15 up until 1996, and customary marriage had no uniform minimum age until 2019.**
- The **2011 Census** found that, of girls who were **age 15-19 at the time of the census**, **6%** had either been married or cohabited.
- A **2019 MGECW/CDC** survey found, for females **age 18-24 at the time of the survey**: “The prevalence of child marriage was low: **2.2%** of females were married or cohabitated before age 18.”

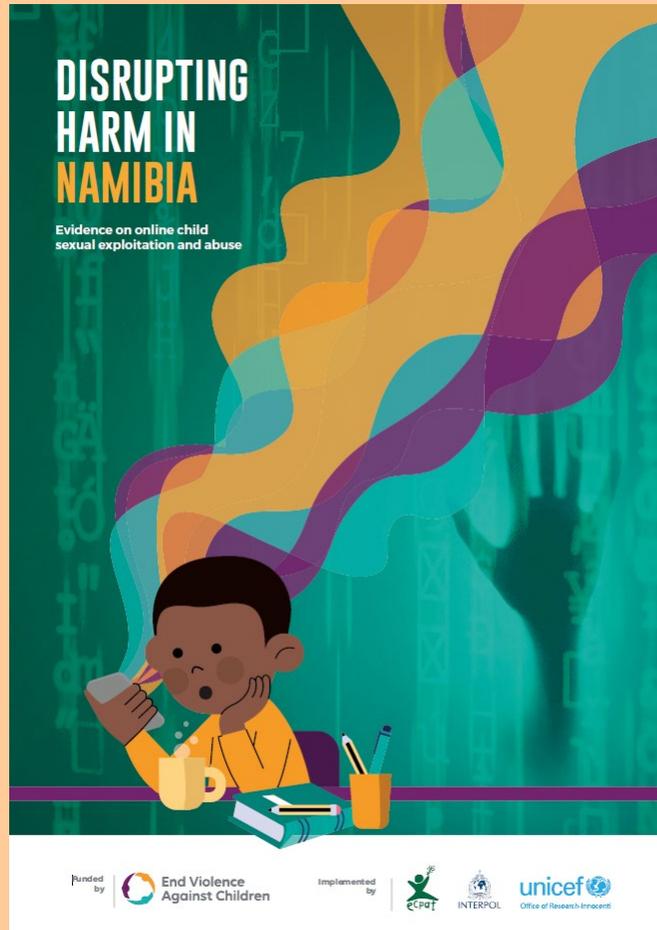
SOCIAL ISSUES

**NAMIBIA HOME TO 64 000 CHILD BRIDES**

Thousands married before age of 15

No researcher should ever cite a percentage  
without identifying the universe.

# EXAMPLE: Beware of extrapolation



In the past year alone, 9% of internet users aged 12–17 in Namibia were subjected to clear examples of online child sexual exploitation and abuse that included blackmailing children to engage in sexual activities, sharing their sexual images without permission, or coercing them to engage in sexual activities through promises of money or gifts. **Scaled to the national population, this represents an estimated 20,000 children subjected to online child sexual exploitation and abuse in a single year.**

Is this extrapolation valid?

- The survey involved a nationally-representative sample of 994 internet-using children; 9% of that sample = 89 children.
- Assuming that this figure holds true for the entire universe of internet-using children is a risky assumption without more data.
- A recent presentation on this report walked back the 20,000 estimate, but that figure has grabbed the headlines internationally.

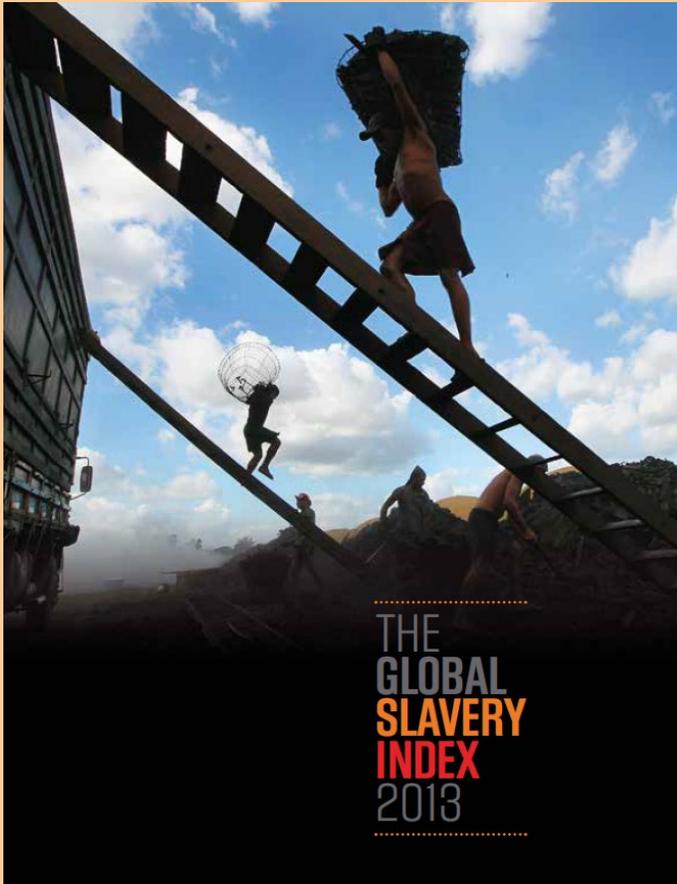
**20 000 Namibian children sexually exploited, abused online**

