



REPUBLIC OF NAMIBIA

SINGAPORE CONVENTION SIGNING CEREMONY & CONFERENCE

6 - 7 AUGUST 2019, SHANGRI-LA HOTEL, SINGAPORE

ROUND TABLE DISCUSSION, 07 AUGUST 2019: **How important is multilateralism and the international rule of law?**

Honorable Minister for Home Affairs and Minister of Law of the beautiful Island State of Singapore, Mr. Shanmugam, SC, esteemed representatives of the States present, ladies and gentlemen,

I am Lidwina Shapwa, the Deputy Minister of Justice for the Republic of Namibia. It is my immense pleasure to represent Namibia at this momentous and prestigious conference. We wish to extend our warmest regards from home and also our sincere appreciation for the outstanding hospitality extended to us by the Government of Singapore.

I am delighted to share with you the news that the Namibian Government pledges its full support for the United Nations Convention on International Settlement Agreements Resulting from Mediation, which was adopted by the General Assembly on 20 December 2018 in terms of Resolution 73/198. The Cabinet of H.E. President Hage Geingob has approved the signing and subsequent ratification of this important and necessary instrument by Namibia. Once ratified, the provisions of this Convention will become part of our domestic laws.

We support the objective of the Convention as set out in its preamble in that we are “*Convinced* that the establishment of a framework for international settlement agreements resulting from mediation that is acceptable to States with different legal, social and economic systems would contribute to the development of harmonious international economic relations”.

We are confident that The Singapore Convention will facilitate international trade and commerce especially for developing States, by enabling disputing parties to enforce and invoke settlement agreements across borders with relative ease.

Namibia is a country where the rule of law reigns supreme and we do not underestimate the exact legal underpinnings of the rule of law- the law as it is and not the law as it should be. For us too, this Convention is the missing piece in the international dispute resolution enforcement framework, which will greatly enable our domestic legal framework.

Our Minister of Justice, Mr. Sackey Shanghala, attended one of the last public lectures of the late Antonin Scalia, Supreme Court Associate Justice in the United States of America in 2016 and requested me to quote a paraphrase from this lecture: *the fairest reading of the text is what the law means*. When we read Shakespeare we use a glossary because we do we want to know what is meant when it was written. We don’t give those words their current meaning. So also with a statute- our statutes don’t morph, they don’t change meaning from age to age to comport whatever the zeitgeist thinks appropriate.¹

We agree with the notion of Justice Scalia that statutes, like the constitutions, are enduring documents, but they are not living documents. Rule of law requires that the law be upheld, without fear or favour, as it is written. Therefore, I wish to consider the legal underpinnings of the importance of multilateralism and the international rule of law.

Multilateralism in Action

¹ Patel U, “Scalia favours enduring not living constitution” (Princeton University, 2012) <<https://www.princeton.edu/news/2012/12/11/scalia-favors-enduring-not-living-constitution>> accessed 18 July 2019.

In today's world of instant connectivity, we have no doubt that this instrument will help enhance the cross-border enforceability of mediated settlements and that businesses will benefit with greater certainty and assurance. For Namibia this means improving our ease of doing business internationally and instilling confidence in our domestic abilities to be relevant and compatible in this regard.

It is common course that, the international rule of law is used to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained. Without the guiding principles of the international rule of law, multilateral treaties would be impossible to conclude and interpret.

This statement brings me back to the opening reference to Justice Scalia's view of legal texts being enduring, but not living. The international rule of law is enduring across boundaries and across time. This feature makes it the ideal guide for interpreting multilateral agreements that are mired with language barriers and different legal systems. Natural justice and respect captured in the international rule of law is universal.

Therefore, the importance of signing and subsequent ratification of the Singapore Convention on Mediation cannot be over-emphasized.

Thank you,