

REPUBLIC OF NAMIBIA



INTRODUCTORY REMARKS BY HONOURABLE SANKWASA JAMES SANKWASA MINISTER OF URBAN AND RURAL DEVELOPMENT ON THE OCCASION OF THE OFFICIAL OPENING OF THE 26TH ANNUAL MEETING OF THE COUNCIL OF TRADITIONAL LEADERS

08 SEPTEMBER 2025

**EKAMUTI GUESTHOUSE
ONDANGWA- OSHANA REGION**

- **Director of Ceremonies, Dr. Wilhelmina Shivute – Executive Director in the Ministry of Urban and Rural Development;**
- **Your Excellency the President of the Republic of Namibia Netumbo Ndemupelila Nandi-Ndaitwah**
- **Esteemed Gaob Immanuel #Nu-Axa /Gâseb, Chairperson of the Council of Traditional Leaders;**
- **Esteemed Omukwaniilwa Fillemon Shuumbwa Nangolo, Vice Chairperson of the Council of Traditional Leaders;**
- **Dr and Professor Joseph Diescho and Dr Simasiku Bornface Mutumba, Special Advisor to the Minister of Urban and Rural DevelopmentDevelopment**
- **Distinguished Traditional Leaders;**
- **Hon. Ministers and Deputy Ministers in attendance;**

- **Hon. Hofni Alugodhi Iipinga, Governor of Oshana Region and other Governors present;**
- **Hon. Andreas Uutoni, Chairperson of Oshana Regional Council and other Hon. Chairpersons of Regional Councils present;**
- **Your Worship, Councilor Paavo Amwele, Mayor of Ondangwa, and any other Mayors and Chairpersons of Local Authorities in attendance;**
- **Hon. Regional and Local Authority Councilors in attendance;**
- **Distinguished invited guests;**
- **Members of the Media;**
- **Ladies and Gentlemen**

1. It is with great honour and admiration to stand before you today on this occasion of the 26th Annual Meeting of the Council of Traditional Leaders in our beloved town of Ondangwa in Oshana Region. This gathering is certainly a testament to our commitment to preserving our

cultural heritage and fostering customary norms and traditional practices in our communities, which existed long before the advent of the Europeans.

2. Article 66 of the Constitution provides that “Both the customary law and the common law of Namibia in force on the date of Independence shall remain valid to the extent to which such customary or common law does not conflict with this Constitution or any other statutory law and secondly that “Subject to the terms of this Constitution, any part of such common law or customary law may be repealed or modified by Act of Parliament, and the application thereof may be confined to particular parts of Namibia or to particular periods”.
3. The concept “customary law and the common law of Namibia in force on the date of Independence shall remain” entails that customary law practised or which should be

practised existed and was respected long before the independence of Namibia. Article 66 further goes on to state that “any part of such common law or customary law may be repealed or modified by Act of Parliament”

4. On this basis, Parliament enacted the Traditional Authorities Act 25 of 2000, whose sole purpose is to “provide for the establishment of traditional authorities and the designation, election, appointment and recognition of traditional leaders; to define the powers, duties and functions of traditional authorities and traditional leaders; and to provide for matters incidental thereto. This Act did not repeal but helped to entrench and codify our customary and common law. The new Act replaced the Traditional Authorities Act of 1997.
5. On this basis, each community or tribe in Namibia is free to exercise its own traditional, customary

and common law in recognition of our cultural diversity and identity by providing for the role which traditional authorities have to play to support the Government in fostering unity, peace and development in the country. The major function and duty of traditional leadership should be as provided for in section 3. (1) of the Traditional Authorities Act 25 of 2000, stating that "Subject to section 16, the functions of a traditional authority, in relation to the traditional community which it leads, **shall be to promote peace and welfare amongst the members of that community, supervise and ensure the observance of the customary law of that community by its members.** Given the proliferation and the ever-increasing demand for the establishment of new traditional authorities and applications for recognition of new chiefs or traditional leaders, are we ensuring the observance and respect for our customs,

traditions and culture which guided us as black people for all these centuries?

6. Section 4. (1) which deals with the designation of chief or head of traditional community states "Subject to sections 5 and 6, **members of a traditional community who are authorised thereto by the customary law of that community, (not those who are not authorised, own emphasis)** may designate **in accordance with that law -**

(a) one person from the royal family of that traditional community, who shall be instituted as the chief or head, as the case may be, of that traditional community; or

7. (b) if such a community has no royal family, any member of that traditional community who shall be instituted as head of that traditional community.

How does that person qualify for the designation? (2) The qualifications for

designation and the tenure of, removal from and succession to the office of chief or head of a traditional community **shall be regulated by the customary law of the traditional community** in respect of which such chief or head of a traditional community is designated. Therefore, the nomination, designation and removal of a chief or head of a given community should strictly be done in accordance with the customary law of the said traditional community in Namibia. However, we now encounter situations where individuals seek recognition beyond the parameters of their existing customary, traditional, and cultural norms or practices. **Who is behind these divisive tactics intended for disunity and destabilisation of our country?**

As Africans, we have our own norms, culture, values and traditions on how Chiefs are identified

and designated, which were already in place before European or white people came to Africa. Chiefs are not elected or appointed in modern courts using the Roman-Dutch law; they are nominated through traditions and customary law of that particular traditional community.