News - National | 2022-09-13

Page no: 1

## EXAMPLE: Weak data

### Are there really 16 000 slaves in Namibia?



**2013: Namibia was reported to have has the 46<sup>th</sup> highest prevalence of slavery of the 162 countries considered.**

**Global Index 2013:** “slavery” = possession and control of a person in a way that significantly deprives that person of individual liberty”, with the intent to exploit the person, using “means such as violence or threats of violence, deception and/or coercion”. Examples:

- \* debt bondage
- \* forced marriage
- \* sale or exploitation of children.
- \* human trafficking
- \* forced labour

The Index’s ranking is based on three factors:

- 1) estimated percentage of people living in modern slavery (95% of the ranking)
- 2) measure of child marriage
- 3) measure of human trafficking in and out of the country.

The report cited no specific sources for Namibia. Upon enquiry to the authors, we learned that they relied on data from **2002**, and that they estimated the prevalence of slavery in some countries by **extrapolating the results from random sample surveys in other countries**.

The authors themselves recognized the shortcomings of the data, stating that “the estimate of slavery prevalence is our weakest, most approximate, measure” – which makes one wonder why they produced rankings that were mostly (95%) based on this admittedly-weak data.

# EXAMPLE: How inaccurate information persists

**Unsafe abortions reach 7 000 mark**  
News - National | 2017-03-28



Would so many women confess to an illegal act?

by Theresa Tjihenua

HEALTH minister Bernard Haufiku has called for the revision of the law criminalising abortion in the country after an unprecedented 7 335 illegal cases were recorded at state facilities last year alone.

news article March 2017

2	HOSPITALS	Diagnosis - Main		
3	Organisation unit	Spontaneous abortion	Medical abortion	Proportions of Medical Abortions
				Grand Total

primary data source requested from Ministry of Health by LAC

## The numbers

The recently-cited statistics on abortion generated widespread alarm. But a closer look reveals that the numbers relate mostly to “spontaneous abortions” (7197 incidents). “Spontaneous abortion” is an internationally-used medical term which bears no relation to what laypersons understand as abortion but refers in fact to a miscarriage. It is possible that an attempted abortion could present at a hospital as a miscarriage in some cases, but it is probable that most of the miscarriages in question occurred naturally. In fact, it is estimated that half of all fertilised eggs fail to develop successfully – with miscarriages often taking place before the woman even knows that she is pregnant.

The recently-cited statistics include 138 “medical abortions”. These probably included some cases where the foetus was no longer living and needed to be expelled, or where the procedure was necessary to save the mother’s life. Again, these numbers could include some problems arising from attempted abortions in the mix, alongside other situations.

So the recent statistics provided by the Ministry of Health and Social Services do *not* in fact indicate that over 7000 women had illegal abortions.

news article by LAC April 2017

But the inaccurate figure is still all over the internet.

# LEGAL DATABASES IN NAMIBIA



# KEY LAC DATABASES

1

## NAMLEX INDEX TO THE LAWS OF NAMIBIA

LEGAL ASSISTANCE CENTRE  
31 July 2022 update

2

## NAMLEX APPENDIX INDEX OF INTERNATIONAL LAW APPLICABLE TO NAMIBIA

LEGAL ASSISTANCE CENTRE  
31 July 2022

3

# ANNOTATED LAWS



Republic of Namibia  
Annotated Statutes

### Stock Theft Act 12 of 1990

(GG 63)  
came into force on date of publication: 28 August 1990

as amended by

Stock Theft Amendment Act 4 of 1991 (GG 201)

came into force on date of publication: 14 May 1991

Stock Theft Amendment Act 19 of 1993 (GG 703)

brought into force on 1 October 1993 by GN 117/1993 (GG 725)

Stock Theft Amendment Act 19 of 2004 (GG 3351)

came into force on date of publication: 20 December 2004

General Law Amendment Act 14 of 2005 (GG 3565)

came into force in relevant part on date of publication: 28 December 2005

Portions of section 14 were struck out and read down as a result of *Daniel v Attorney-General & Others*; *Peter v Attorney-General & Others* 2011 (1) NR 336 (HC), confirmed on appeal in *Prosecutor-General v Daniel & Others* 2017 (3) NR 837 (SC).

