The pre-independence laws, while still technically in force, are primarily of historical interest.

The Namibian Constitution is not legislation in the same way as the other laws listed here, but is rather the Supreme Law of independent Namibia.

NAMIBIAN CONSTITUTION.

Summary: The Namibian Constitution (GG 2) is the fundamental law of independent Namibia. All other laws are subject to it. It was adopted by elected representatives of the Namibian people after Namibia’s first democratic elections. It was published and came into force on the date of Independence: 21 March 1990 (Article 130 of the Namibian Constitution).

Amendments: Article 132 of the Namibian Constitution sets out the procedures for its amendment. It has been amended by the following –

- Namibian Constitution First Amendment Act 34 of 1998 (GG 2014)
- Namibian Constitution Second Amendment Act 7 of 2010 (GG 4480)
- Namibian Constitution Third Amendment Act 8 of 2014 (GG 5589).

Because of their importance, these amending Acts all have separate entries in this section.

Cases: Cases involving the Constitution are numerous and are not listed here. Where other legislation has been tested against the Constitution, those cases are listed under the entries for the statute in question. A few selected cases are cited at the end of this section.

Commentary: For commentary on constitutional issues, see the list at the end of this section.


Summary: This Act (GG 29) empowers the President to establish departments and other administrative divisions and to assign the administration of certain laws to the Prime Minister or to any Minister. It also provides for the temporary performance of the functions of the Prime Minister or a Minister by another Minister.


(See also GN 28/2002, GG 2704.)

Special Advisers and Regional Governors Appointment Act 6 of 1990.
Summary: This Act (GG 31) provides for the appointment of persons by the President as special advisers and regional governors. It also sets forth the powers, duties and functions of such appointees. (The Act was initially known as the Special Advisers and Regional Representatives Appointment Act 6 of 1990. It originally provided for the appointment of persons as regional representatives, but this portion of the Act was repealed in 1992. The name of the Act was changed by Act 15/2010 (GG 4617), which inserted a section on the appointment of regional governors.)

Amendments: Section 2 of the Act was repealed by the Regional Councils Act 22 of 1992 (GG 469), as of 30 November 1992.

Act 15/2010 (GG 4617) inserts a new section 2 to provide for regional governors, and substitutes section 3 (the short title).

Appointments: Regional representatives are appointed in Proc. 14/1990 (GG 75).

The appointment of Regional Governors is announced in Proc. 1/2011 (GG 4645), Proc. 18/2013 (GG 5188) and Proc. 8/2018 (GG 6527).

Regional governors were appointed in 2015, but these appointments were not gazetted. See “President announces governors”, The Namibian, 10 April 2015 (listing the names of each governor).

Note that GG 6527 was initially numbered incorrectly as GG 6528. A corrected version was subsequently issued.

The following Special Advisers have been appointed (in chronological order):

Special Adviser to the Minister of Health and Social Services – Proc. 8/1995 (GG 1071)
Special Adviser to the Minister of Health and Social Services: Inspection of Hospitals and Health Facilities – Proc. 8/1995 (GG 1071)
Special Advisers to the President on political and economic matters – Proc. 32/1997 (GG 1759)
Special Adviser (Commercial Law) to the Attorney-General – appointment renewed in Proc. 40/2004 (GG 3253)

The original appointment could not be located.

Special Adviser to the Minister of Labour and Social Welfare – Proc. 3/2005 (GG 3433)

Note that the original GG 3433 was replaced by another GG 3343 with the same date; the correct version states at the top: “This Gazette replaces Gazette No. 3433 of 18 May 2005.”

