

# Foreword

It is recognised that there are differences of opinion as to the definition of the concept *rule of law*. There may also be divergent views as to whether there exists a nexus between the rule of law, democracy, and sustainable economic and social development. These differences in definition and understanding of the concept have led to misunderstandings and even contradictions in the implementation of the rule of law. It is, however, uncontroversial that the rule of law plays a crucial role in the protection and promotion of human rights, democracy and transparent governance. According to the World Bank, the rule of law prevails in countries where the government itself is bound by the law, every person in society is treated equally under the law, the human dignity of each individual is recognised and protected by law, and justice is accessible to all.

In deciding whether or not to invest in a particular country, genuine investors meticulously examine, among other things, a state's commitment to the rule of law and the effectiveness of its institutions. A country that does not observe the basic tenets of the rule of law is unlikely to enjoy a high degree of foreign direct investment, and is unlikely to achieve reasonably high living standards for its people. Issues such as the state of the rule of law in Namibia; the role and mandate of the Ombudsman in the protection and enforcement of fundamental rights and freedoms; social, economic and cultural rights; traditional governance; and African customary law are weighty matters in our constitutional democracy. The challenge is to provide a platform where these topical issues can be debated, while at the same time making the outcome of such debate available to the wider public.

This publication, coming as it does on the 18th anniversary of our country's independence, is a timely and careful response to these challenges. The publication embodies a useful collection of articles on the state of the rule of law in our country and beyond, and is a sure source of material not only on this important aspect of our democracy, but also on related and equally crucial aspects of transparent governance, such as the independence of the judiciary; the constitutionally recognised principle of the maintenance of ecosystems and essential ecological processes as well as the biological diversity of Namibia; the implementation of international and regional human rights instruments; and the

*Human rights and the rule of law in Namibia*

attendant challenges. *Human Rights and the Rule of Law in Namibia* is destined to be a useful reference book for lawyers, academics, students, policy-makers and, indeed, members of the public interested in the topics covered therein.

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