# 1) NAMLEX: Index of Namibian law

- a list of the laws in force in Namibia, organised by topic
- brief descriptions of each law
- references to regulations, appointments, court cases and commentary
- hyperlinks to *Gazettes* cited

the “Wikipedia”  
of Namibian law

**NAMLEX**  
**INDEX TO THE LAWS OF NAMIBIA**  
**LEGAL ASSISTANCE CENTRE**  
**31 July 2022 update**

**INFORMATION CURRENT TO 31 July 2022**

© Legal Assistance Centre & Government of the Republic of Namibia  
1997, 1999, 2000, 2001, 2003, 2004, 2010,  
2015, 2017, 2018, 2019, 2020, 2021, 2022

PO Box 604  
Windhoek

4 Marien Ngouabi  
Windhoek

tel: (061) 223356  
fax: (061) 234953  
e-mail:  
info@lac.org.na

ISBN: 99916-740-6-3

# Why NAMLEX is important

Namibia's complex political history means that it has laws in force from "German South West Africa", "South West Africa", South Africa and independent Namibia. Also in force (and used in practice) are British admiralty laws from 1840 and 1861 and the Dutch *Political Ordinance of 1 April 1580* on inheritance.

The case of *S v Velskoen* 1991 NR 325 (HC) concerns a conviction under the *Dangerous Weapons Act 71 of 1968*. However, nothing in this Act made it applicable to SWA at any stage, and the authors of the index have not been able to locate any other legislation applying it to SWA or Namibia.



# I

Identity documents (see CIVIL REGISTRATION)

Illness (see HEALTH)

Immigration (see CITIZENSHIP AND IMMIGRATION)

## **IMPORT AND EXPORT**

## **INCOME TAX**

Industrial property (see INTELLECTUAL PROPERTY)

Industry (see TRADE AND INDUSTRY)

## **INHERITANCE**

## **INQUESTS**

Insanity (see MENTAL HEALTH AND MENTAL DISORDERS)

## **INSOLVENCY**

## **INSURANCE**

## **INTELLECTUAL PROPERTY**

Interest (see DEBTORS AND CREDITORS)

## **INTERNATIONAL ISSUES**

Internet (see MEDIA AND COMMUNICATION)

Interpretation of laws (see LAW)

Intestate succession (see INHERITANCE)



Laws are grouped by topic

There is also an alphabetical list.

This law is not in bold and is marked with an asterisk because it is not yet in force.

**Bank of Namibia Act 1 of 2020 (FINANCIAL INSTITUTIONS)**

**Banking Institutions Act 2 of 1998 (FINANCIAL INSTITUTIONS)**

*\*Basic Education Act 3 of 2020 (EDUCATION)*

**Bills of Exchange Act 22 of 2003 (NEGOTIABLE INSTRUMENTS)**

**Biosafety Act 7 of 2006 (ENVIRONMENT)**

*Births, Marriages and Deaths Registration Act 81 of 1963 (CIVIL REGISTRATION)*

*Black Authorities' Service Pensions Act 6 of 1971 (PENSIONS)*

*Black Reserves (South West Africa) Act 44 of 1945 ('BLACKS')*

*Blind Persons Act 26 of 1968 (SOCIAL WELFARE)*

**Bonemeal and Superphosphates Control Proclamation 37 of 1944 (AGRICULTURE)**

**Boxing and Wrestling Control Act 11 of 1980 (SPORTS)**

**Brewers & Distillers Licences Duty Proclamation 3 of 1924 (ALCOHOL, DRUGS AND TOBACCO)**

**Building Societies Act 2 of 1986 (FINANCIAL INSTITUTIONS)**

**Burial Place Ordinance 27 of 1966 (BIRTHS AND DEATHS)**

**Business and Intellectual Property Authority Act 8 of 2016 (BUSINESS)**

## Tobacco Products Control Act 1 of 2010



Links to Word and PDF versions

**Summary:** This Act ([GG 4458](#)) establishes a Tobacco Products Control Committee and a Tobacco Products Control Fund and provides measures to reduce supply and demand in respect of tobacco products, to prohibit the sale of tobacco to persons under 18 and to protect against exposure to tobacco smoke. It is designed to make Namibia compliant with the World Health Organisation Framework Convention on Tobacco Control. The Act was brought into force on 1 April 2014 by GN 34/2014 ([GG 5430](#)).

**Regulations:** Regulations were published in GN 35/2014 ([GG 5430](#)). Certain of these regulations had a delayed commencement, in terms of Regulation 17. Regulations 2, 3, 4, 10 and 12 came into force in the case of wholesalers of tobacco products, on a date 12 months from the date of commencement of the Act, and in the case of retailers of tobacco products, on a date 18 months from the date of commencement of the Act. Regulations 5, 6, 7, 8, 9 and 15 came into force on a date three months from the date of commencement of the Act.<sup>22</sup>

### **Related international agreement:**

*WHO Framework Convention on Tobacco Control ([WHO FCTC](#)), 2003.*

## Veterinary and Veterinary Para-Professions Act 1 of 2013

**Summary:** This Act ([GG 5139](#)) establishes the Namibian Veterinary Council and regulates the qualifications and registration of persons practising veterinary professions and para-professions. It repeals the Veterinary and Para-Veterinary Professions Proclamation 14 of 1984 ([OG 4915](#)). It was brought into force on 27 February 2014 by GN 16/2014 ([GG 5415](#)).