Special Adviser to the Minister of Veterans Affairs – Proc. 5/2007 (GG 3785)
Special Adviser (Commercial Lawyer) to the Minister of Justice – Proc. 13/2007 (GG 3900)
Special Adviser (labour matters) to the Minister of Labour and Social Welfare – Proc. 14/2008 (GG 4022)
Special Adviser to the Director-General of the National Planning Commission – Proc. 2/2009 (GG 4197)
Special Adviser to the President on Political Matters – Proc. 21/2009 (GG 4391)
Special Adviser to the Minister of Veterans’ Affairs – Proc. 21/2009 (GG 4391)
Special Adviser to the Minister of Health and Social Services – Proc. 9/2010 (GG 4468)
Special Adviser to the Prime Minister – Proc. 8/2011 (GG 4757)
Special Adviser to the Minister of Regional and Local Government, Housing and Rural Development – Proc. 8/2011 (GG 4757)
Special Adviser to the Minister of Youth, National Service, Sport and Culture – Proc. 8/2011 (GG 4757)
Special Advisers to the Governors of each of the 13 regions – Proc. 10/2011 (GG 4757)
Special Adviser to the Minister of Justice – Proc. 13/2012 (GG 4958)
Special Adviser to the Minister of Home Affairs and Immigration – Proc. 15/2012 (GG 4996)
Special Adviser to the Minister of Finance – Proc. 11/2013 (GG 5160)
Special Adviser to the Minister of Lands and Resettlement – Proc. 19/2013 (GG 5188)
Special Adviser to the Minister of Regional and Local Government, Housing and Rural Development – Proc. 19/2013 (GG 5264)
Special Advisor to the Regional Governor of the Kharas Region – Proc. 36/2015 (GG 5869)
Special Advisor on Social and Political Issues to the Regional Governor of the Hardap Region – Proc 36/2015 (GG 5869)
Special Advisor on Social and Political Issues to the Regional Governor of the Kunene Region – Proc 36/2015 (GG 5869)
Special Advisor on Social and Political Issues to the Regional Governor of the Kunene Region [a second such adviser] – Proc 36/2015 (GG 5869)
Special Advisor to the Regional Governor of the Khomas Region – Proc. 36/2015 (GG 5869)
Special Advisor to the Regional Governor of the Otjozondjupa Region – Proc. 36/2015 (GG 5869)
Special Advisor to the President: Policy Implementation and Monitoring – Proc. 36/2015 (GG 5869)
Special Advisor to the President: Press Secretary – Proc. 36/2015 (GG 5869)
Special Advisor to the President: Youth Affairs and Enterprise Development – Proc. 36/2015 (GG 5869)
Special Advisor to the President: Community Coordination and Liaison – Proc. 36/2015 (GG 5869)
Special Advisor to the President: Economic Affairs – Proc 36/2015 (GG 5869)
Special Advisor to the President: Private Sector Interface and Constitutional Affairs – Proc. 36/2015 (GG 5869)
Special Advisors to the Minister of International Relations and Cooperation and the Minister of Urban and Rural Development – Proc. 7/2017 (GG 6333)
Special Advisor to the Governor of the Ohangwena Region – Proc. 8/2017 (GG 6333)
Special Advisors to the Minister of Defence and the Prime Minister – Proc. 7/2018 (GG 6527)

Note that GG 6527 was initially numbered incorrectly as GG 6528. A corrected version was subsequently issued.

Special Advisors to the Governors of Hardap and ||Karas Regions – Proc. 17/2018 (GG 6767)
Special Advisor: Health and Social Services in the Office of the Vice President – Proc. 2/2019 (GG 6824)
NOTE: Section 1 of the Act authorises the appointment by the President of Special Advisers “to the President, the Cabinet or any Minister designated by the President”, stating that this may be done “from time to time by proclamation in the Gazette”.

However, not all of the appointments of Special Advisers seem to have been gazetted. For example, a tender advertisement in GG 1519 refers to equipment for a Special Adviser to the Minister of Justice, although no such appointment had been gazetted by that date. Proc. 14/2000 in GG 2434 refer respectively to a Special Adviser to the Ministry of Justice and a Special Adviser to the Attorney-General (in connection with pension fund coverage), but these appointments were not previously gazetted. The same is true with respect to the Special Advisers referred to in Proc. 17/2001 in GG 2607 and Proc. 33 of 2004 in GG 3198 (in connection with pension fund coverage). As another example, GG 4725 refers to the appointment of a Special Adviser on Social and Political Issues for the Erongo Region (in discussing a vacancy), which is not gazetted (although this position may fall outside the parameters of the Act altogether).

The apparent failure to announce all appointments under the Act in the Gazette as section 1 requires also appears to raise a Constitutional issue. Article 32(3)(i) of the Namibian Constitution discusses the President’s powers of appointment, including some specific offices as well as covering the appointment of “any other person or persons who are required by any other provision of this Constitution or any other law to be appointed by the President”. Article 32(8) states that all such appointments “shall be announced by the President by Proclamation in the Gazette”.


