



LPFF

LEGAL PRACTITIONERS
FIDELITY FUND

**LAUNCH OF
CORPORATE IDENTITY,
WEBSITE AND
STRATEGIC PLAN**

16 MAY 2024



A large, semi-transparent watermark of the Statue of Lady Justice is positioned in the background. The statue is a female figure wearing a blindfold, holding a pair of scales in her left hand and a sword in her right hand. The word "INDEX" is centered in a bold, black font within an orange horizontal bar that overlaps the top of the statue.

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AN INTRODUCTION BY THE CHAIRPERSON OF THE BOARD OF CONTROL



The Legal Practitioners Fidelity Fund is a vital component of Namibia's legal ecosystem.

Its relaunch and the implementation of strategic reform, explained in this document, mark a step forward for jurisprudence in Namibia, and a safeguard for the broader economy.

In terms of the Legal Practitioner's Act 15 of 1995, the Legal Practitioners Fidelity Fund preserves the integrity of the legal fraternity by investigating allegations of theft of money or property by legal practitioners admitted to the profession by the LSN. In the event of an allegation being proven true, the Legal Practitioners Fidelity Fund provides fair compensation to the wronged party.

It does so in a transparent and accountable manner. If you can allege theft, the Legal Practitioners Fidelity Fund urges you to report it within the prescribed time. If the allegation is proven true, you will be fairly compensated. You can also take satisfaction that you will have the gratitude of the broader legal fraternity as well as for your contribution to preserving the integrity of the broader legal community.

Nolan Swarts
Chairperson
Board of Control

OUR PHILOSOPHY

OUR VISION

Our vision is an environment in which the public has full trust in the integrity and accountability of legal practitioners.

OUR MISSION

Our mission is to reimburse members of the public who suffer pecuniary loss as a result of theft of monies entrusted to legal practitioners.

OUR VALUES

Integrity
Transparency
Accountability

We nurture and preserve the **integrity** of the legal profession.

We report the results of our activities with **transparency** for all to see.

We preserve the **accountability** of the legal profession by providing prompt and fair reimbursement in the event of proven incidents of theft or proven incidents of theft.

OUR SYMBOLS



VEILED JUSTICE

Veiled justice is a legal principle, which holds justice ignorant of the nature or character of the recipient of justice. It dispenses fair and consistent justice in equal measure to all, with absolute integrity from behind the veil.



FIDUCIARY INTEGRITY

Integrity ensures trust and confidence in the legal system. It provides a control mechanism that wards against malfeasance through the auspices of the profession's own membership. It provides restorative justice in the event of malfeasance. It also acts as a mechanism for the profession to police itself and build its own reputation for integrity.



FOR NAMIBIA

Opening a very visible bridge to the public, and the expansion of activities and capacity of the Legal Practitioners Fidelity Fund is a logical step to grow its influence and the sense that Namibia's legal environment and its integrity is beyond reproach.

2024 BOARD OF CONTROL



1. Ileni Gebhardt

Member: Board of Control
Occupation:
Director – Ileni Gebhardt and Co Incorporated

2. Clive Kavendjii

Member: Board of Control
Chairperson: Law Society of Namibia Council
Occupation:
Director – Kangueehi & Kavendjii Inc

3. Nolan Swarts

Chairperson: Board of Control
Occupation:
General Manager: Legal Services (Executive Member), NAMFISA

4. Taimi Iileka-Amupanda

Member: Board of Control
Occupation:
Director – Sisa Namandje and Co

5. Pius Iikwambi

Alternate to Chairperson:
Law Society of Namibia
Member: LSN Council
Occupation:
Legal Officer, Development Bank of Namibia

2024 - 2027 SUMMARY OF STRATEGY

1. IMPROVE OPERATIONAL EFFICIENCY

This objective aims to increase the organisational operational capacity to handle large volume claims.

- Increase operational efficiency
- Increase claims administration capacity
- Increase objective assessment of investments
- Increase usage of technology.