It should be noted that this law was first promulgated in GN 318/2012 as the Veterinary and Veterinary Para-Professions Act 16 of 2012 in [GG 5115](#). However, GN 318/2012 was withdrawn by GN 32/2013 ([GG 5143](#)) on 1 March 2013. The texts of the Act in the two Gazettes are identical aside from the Act number and year. The Act was initially published in error before being signed by the President; it states at the top “(Signed by the President on ?? December 2012)”. It was signed by the President on 1 February 2013 and then re-published as Act 1 of 2013.

**Regulations:** In terms of section 75(2), regulations, notice, rules, appointments and other acts done under the previous law remain valid unless inconsistent with the new Act or explicitly set aside or repealed. However, the regulations issued under the current Act have repealed all of the surviving regulations made under the previous law.

**Regulations relating to Veterinary and Veterinary Para-Professions** issued in terms of the current Act are contained in GN 17/2014 ([GG 5415](#)). These regulations are amended by GN 249/2015 ([GG 5865](#)), which substitutes Table 1. (This Table, which appears at the end of the regulations, relates to regulation 18(1), but it is not an “amendment” of “section 18(1)” of the regulations as the Government Notice erroneously states.) The regulations are also amended by GN 269/2016 ([GG 6171](#)), which substitutes Table 3. GN 54/2018 ([GG 6554](#)) again substitutes Table 3, GN 97/2020 ([GG 7163](#)) again substitutes Table 1, and GN 57/2022 ([GG 7751](#)) again substitutes Table 3.

Note that the list of previous amendments to the regulations in GN 57/2002 is incomplete.

GN 218/2017 ([GG 6384](#)) substitutes the enacting formula contained in GN 17/2014 so as to repeal the surviving regulations made under the previous Act with effect from 27 February 2014. (The previous regulations were contained in AG GN 76/1985 ([OG 5042](#)), as amended by GN 96/1997 ([GG 1557](#)), GN 133/2002 ([GG 2776](#)) and GN 57/2008 ([GG 4005](#)).

**Rules:** Rules relating to the practice of veterinary and veterinary para-professions are contained in GN 93/2016 ([GG 6005](#)).

**Appointments:** Appointments to the Namibian Veterinary Council are announced in GN 147/2014 ([GG 5559](#)), which also confirms the appointment of a Registrar, in General Notice 313/2017 ([GG 6384](#)) and in General Notice 510/2020 ([GG 7431](#)).

Summary &  
background information

Regulations  
Rules  
Appointments

## Arms and Ammunition Act 7 of 1996

**Summary:** This Act ([GG 1338](#)) regulates the possession, sale, manufacture, import and export of arms and ammunition. It was brought into force on 1 April 1998 by GN 66/1998 ([GG 1830](#)), replacing the *Arms and Ammunition Act 75 of 1969*.

**Amendments:** The Combating of Domestic Violence Act 4 of 2003 ([GG 3002](#)), which was brought into force on 17 November 2003 (GN 234/2003, [GG 3094](#)), amends Schedule 1. The General Law Amendment Act 14 of 2005 ([GG 3565](#)) amends section 1 of the Act.

**Regulations:** Section 45(2) contains a savings clause, stating that “anything done under a provision of a law repealed by subsection (1) which could have been done under a corresponding provision of this Act, shall be deemed to have been done under such corresponding provision of this Act”.

Regulations are made in terms of the current Act in GN 67/1998 ([GG 1830](#)). These regulations repeal the only pre-independence regulations that were in force at the time.<sup>1</sup>

**Notices:** Periodic notices about the surrender of arms, ammunition or armaments have been issued but are not recorded here.

**Cases:** The following cases concern the present Act –

*S v Likuwa* 1999 NR 151 (HC) (examining purpose of section 29(1)(a); striking the words “of not less than 10 years, but” from section 38(2)(a) of the Act on constitutional grounds)

\*\*\*

*S v Claasen & Others* 2020 (1) NR 266 (HC) (sections 2 and 33 applied).

**Commentary:**

Bernhard Tjatjara. “Guns Don’t Kill People, People Kill People: Observation in respect of the Arms and Ammunitions [sic] Act 7 of 1996”, *Namibia Law Journal*, Volume 8, Issue 1, 2016 (comparison of criteria for obtaining a firearm licence in Namibia and other SADC countries)

Bernhard Tjatjara & Dunia P Zongwe. “Taking the Gun into the Law’s Hands: Observations in respect of the Arms and Ammunitions Act 7 of 1996”, *UNAM Law Review*, Volume 3, Issue 1, 2016, available [here](#) (comparison of criteria for obtaining a firearm licence in Namibia and other SADC countries).

Here, case law is very important because one case struck down a provision in the law on constitutional grounds.

(2) Subject to the provisions of this section, any person convicted of an offence under this Act shall be liable -

(a) in the case of a contravention of section 29(1)(a), (b) or (c), to imprisonment for a period ~~of not less than 10 years, but~~ not exceeding 25 years;

[*S v Likuwa* 1999 NR 151 (HC) strikes out the words “of not less than 10 years, but” from paragraph (a) on constitutional grounds.]