Ombudsman Act 7 of 1990.

Summary: This Act (GG 32) defines the powers, duties and functions of the Ombudsman in accordance with Chapter 10 of the Constitution.


Regulations: The Act makes no provision for regulations.

Notes: Regulations relating to Conditions of Service of Judges are contained in Proc. 28/2015 (GG 5834). Regulations 5(7)(d), 5(8)(d), 10 and 13 are applied with the necessary changes to the Ombudsman with effect from 23 September 2015 by Proc. 45/2019 (GG 7049).

Commentary:


### Walvis Bay and Off-Shore Islands Act 1 of 1994.

**Summary:** This Act (GG 805) gives effect to Article 1(4) of the Constitution by providing for the transfer of control over Walvis Bay and the off-shore islands from South Africa to Namibia. It was brought into force on 1 March 1994 by Proc. 6/1994 (GG 806).


**Regulations:** The Act makes no provision for regulations.

**Cases:** *Gauiseb v Minister of Home Affairs* 1996 NR 90 (HC); *Municipality of Walvis Bay v Du Preez* 1999 NR 106 (LC) (section 13; Part III, sections 1(6) and 5(c)). The Act is also discussed in *dicta* in *Thloro v Minister of Home Affairs* 2008 (1) NR 97 (HC) beginning at 112E.


**Summary:** This Act (GG 1382) provides for the right of freedom of speech and debate as well as other powers, privileges and immunities for Parliamentarians. It also establishes a Committee of Privileges to investigate the conduct of Parliamentarians.

**Regulations:** The Act makes no provision for regulations.

**Commentary:**


**Summary:** This Act (GG 2014) amends Article 134 of the Namibian Constitution to provide that the first President of Namibia may hold office for three terms. It came into force on its date of publication: 24 December 1998.


**Summary:** This Act (GG 2139) is necessary because section 38(5) of the South-West Africa Constitution Act 39 of 1968 (which was repealed by Article 147 of the Namibian Constitution) provided that laws applied to South West Africa after 1 November 1951 would apply in the Eastern Caprivi Zipfel only if this was expressly stated. In light of this historical exclusion, this Act gives Ministers the power to make the laws which they administer applicable to the Eastern Caprivi Zipfel by notice in the Gazette.


**Summary:** This Act (GG 2676) relates to the Security Commission established by Article 114 of the Namibian Constitution. In terms of the Constitution, the Security Commission has the function of making recommendations to the President on the appointment of the Chief of the Defence Force, the Inspector-General of Police and the Commissioner of Prisons (now the Commissioner General of Correctional Services). The Act gives the Commission additional powers relating to internal security. The Act was brought into force on 2 May 2002 by GN 65/2002 (GG 2734).

**Regulations:** The Act makes no provision for regulations.

**Appointments:** Members of the Security Commission were appointed in terms of the Constitution by Proc. 18/1992 and Proc. 20/2010 (GG 4595).

**Cases:** Government of the Republic of Namibia v Sikunda 2002 NR 203 (SC) (Composition of the Security Commission pursuant to Article 114 of the Constitution; Security Commission as subject to Articles 18 and 12 of the Constitution).

**Related laws:** The Security Commission is given certain responsibilities under the Prevention and Combating of Terrorist and Proliferation Activities Act 4 of 2014.


**Summary:** This Act (GG 3426) establishes a Commission to make recommendations to the President on the remuneration, benefits and conditions of office of Members of Parliament, members of Regional Councils and other persons whom the President declares to be public office-bearers by Proclamation. It was brought into force on 3 August 2005 by Proc. 9/2005 (GG 3473).
Regulations: Regulations by the President are authorised by section 11 of the Act, but none have yet been promulgated.

Notices: Section 8 of the Act authorises proclamations by the President determining remuneration and benefits, and section 1 authorises proclamations by the President declaring any person to be a public office-bearer. The Proclamations listed below were issued pursuant to these provisions.

Persons who hold certain offices are declared to be officer-bearers for the purposes of this Act in Proc. 6/2008 (GG 3983), and in Proc. 29/2015 and Proc. 30/2015 (both in GG 5838). Certain such declarations are withdrawn by Proc. 16/2013 (GG 5188).

