

Computerisation of Legal Systems: Commonwealth Experience and Opportunities

**Paper by The Hon Dr E N Tjiriange
Minister of Justice of the Republic of Namibia**

We in Namibia saw the need for a computerised legal system when we took over the old Department of Justice, which was more or less an appendage of the Department of Justice of the Republic of South Africa, and began to build it into a Ministry of Justice with all the problems and challenges of an institution of the public legal sector of a sovereign, independent country.

One project which my Ministry planned was the Namibia Computerised Legal Information System (COLIS).

Presently applicable written laws of Namibia are a labyrinth of a series of colonial and post-independence legislation and subsidiary legislation. Certain South African laws passed before 1977 generally applied to Namibia. Thereafter, and up to 1989, only some South African laws were expressly made applicable to Namibia by Proclamations. Then as a result of the fragmented administrative system that existed in the country, ethnically-based sub-central legislative bodies made a series of laws in addition to those passed by various central legislative bodies. Finally, after independence the Namibian Parliament has been making laws. These laws are not easily ascertainable nor are they

readily accessible.

There is therefore the need to consolidate applicable Namibian laws. It is equally important for the administration of justice that the courts, particularly those lower courts outside Windhoek, the capital city, and far-flung centres should have easy access to the laws and judicial decisions of the superior courts. It is also urgent that those involved in the reform and development of laws should have easy access to the present laws. Effort in the past to identify and consolidate Namibian laws did not go far enough to solve most of the problems faced by the legal system.

Thus the planned computerised legal system is expected to make the corpus of the laws of Namibia reasonably accessible and readily available. The project will also greatly facilitate the work of the Law Reform and Development Commission.

The project is facing severe financial and expert constraints so much so that very little has been achieved so far. So Namibia will definitely support the establishment of a Commonwealth experts advisory group to assist the proper take-off of the Namibia project, among others elsewhere.