Cases

Commentary

# Interesting facts from Namlex

## \*Namibia Film Commission Act 6 of 2000

**Summary:** This Act ([GG 2322](#)) establishes a Namibia Film Commission to encourage film production in Namibia, as well as a Film and Video Development Fund. It also regulates activities relating to film production, and provides for the encouragement and promotion of a film industry in Namibia. The Act will be brought into force on a date set by the minister responsible for information and broadcasting by notice in the *Government Gazette*.

**Amendments:** Act 11/2001([GG 2620](#)) amends sections 1 and 5.

LEGISLATURE v EXECUTIVE:  
Passed by Parliament in 2000, but still not in force 22 years later.

**Namibia Institute of Pathology Act 15 of 1999** brought into force 21 years after it was passed by Parliament.

## \*\**Livestock Improvement Act 25 of 1977*, as amended in South Africa to March 1978

**Summary:** This Act ([RSA GG 5462](#)) provides for the development and promotion of the livestock industry and regulates breeding. There is some question as to whether it is in force in Namibia.

**The 1993 judgment of *S v Lofty-Eaton & Others (1) 1993 NR 370 (HC)* (dated 1 November 1993) found that the Act had never been brought into operation in South West Africa or Namibia by proclamation, as section 38 of the Act requires.** This case also found that the organs and procedures mentioned in section 16 must be in place before the Act can be operational. **However, the Act was amended in independent Namibia in 1993, and the Ministry continues to issue subsidiary notices under the Act as if it were in force.**

EXECUTIVE v JUDICIARY:  
The High Court says this law does not apply, but the Ministry treats it as if it does.

## 2) NAMLEX APPENDIX: Index of international law

- detailed entries for all multilateral international treaties binding on Namibia (presented alphabetically in two sections: international and regional)
- summary of the treaty
- link to the most authoritative text of the treaty online
- date when the treaty became binding on Namibia
- information about amendments and protocols

### NAMLEX APPENDIX INDEX OF INTERNATIONAL LAW APPLICABLE TO NAMIBIA

LEGAL ASSISTANCE CENTRE  
31 July 2022

#### INFORMATION CURRENT TO 31 July 2022

Entries were compared for completeness with information made available by the Ministry of International Relations and Cooperation updated through 31 January 2022.

Information on whether treaties are in force internationally, and on new amendments to treaties applicable to Namibia, was confirmed during April-July 2022.

© Legal Assistance Centre and Government of the Republic of Namibia  
2017, 2020, 2021, 2022

Legal Assistance Centre  
PO Box 604  
Windhoek

4 Marien Ngouabi  
Windhoek

tel: (061) 223356  
fax: (061) 234953  
e-mail: [info@lac.org.na](mailto:info@lac.org.na)

ISBN: 99916-740-6-3

# Why NAMLEX APPENDIX is important



Namibia is one of the few countries in the world that makes international law automatically part of Namibia's domestic law. This makes it very important to know what international law applies and whether amendments to those laws are automatically applicable to Namibia.

## **NAMIBIAN CONSTITUTION**

### **Article 144 International Law**

Unless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law and international agreements binding upon Namibia under this Constitution shall form part of the law of Namibia.

**(g) International Labour Organization (ILO)**

*†Constitution of the International Labour Organization (ILO), 1919*

*\*Instrument of Amendment of the ILO Constitution, 1986*

*Instrument of Amendment of the ILO Constitution, 1997*

*ILO Convention 29 concerning Forced or Compulsory Labour, 1930*

*Protocol of 2014 to the Forced Labour Convention, 1930*

*ILO Convention 81 concerning Labour Inspection in Industry and Commerce, 1947*

*ILO Convention 87 concerning the Freedom of Association and Protection of the Right to Organise, 1948*

*ILO Convention 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, 1949*

*ILO Convention 100 concerning Equal Remuneration, 1951*

*ILO Convention 105 concerning the Abolition of Forced Labour, 1957*

*ILO Convention 111 concerning Discrimination in Respect of Employment and Occupation, 1958*

*ILO Convention 122 concerning Employment Policy, 1964*

*ILO Convention 138 concerning Minimum Age for Admission to Employment, 1973*

*ILO Convention 144 concerning Tripartite Consultations to Promote the Implementation of International Labour Standards, 1976*

*ILO Convention 150 concerning Labour Administration: Role, Functions and Organisation, 1978*

*ILO Convention 151 concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service, 1978*

*ILO Convention 158 concerning Termination of Employment at the Initiative of the Employer, 1982*

*ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999*

*ILO Convention 188 concerning Work in the Fishing Sector, 2007*

*ILO Convention 189 concerning Domestic Workers, 2011*

*ILO Convention 190 concerning Violence and Harassment, 2019*

**THREE LISTS**

(1) ALPHABETICAL LIST

(2) STATUS LIST

- currently binding on Namibia
- will be binding when it comes into force internationally
- signed but not yet ratified by Namibia

(3) TREATY GROUP LIST:

- grouped by administering body such as ILO or SADC



# SADC Protocol on Science, Technology and Innovation, 2008

**Summary:** The Protocol aims to foster cooperation and to promote development of science and technology in the region. It provides for cooperation on institutional mechanisms for science, technology, and innovation.