Percentage increases in the remuneration of certain office-bearers are specified in terms of section 8 in Proc. 1/2009 (GG 4192), Proc. 6/2010 (GG 4440), Proc. 5/2013 (GG 5134), Proc. 19/2014 (GG 5554) – which also re-aligns the salaries of various office-bearers with specified GRN Levels and Paterson Grades – and Proc. 2/2016 (GG 5997). (No underlying statements of remuneration or housing benefits were located.)

Percentage increases in housing benefits are specified in terms of section 8 in Proc. 22/2013 (GG 5241). (No underlying statements of remuneration or housing benefits were located.)

The remuneration of the Vice-President is determined pursuant to section 8 in Proc. 32/2015 (GG 5838), set at 10 per cent above the remuneration payable to the Prime Minister. (No underlying statements of remuneration or housing benefits were located.)

The remuneration and benefits of certain public office-bearers are set out pursuant to section 8 in Proc. 4/2017 (GG 6259), which also sets the remuneration of the President and the Vice-President and the pension of the first former President and former President pursuant to Article 32(8) of the Namibian Constitution.

Namibian Constitution Second Amendment Act 7 of 2010.

Summary: This Act (GG 4480) does the following-

- amends Article 4 of the Namibian Constitution to extend the residency requirements for citizenship by marriage and naturalisation;
- amends or substitutes Articles 9, 23, 32, 47, 91, 93, 114 and Chapter 15 to alter the term “prison service” to “correctional service” and the term “Commissioner of Prisons” to “Commissioner General of Correctional Service”;
- amends Article 70 to change the term of office of members of the National Council from 6 years to 5 years;
- amends Article 82 to remove the possibility of extending the retirement age of judges by Act of Parliament and to provide that judges who are non-Namibian citizens must be appointed under a fixed-term contract of employment;
- amends Article 91 to remove corruption from the remit of the Ombudsman;
- inserts Article 94A on Anti-Corruption Measures, which makes the Anti-Corruption Commission a Constitutional body;
- substitutes Article 107 on the remuneration of members of Regional Councils;
- amends Article 109 on the terms of office of Management Committees of Regional Councils;
- amends Article 23 and substitutes Chapter 15 to place provisions on the defence force ahead of those on the police force.
This amending Act came into force on the date of its publication: 7 May 2010, with the exception of the amendments to Articles 70 and 109 (concerning terms of office) which came into effect at the end of the term of office of the members of the National Council in office at the time of its passage.

Conferment of National Honours Act 11 of 2012.

Summary: This Act (GG 5071) establishes a National Honours Advisory Committee to advise the President in exercising his or her discretion to confer honours on Namibian citizens, residents or friends, during the recipient’s lifetime or posthumously, as contemplated in Article 32(3)(h) of the Constitution. It also covers the revocation of honours, but provides that the honour of a State Funeral or interment at National Heroes Acre may not be revoked after the event in question has taken place. The Act was brought into force on 15 July 2013 by GN 181/2013 (GG 5241).

Regulations: Conferment of National Honours Regulations are contained in GN 336/2013 (GG 5375).

Conferment of National Honours: Proclamations conferring national honours are issued in terms of the Constitution. These are listed below, in this section.


Summary: This Act (GG 5178) provides for the membership, powers, functions and personnel of the National Planning Commission referred to in Article 129(1) of the Constitution. It repeals the National Planning Commission Act 15 of 1994 (GG 929), and provides that all references to the 1994 Act in any law must be construed as a reference to this Act.

Regulations and notices: Anything done under the previous law which could have been done under this Act survives. However, no regulations appear to have been issued under the previous statute.

Appointments: Appointments done under the previous law which could have been done under this Act survive. Appointments under this Act are announced in Proc. 14/2017 (GG 6374).

Namibian Constitution Third Amendment Act 8 of 2014.