In the case of *Witbooi and Others v Witbooi and Others* (SA 31/2022), heard in November 2023 in the THE SUPREME COURT OF NAMIBIA, Judge MAKARAU observed

“[1] In my view, **it is most undesirable that matters of succession to the leadership of any traditional community, under the customary law of that traditional community, be resolved by the courts. Such matters are more amenable to resolution by the communities concerned,** adopting and employing the traditional mediatory and conciliatory practices of dispute resolution. Such

conciliatory practices seek, in the main, to heal and narrow the divisions in the community rather than tear the community further apart as does a formal judgment of the court, which by its very nature must be in favour of one of the parties and against the other. **Invariably, decisions of the court in such matters tend to turn on technical points, taken at adjectival law, and, seldom deal with the substantive customary law issues arising**".

I therefore urge all the Traditional Authorities that are in disputes to stick to the African traditions and your customary law to nominate and designate your Chief.

8. In addition to the Traditional Authorities Act 25 of 2000, read with Article 102 of the Constitution, Parliament enacted the Council of Traditional Leaders Act 13 of 1997, as amended by the

Council of Traditional Leaders Amendment Act 31 of 2000, which Council shall be composed of: two representatives for appointment as members of the Council, who shall include -

(a) the chief of that or head of that traditional community as defined in section 1 of the Traditional Authorities Act, 2000; and

(b) one other person, being either a senior traditional councillor or a traditional councillor or any other member of that traditional community.

9. As per section 11 of this Act, the Council meets annually, and the importance of such meetings cannot be overemphasised. This platform allows the Council of Traditional leaders to discuss social, economic and developmental issues that affect your communities.

10. The meeting allows the Council to make proper and collective recommendations to the President in line with section 14 of the Council of

Traditional Leaders Act. Furthermore, these meetings also allows the Council to strengthen its role in administering customary law, preserving culture, integrating traditional knowledge with modern approaches to address issues like climate change and maintaining social cohesion and community stability.

Director of proceedings, esteemed traditional leaders

11. As we gather here today, we must acknowledge the pivotal role that traditional leadership plays in our society. Our Traditional leaders are imperative because they provide local governance rooted in customary laws, manage communal resources such as land, resolve disputes through traditional courts and procedures, act as a bridge between communities and the government, preserve cultural heritage, and promote community ownership in development initiatives. Your

influence stems from the deep connection with the people and indigenous knowledge systems, making our traditional leaders vital for maintaining social stability, fostering sustainable development, and ensuring access to justice and services in rural areas.

12. The Government is well aware of the multiple challenges faced by traditional leaders, including land management in communal areas, chieftainship succession disputes, internal variations in customary law and socio-economic problems, among others. In this regard, the Government stands firmly in support of the traditional leaders as we navigate these challenges together.

Director of proceedings

Esteemed Members of the Council of Traditional Leaders,

13. The Chief or Head of the traditional community is conferred various powers and duties by the Traditional Authorities Act of 2000. One of the powers is that the Chief or Head of the traditional community is the custodian of the customary law and required to exercise powers and perform duties in accordance with that customary law. However, for the past months that I have served as Minister of Urban and Rural Development, I have observed that some of our traditional authorities have been embroiled in chieftainship succession for a long time. Given the afore-stated, the question that we need to ask ourselves is that in the absence of the Chief or Head, who is performing some of these important functions?

14. To my observation, the chieftainship succession disputes are rising because nowadays everybody

wants to become a Chief even if one knows that customarily he/she is not a qualified candidate for that chieftainship. For the few months that I have served, when I hold meetings with traditional authorities who are in disputes, I always ask these questions: Are you happy that this community do not have a Chief? If you are happy, why? If not happy, why do you continue to pursue something that tears the community apart? The answer is always that they are not happy. How then does one continue to do something which makes you unhappy over and over again?

Director of proceedings

Esteemed Members of the Council of Traditional Leaders

Ladies and Gentlemen

15. As I conclude my introductory remarks, it is with immense pride and a historic milestone to introduce the main speaker for our gathering today. She is a leader who embodies courage, resilience, and a lifelong dedication to the people of Namibia. A true daughter of the soil, a former freedom fighter, and a testament to the progress we have made. She ascended to the highest office, not just as a leader, but as a symbol of hope and opportunity for every Namibian. She is a staunch advocate for the rights and voices of traditional leaders and recognises the irreplaceable role traditional leaders play in our democracy and our local governance structures.

16. As we look forward to hearing her insights today, let us keep in mind the vision of a united traditional leadership where the contributions of every traditional community are acknowledged and valued. It is through collective action and

cooperation that we can build a brighter future for our communities.

17. Please join me in welcoming to the podium, with the utmost respect and anticipation, the first female President of the Republic of Namibia, Her Excellency, Netumbo Ndemupelila Nandi-Ndaitwah!"

Comrade President, the Floor is all yours.

I thank you!

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