**Text:** A copy of the authoritative text of the Protocol is available [here](#).

## **Binding on Namibia:** 28 September 2016

- signature: 17 August 2008 (source: SADC)
- approval by National Assembly: 7 October 2009 (source: Hansard, 2009, Vol. 122, pp. 238-239)
- ratification: 8 December 2017 (source: SADC)
- entry into force internationally: 28 September 2016 (source: SADC)



Citation to Parliamentary  
debate on the treaty

**Depositary:** SADC Executive-Secretary

**Amendments:** Article 12 on amendments incorporates the procedure in Article 22 of the *Treaty of the Southern African Development Community (SADC), 1992* for the addition of protocols to that Treaty – which are binding only on parties that accept them, and come into force after acceptance by two-thirds of the parties to the underlying Treaty:

### ARTICLE 12 AMENDMENTS

1. Any Member State may propose an amendment to this Protocol.
2. In amending this Protocol, Member States shall follow the procedure provided for in Article 22 of the Treaty [*Treaty of the Southern African Development Community (SADC), 1992*].

No amendments have been made to the Protocol to date.

# 3) ANNOTATED LAWS: Statutes and regulations

- all statutes and post-Independence regulations in force in Namibia, as amended
- *current version of laws* available to view or download in Word or PDF
- pre-independence regulations in process



Republic of Namibia  
Annotated Statutes

---

## Stock Theft Act 12 of 1990

(GG 63)  
came into force on date of publication: 28 August 1990

as amended by

Stock Theft Amendment Act 4 of 1991 (GG 201)  
came into force on date of publication: 14 May 1991

Stock Theft Amendment Act 19 of 1993 (GG 703)  
brought into force on 1 October 1993 by GN 117/1993 (GG 725)

Stock Theft Amendment Act 19 of 2004 (GG 3351)  
came into force on date of publication: 20 December 2004

General Law Amendment Act 14 of 2005 (GG 3565)  
came into force in relevant part on date of publication: 28 December 2005

Portions of section 14 were struck out and read down as a result of *Daniel v Attorney-General & Others*; *Peter v Attorney-General & Others* 2011 (1) NR 336 (HC), confirmed on appeal in *Prosecutor-General v Daniel & Others* 2017 (3) NR 837 (SC).

---

## ACT

To consolidate and amend the laws relating to the theft of stock and produce.

(Signed by the President on 20 August 1990)

---

## ARRANGEMENT OF SECTIONS

1. Definitions
2. Failure to give satisfactory account of possession of stock or produce
3. Absence of reasonable cause for believing stock or produce properly acquired
4. Entering enclosed land or kraal, shed, stable, or other walled place with intent to steal stock or produce
5. Delivery of stock or produce between sunset and sunrise
6. Document of identification to be furnished by person who disposes of stock
7. Acquisition of stock or produce from persons whose places of residence are unknown
8. Stock or produce driven, conveyed or transported on or along public roads
9. Arrest and search without warrant

# SAMPLE STATUTE



Republic of Namibia  
Annotated Statutes

original statute



## Stock Theft Act 12 of 1990

(GG 63)

came into force on date of publication: 28 August 1990

as amended by

Stock Theft Amendment Act 4 of 1991 (GG 201)

came into force on date of publication: 14 May 1991

Stock Theft Amendment Act 19 of 1993 (GG 703)

brought into force on 1 October 1993 by GN 117/1993 (GG 725)

Stock Theft Amendment Act 19 of 2004 (GG 3351)

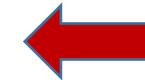
came into force on date of publication: 20 December 2004

General Law Amendment Act 14 of 2005 (GG 3565)

came into force in relevant part on date of publication: 28 December 2005

Portions of section 14 were struck out and read down as a result of *Daniel v Attorney-General & Others*; *Peter v Attorney-General & Others* 2011 (1) NR 336 (HC), confirmed on appeal in *Prosecutor-General v Daniel & Others* 2017 (3) NR 837 (SC).

amendments



changes resulting from  
court cases (if any)



## ACT

To consolidate and amend the laws relating to the theft of stock and produce.

*(Signed by the President on 20 August 1990)*

## Definitions

1. In this Act, unless the context otherwise indicates -

“Criminal Procedure Act” means the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

[definition of “Criminal Procedure Act” inserted by Act 19 of 2004]

“Inspector-General” means the Inspector-General of Police appointed under Article 32(4)(c)(bb) or Article 142 of the Namibian Constitution, as the case may be;

“Minister” means the Minister responsible for policing;

[definition of “Minister” amended by Act 19 of 1993 and Act 14 of 2005]

# Namibian Constitution

[\(GG 2\)](#)

The Namibian Constitution was published and came into force on the date of Independence: 21 March 1990 (Article 130).