Summary: This Act (GG 5589) does the following:
- creates the post of Vice-President, provides for the Presidency and provides a hierarchy of succession;
- provides a procedure for run-offs for the post of President;
- creates a Parliamentary Service Commission and provides that Parliamentary staff need not be members of the public service;
- increases the size of the National Assembly, in respect of both members selected through the party list system and Presidential appointees;
- amends the quorum requirements for the National Assembly;
- increases the size of the National Council and provides for a Secretary of the National Council;
• alters the review powers of the National Council in relation to bills on taxes and appropriations;
• amends the quorum requirements for the National Council;
• makes the Judiciary an independent organ of the state in terms of both finance and administration;
• provides for a Deputy-Chief Justice and Deputy Judges-President;
• provides for the Magistrates Commission and other lower court commissions;
• provides for a tribunal to investigate misconduct of judicial officers, a tribunal to investigate misconduct of the Prosecutor-General and a tribunal to investigate misconduct of the Ombudsman;
• changes the composition of the Judicial Service Commission;
• changes the title of the Director and Deputy Director of the Anti-Corruption Commission to Director-General and Deputy Director-General respectively;
• inserts an Article on the Electoral Commission of Namibia and an Article creating the Boundaries Delimitation and Demarcation Commission to substitute for the Delimitation Commission;
• provides for Regional Governors and their powers and functions;
• clarifies the advisory functions of the Public Service Commission;
• establishes the Intelligence Service, provides for the Head of the Intelligence Service and outlines his or her functions, provides for the Presidential appointment of this Head and makes this Head a member of the Security Commission;
• introduces terminology referring to the Minister responsible for finance;
• provides for multiple Deputy-Governors of the Central Bank and amend the functions of the Central Bank;
• provides for the National Planning Commission within the Presidency
• substitutes Schedule 2;
• amends Schedule 4 to provide for the resolution of ties by lot.

The Act came into force on the date of its publication: 13 October 2014, with the following exceptions:
• Sections 1, 2(a), (b) and (d), 4(a) and (b), 5, 6, 7, 8, 9, 41 and 43 came into force after the expiry of the term of office of the President in office at the time the Act was passed;
• Sections 4(d), 10, 12 and 44 came into force after the expiry of the term of office of the members of the National Assembly in office at the time the Act was passed;
• Sections 14 and 18 came into force after the expiry of the term of office of the members of the National Council in office at the time the Act was passed.


Summary: This Act (GG 6807) determines the national coat of arms, national anthem, national seal and presidential standard for the Republic of Namibia pursuant to the Namibian Constitution. It also sets forth rules for the use and display of the various national symbols. It repeals the National Coat of Arms of the Republic of Namibia Act 1 of 1990 and the National Anthem of the Republic of Namibia Act 20 of 1991.

Regulations: Regulations are authorised by section 7, but none have yet been promulgated.

Notices: Logos are approved in terms of section 6(5) of the Act as follows:
CONSTITUTIONAL APPOINTMENTS AND ACTIONS
(in chronological order)= President of the Republic of Namibia, Proc. 2/1990 (GG 8)
First Chief of the Defence Force, Proc. 7/1990 (GG 45)
First Inspector-General of Police and First Commissioner of Prisons, Proc. 8/1990 (GG 46)
Acting Ombudsman, Proc. 10/1990 (GG 52)
Prosecutor-General, Proc. 31/1991 (GG 304)
Ombudsman, Proc. 16/1992 (GG 415)
Deputy Ombudsman, Proc. 7/1993 (GG 582) and Proc. 8/1993 (GG 597)
Minister, Proc. 4/1994 (GG 791)
Deputy Ministers, Proc. 22/1994 (GG 913)
Various officials, Proc. 8/1995 (GG 1071)
Delimitation Commission, Proc. 9/1995 (GG 1089)
Ombudsman, Proc. 7/1996 (GG 1468)
Commissioner of Prisons, Proc. 34/1997 (GG 1765)
Inspector-General of Police, Proc. 35/1997 (GG 1765)
Director-General of Namibia Central Intelligence Service, Proc. 14/1999 (GG 2062)
Ministers and Deputy Ministers, Proc. 18/1999 (GG 2088)
Deputy-Minister of Information and Broadcasting, Proc. 31/1999 (GG 2213)
Ministers, Deputy Ministers and Members of Parliament, Proc. 8/2000 (GG 2366)
Minister of Lands, Resettlement and Rehabilitation, and Attorney-General, Proc. 5/2001 (GG 2501)
Delimitation Commission, Proc. 6/2002 (GG 2855)
Acting Prosecutor-General, Proc. 8/2002 (GG 2869)
Extension of Term of Acting Prosecutor-General, Proc. 20/2003 (GG 3023)
Ministers and Deputy Ministers, Proc. 28/2003 (GG 3060)
Acting Ombudsman, Proc. 29/2003 (GG 3071)
Extension of term of Acting Prosecutor-General, Proc. 31/2003 (GG 3101)
Prosecutor-General, Proc. 32/2003 (GG 3101)
Establishment of Ministries and Appointment of Ministers and Deputy Ministers and other officials, Proc. 4/2005 (GG 3436)
Minister and Deputy Ministers, Proc. 6/2005 (GG 3436)
Inspector-General of Police, Proc. 7/2005 (GG 3450)
Deputy-Minister of Works, Proc. 20/2005 (GG 3562)
Dissolution and establishment of Ministries and Appointment of Ministers and Deputy Ministers, Proc. 17/2008 (GG 4039)
Transfer of National Forensic Institute of Namibia from Ministry of Home Affairs and Immigration to Ministry of Safety and Security, Proc. 18/2008 (GG 4047)
Attorney-General in Interim, Proc. 3/2009 (GG 4202)
Prime Minister, Deputy Prime Minister, Ministers and Deputy Ministers, Proc. 8/2010 (GG 4468)
Deputy Ministers, Proc. 5/2011 (GG 4669)
Chief of Defence Force, Proc. 16/2012 (GG 4996)
Delimitation Commission, Proc. 1/2013 (GG 5119)
Prime Minister, Ministers and Deputy Ministers, Proc. 3/2013 (GG 5126)
Minister and Deputy Minister, Proc. 7/2013 (GG 5143)
Chief of Defence Force, Proc. 1/2014 (GG 5387)
Commissioner-General of Correctional Service, Proc. 4/2014 (GG 5407)

Establishment of Ministries and Appointment of Ministers, Deputy-Ministers and other Office Bearers, Proc. 34/2015 (GG 5869)

Note that there are two Proclamations numbered as Proclamation 34 of 2015, in GG 5853 and GG 5869.

Establishment and Dissolution of Ministries, Appointment of Ministers, Deputy-Ministers and Other Office Bearers, Proc. 18/2017 (GG 6387) (which withdraws Proc. 34/2015)

Vice-President, Ministers, Deputy Ministers, Attorney-General, Director-General of the National Planning Commission, Proc. 13/2018 (GG 6645)

Member of National Assembly and Minister of Health and Social Services, Proc. 1/2019 (GG 6824).

Establishment of Ministries and Appointment of Ministers, Deputy-Ministers and Other Office Bearers, Proc. 34/2015

Note that there are two Proclamations numbered as Proclamation 34 of 2015, in GG 5853 and GG 5869.

Establishment and Dissolution of Ministries, Appointment of Ministers, Deputy-Ministers and Other Office Bearers, Proc. 18/2017 (GG 6387) (which withdraws Proc. 34/2015)

Vice-President, Ministers, Deputy Ministers, Attorney-General, Director-General of the National Planning Commission, Proc. 13/2018 (GG 6645)

Member of National Assembly and Minister of Health and Social Services, Proc. 1/2019 (GG 6824).

Appointments of judges and acting judges, and extensions of the retirement ages of judges, are listed under JUDGES. Appointments of members of the Judicial Service Commission are listed under the Judicial Service Commission Act 18 of 1995 (JUDGES). See also appointments made in terms of the Special Advisors and Regional Governors Appointment Act 6 of 1990 (CONSTITUTION), Electoral Act 5 of 2014 (ELECTIONS) and Bank of Namibia Act 15 of 1997 (FINANCIAL INSTITUTIONS).

SELECTED CASES

Cases on constitutional challenges to legislation:
Lameck & Another v President of the Republic of Namibia & Others 2012 (1) NR 255 (HC) at para 58 (importance of identifying impugned provisions precisely and substantiating attack on them), reiterated in Shalli v Attorney-General & Another 2013 (3) 613 (HC) at para 6

S v Paulo & Another (Attorney-General as amicus curiae) 2013 (2) NR 366 (SC) at paras 14-18 (undesirable to raise attack on Constitutional validity of legislation for first time on appeal).

Cases on constitutional appointments:
Ex Parte Attorney-General: In re The Constitutional Relationship between the Attorney-General and the Prosecutor-General 1998 NR 282 (SC)

Ekandjo-Imalwa v The Law Society of Namibia & Another; The Law Society of Namibia & Another v The Attorney-General of the Republic of Namibia & Others 2003 NR 123 (HC)

S v Zembukura (2) 2003 NR 200 (HC)

Lameck & Another v President of the Republic of Namibia & Others 2012 (1) NR 255 (HC).