as amended by

**Namibian Constitution First Amendment Act 34 of 1998** [\(GG 2014\)](#)

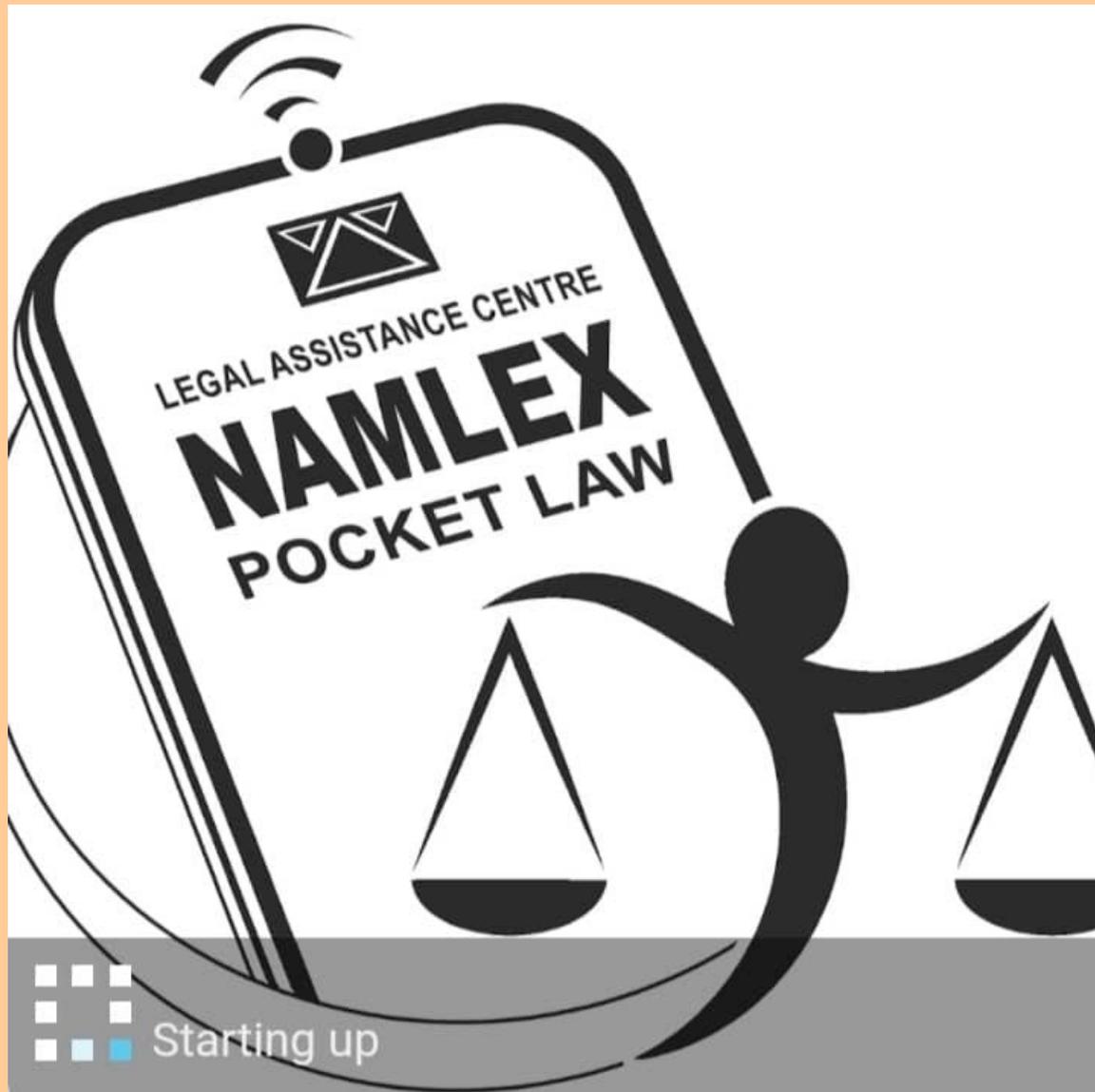
This amending Act came into force on its date of publication: 24 December 1998.

**Namibian Constitution Second Amendment Act 7 of 2010** [\(GG 4480\)](#)

This amending Act came into force on its date of publication: 7 May 2010,  
with some exceptions (section 17 of Act 7 of 2010)

**Namibian Constitution Third Amendment Act 8 of 2014** [\(GG 5589\)](#)

This amending Act came into force on its date of publication: 13 October 2014,  
with some exceptions (section 46 of Act 8 of 2014)



The Namlex Pocket Law app provides optimal viewing of these databases on your cell-phone or tablet. The material can be downloaded to remain available via the app even without internet. The app links to the LAC website when you are online.

Free on Google Play or Apple Store.

# ADDITIONAL RESOURCES ON THE LAC WEBSITE

## *Gazettes*

(official record of our laws)

- *Government Gazettes* of Namibia from independence to the present
- *Official Gazettes* of South West Africa from 1919 to 1990 (currently in progress)
- *Government Gazettes* of South Africa where these are still applicable to Namibia

*all in searchable format*

[www.lac.org.na/index.php/laws/gazettes/](http://www.lac.org.na/index.php/laws/gazettes/)



The screenshot shows the website header for the Legal Assistance Centre, featuring the logo and the tagline "fighting for human rights in Namibia since 1988". The navigation menu includes links for HOME, PROJECTS, LAWS, PUBLICATIONS, NEWS, ABOUT US, CONTACT, DONATIONS, BLOG, and VISUAL. The main content area is titled "Gazettes 2022" and includes a breadcrumb trail: HOME / LAWS / GAZETTES 2022. Below this, there is a list of years from 1915-1929 to 2022, with 2022 highlighted. A table of gazette numbers is displayed, ranging from 7718 to 7799.