Cases on separation of powers in statutory regimes:
Mostert v The Minister of Justice 2002 NR 76 (HC); 2003 NR 11 (SC)

Alexander v Minister of Justice & Others 2009 (2) NR 712 (HC) (appealed on other grounds in 2010 (1) NR 328 (SC))

Minister of Justice v Magistrates’ Commission & Another 2012 (2) NR 743 (SC).

Cases on transitional provisions in article 140:
These cases are particularly relevant to the interpretation of statutes inherited from South Africa or the South West African Administration.
S v Tcoeib 1999 NR 24 (SC)

Müller & Another v President of the Republic of Namibia & Another 1999 NR 190 (SC)

Minister of Health and Social Services & Others v Medical Association of Namibia Ltd & Another 2012 (2) NR 566 (SC).
HONOURS SYSTEM
Proclamation 2 of 1995 (GG 1048) establishes an honours system for Namibia consisting of order and medals, in terms of Article 32(3)(h) of the Namibian Constitution.

CONFERMENT OF NATIONAL HERO STATUS
(in terms of Article 32 of the Namibian Constitution)
The late David Moses Meroro, Proc. 5/2004 (GG 3138)
The late Maxton Joseph Mutongolume, Proc. 32/2004 (GG 3191)
The late Reverend Markus Kooper, Proc. 19/2005 (GG 3562)
The late Dr Mosé Tenaani Tjitendero, Proc. 5/2006 (GG 3628)
The late Mr Richard Kapelwa Kabajani, Proc. 10/2007 (GG 3846)
The late Honourable John Alphons Pandeni, Minister of Regional and Local Government, Housing and Rural Development, Proc. 13/2008 (GG 4019)
The late Mr Nikolaus Onverwag “Niko” Bessinger, Proc. 15/2008 (GG 4023)
The late Honourable Rev Dr Hendrik Witbooi, Pastor and Presiding Elder of the African Methodist Episcopal Church, Captain of the /Khwese Community and First Deputy Prime Minister of the Republic of Namibia, Proc. 15/2009 (GG 4363).
The late Mr Peter Tsheehama, Proc. 18/2010 (GG 4578)
The late Mr John Otto Nankudhu, Proc. 7/2011 (GG 4746)
The late Reverend Bartholomeus Karuaera, Proc. 31/2013 (GG 5307)
The late Comrade Frederick Mwala Matongo, Proc. 34/2013 (GG 5335)
The late Comrade Eneas Peter Nanyemba “Ndilimani”, Proc. 16/2014 (GG 5545)
The late Comrade Putuse Leonora Deywili-Appolus “Meekulu”, Proc. 16/2014 (GG 5545)
The late Comrade Linekela Hailundu Kalenga, Proc. 16/2014 (GG 5545)
The late Comrade Walde Homateni Timoteus Kalwenja, Proc. 16/2014 (GG 5545)
The late Comrade Isak Ndeshitiwa Shikongo “Pondo”, Proc. 16/2014 (GG 5545)
The late Comrade Natalia Ndahambelela Shikangala Mavulu, Proc. 16/2014 (GG 5545)
The late Comrade Augustus Hafeni Sakaria Nghaamwa “McNamara”, Proc. 16/2014 (GG 5545)
The late Comrade Lameck Ithete “Kagwaanduka”, Proc. 17/2014 (GG 5548)
The late Comrade Simon Hafeni “Mzee” Kaukungwa, Proc. 27/2014 (GG 5567)
The late Comrade Simeon Linekela “Kambo” Shixungileni, Proc. 34/2014 (GG 5590)
The late Gerson Hitjevi Veii, Proc. 2/2015 (GG 5674)
The late Hidipo Livius Hamutunya, Proc. 8/2016 (GG 6147)
The late Andimba Toivo ya Toivo, Proc. 11/2017 (GG 6338)
The late Dr. Theo-Ben Gurirab, Proc. 14/2018 (GG 6654)
The late Petrus “Ekanda” Nangolo Iilonga, Proc. 19/2018 (GG 6797)
The late Dr. Nickey Iyambo, Proc. 15/2019 (GG 6918).

CONFERMENT OF OTHER HONOURS
(in terms of Article 32 of the Namibian Constitution)
The late Honourable Chief MunyukuNguvauva II, Paramount Chief of the Mbanderu community and Deputy Chairperson of the Council of Traditional Leaders, Proc. 10/2008 (GG 4005)
The late Meekulu Mpingana-Helvi Kondombolo, Proc. 40/2008 (GG 4177)
The late Dr Abraham Iyambo, Proc. 4/2013 (GG 5129)
The late Comrade Nelson Rolihlahla Mandela, former President of the Republic of South Africa, Proc. 35/2013 (GG 5361)
The late Honourable Chief Kuaima Riruako, Proc. 11/2014 (GG 5492)
The late Comrade Aaron Mushimba, Proc. 26/2014 (GG 5567)
The late Fidel Alejandro Castro Ruz, Proc. 11/2016 (GG 6189)
The late Reverend Junias Vaino Kaapanda, Proc. 12/2016 (GG 6205)
The late Honourable Nangolo Leonard Mukwilongo, Proc. 6/2017 (GG 6323)
The late retired Brigadier-General Erasmus Kayambu Amupolo, Proc. 15/2017 (GG 6382)
The late Angelika Kazetjindire Muharukua, Proc. 24/2017 (GG 6446)
The late Rosalia Annette Ndilinasho Nghidinwa, Proc. 2/2018 (GG 6516)
The late Isak Ashinkono “Nangata” Shoome, Proc. 3/2018 (GG 6516)
The late Nora Schimming-Chase, Proc. 9/2018 (GG 6547)
The late Comrade Auguste Mukwaielo “Immanuel”, Proc. 11/2018 (GG 6520)
The late Reverend Hosea Nampala, Proc. 16/2018 (GG 6722)
The late Colonel (Rtd) Matias “Mbulunganga” Ndakolo, Proc. 18/2018 (GG 6792)
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HISTORICAL NOTE

There have been three declarations of a state of emergency under Article 26(1) of the Constitution.

1) The Declaration of State of Emergency: Caprivi, Proclamation 23 of 1999 (GG 2156) declared a state of emergency in the Caprivi Region effective as of 2 August 1999, and Emergency Regulations were promulgated in Proc. 24/1999 (GG 2157). An Advisory Board as referred to in Article 26(5)(c) of the Constitution was appointed with respect to the state of emergency by Proc. 25/1999 (GG 2159). The declaration and the regulations were both revoked on 26 August 1999 by Proc. 27/1999 (GG 2176). Lists of persons detained under the Emergency Regulations were published in GN 172/1999 (GG 2167) and GN 173/1999 (GG 2172). It is relevant to note that the Katima Mulilo police cells (in the Caprivi Region) were declared to be a prison by GN 160/1999 (GG 2163). The case of Mazila v Minister of Home Affairs 2000 NR 224 (HC) discussed the applicability of the Emergency Regulations to areas outside the Caprivi Region.

2) The Declaration of State of Emergency: National Disaster (Drought) Proclamation 5 of 2016 (GG 6056) declared a state of emergency in all regions of Namibia on account of the persisting national disaster of drought. This became effective on the date of publication of the Proclamation, 28 June 2016.

3) The Declaration of State of Emergency: National Disaster (Drought) Proclamation 14/2019 (GG 6900) declared a state of emergency in all regions of Namibia with effect from 6 May 2019 on account of the persisting national disaster of drought.

See also CORRECTIONAL FACILITIES.

See also Anti-Corruption Act 8 of 2003 (CRIMINAL LAW AND PROCEDURE).

See also Bank of Namibia Act 15 of 1997 (FINANCIAL INSTITUTIONS).

See also Council of Traditional Leaders Act 13 of 1997 (CUSTOMARY LAW).

See also Namibia Central Intelligence Service Act 10 of 1997 (DEFENCE).

See also JUDGES.


See also Members of Parliament and other Office-bearers Pension Fund Act 20 of 1999 (PENSIONS).

See also POLICE.

See also PRESIDENT.
See also PUBLIC SERVICE.
See in particular Public Service Commission Act 2 of 1990 (PUBLIC SERVICE).

See also REGIONAL AND LOCAL GOVERNMENT.