								7718	7719
7720	7721	7722	7723	7724	7725	7726	7727	7728	7729
7730	7731	7732	7733	7734	7735	7736	7737	7738	7739
7740	7741	7742	7743	7744	7745	7746	7747	7748	7749
7750	7751	7752	7753	7754	7755	7756	7757	7758	7759
7760	7761	7762	7763	7764	7765	7766	7767	7768	7769
7770	7771	7772	7773	7774	7775	7776	7777	7778	7779
7780	7781	7782	7783	7784	7785	7786	7787	7788	7789
7790	7791	7792	7793	7794	7795	7796	7797	7798	7799

# *Hansards*

(official record of proceedings in Parliament)

- Advances transparency by allowing public to assess Parliament at work
- Parliament itself has no Hansards on its website
- Includes Constituent Assembly debates that led to the adoption of the Namibian Constitution

*all in searchable format*

[www.lac.org.na/index.php/laws/hansards/](http://www.lac.org.na/index.php/laws/hansards/)

4 December 1989

DR TJIRIANGE

The following are the fundamental issues contained in the constitution:

1. The total and uncompromising rejection of apartheid, and I repeat, the total and uncompromising rejection of apartheid and colonialism from which the Namibian people have suffered for so long and so deeply. This principle finds expression through this constitution, asserting and reasserting the recovery of lost dreams, and provision is made for rendering apartheid and the practice of racial discrimination a criminal offence, consistent with international proclamation which has declared apartheid to be a crime against humanity.

## LEARN ABOUT THE LAW: STATUTE SUMMARIES



Short and simple overviews of  
some of Namibia's key laws



Legal Assistance Centre



Hanns  
Seidel  
Foundation

### PART 1

#### CITIZENSHIP

- Namibian Citizenship Act
  - Namibian Citizenship Special Conferment Acts

#### CRIME, CORRUPTION AND POLICING

- Criminal Procedure Act
- Police Act
- Anti-Corruption Act
- Prevention of Organised Crime Act
- Financial Intelligence Act
- Prevention and Combating of Terrorist and Proliferation Activities Act
- Whistleblower Protection Act
- Witness Protection Act

#### PUBLIC PROTESTS

- Public Gatherings Proclamation
- Demonstrations in or near Court Buildings Prohibition Act
- Other statutes relating to public protests
  - Intimidation Proclamation
  - Powers, Privileges and Immunities of Parliament Act
  - Labour Act
  - Electoral Act

Part 2 will cover statutes on the  
three branches of government  
(in process).

# Namibian Court Cases

Namibia Superior Courts: <https://ejustice.jud.na/SitePages/Home.aspx>

The screenshot shows the homepage of the Namibia Superior Courts. At the top left is the national coat of arms. To its right is the text "NAMIBIA SUPERIOR COURTS". Further right is a search bar with the placeholder text "Search this site...". Below these are navigation links: "HOME | ABOUT US | ORGANISATIONAL STRUCTURE | SITEMAP | CONTACT US |". On the left side, there is a "Login" section with fields for "User Name" and "Password", a "SIGN IN" button, and links for "New User? Register Here" and "Forgot Password?". The main content area features a large photograph of a modern court building. At the bottom, there is a footer with five menu items: "SUPREME COURT", "HIGH COURT", "JUDICIARY", "EJUSTICE", and "QUICK LINKS". Each item has a "Know More" or "Select your service/category" link with a dropdown arrow.

This database is not yet complete for all years since independence.

# SUMMARY OF USEFUL WEBSITES

**Legal Assistance Centre** [www.lac.org.na](http://www.lac.org.na)

- **Statutes & regulations** in force in Namibia, regularly updated
- **NAMLEX** (Guide to laws in force)
- **NAMLEX APPENDIX** (Guide to international treaties binding on Namibia)
- **Educational materials** on many law-related topics

**Namibia Superior Courts** <https://ejustice.jud.na/SitePages/Home.aspx>

- free access to **recent High Court & Supreme Court cases**

**SAFLII** [www.saflii.org](http://www.saflii.org)

- free access to **recent South Africa court cases**

## **Parliament** [www.parliament.na](http://www.parliament.na)

- **Bills tabled in Parliament** (sometimes)
- **Members of Parliament & Parliamentary Committees**
- **Order papers & minutes** (you can subscribe to receive these by email)

## **Government of Namibia** [www.gov.na](http://www.gov.na)

- Portal to all **ministries and agencies** (websites often out of date)

## **CIVIC +264** [www.civic264.org.na](http://www.civic264.org.na)

- Information relating to **civil society**

**Produced with the support of the Hanns Seidel Foundation**