2. IMPROVE KNOWLEDGE AND SKILLS

This objective aims to enhance the knowledge and skills in the organisation to achieve its vision and mission.

- To have a knowledgeable workforce that is empowered with the latest competencies, skills and trends in the market.

3. IMPROVE PERFORMANCE MANAGEMENT

This objective aims to enhance the knowledge and skills in the organisation to achieve its vision and mission.

- Have a performance management system in place
- Continuously monitor and control the performance management system
- High performing organisation

4. IMPROVE PROCESSES, PROCEDURES AND POLICIES

This objective aims for continuous improvement of workflows and policies to ensure that all processes and procedures are relevant, up to date and efficient. It also intends to ensure compliance with the internal and external environment.

- Have procedures on all the activities of the business and policies to guide the actions of all employees

5. IMPROVE LEGISLATION

This objective aims to improve the legislative framework/environment that the fund operates in.

- Improved legislation

6. IMPROVE BRAND AWARENESS

This objective aims to introduce and familiarize the LPFF brand to the general public and all stakeholders.

- Brand visibility
- Brand familiarization
- Improve consumer education and awareness

7. IMPROVE STAKEHOLDER ENGAGEMENT AND SATISFACTION

This objective aims to constantly engage our stakeholders through quality interventions. The engagement is based on building trust with all our stakeholders, instilling stakeholder confidence and fostering good relations.

- Brand visibility
- Brand familiarization
- Improve consumer education and awareness

8. IMPROVE FINANCIAL SUSTAINABILITY

This objective aims to maintain operational costs lower than revenue received for financial prudence and provide an excellent return on investment for stakeholders.

- To increase the fund's assets
- To have sustainable operational costs

WELCOMING REMARKS ILENI GEBHARDT, MEMBER OF THE BOARD OF CONTROL



Accessibility of legal resources to the public is the foundation of the legal system in Namibia.

Visibly accessible legal resources ensure that justice is seen to be equitable. Persons and institutions who understand legal processes and their rights are better equipped to seek justice.

Justice is intricately involved in economic equity, be it the value entailed in personal and institutional relationships, preservation of assets or fair transactions. This also extends to transactions between the legal fraternity on the one hand, and individual members of the public or enterprises.

The Legal Practitioners Fidelity Fund is constituted in terms of the Legal Practitioners Act of 1995. It ensures that transactions between the legal fraternity and its customers are characterized by integrity and provides redress and restorative justice when transactions go astray. In effect, the Fund acts

as an arbitrator of certain legal transactions in which the legal practitioner holds a valid Fidelity Fund Certificate.

This evening is not a celebration. It is a purposeful event in which we will examine the way forward for the Fidelity Fund, how it relates to the integrity of Namibian justice and its role in the wellbeing of the economy.

The themes that we will introduce are understanding of the Fidelity Fund by all members of the public, the need for capacity to operate efficiently, financial sustainability and an enabling legislative environment.

Your presence here acknowledges your importance to the outcomes of the activities of the Fidelity Fund. We urge you to consult with us on the basis of our futures, policies and operating environments.

KEYNOTE ADDRESS GLADICE PICKERING, ED, MINISTRY OF JUSTICE



Namibian law plays an absolute role in preserving the value in assets and transactions. It ensures that economic and social exchanges are conducted equitably, with efficiency, and in a transparent manner.

Legal and regulatory frameworks influence economic activities, investor confidence, and the enterprise environment.

Faced with the urgent requirements of economic equity and the growth of the economic activity as prerequisites for advancement of the national economy, it is vital that the judiciary not only provides the legal framework for economic advancement but also the regulatory institutional environment to foster its own integrity.

What's at stake, as the legal fraternity faces the future?

Firstly, the law is a framework for business operations. As we contemplate and pin our hopes on foreign direct investment, we need to ensure that new players in the economy and indeed, new local sources of investment have faith in the law

to provide a stable and consistent environment in which property and ownership rights, contractual disputes and arbitration, and environmental and social laws and regulations are beyond reproach.

Secondly, Namibia's investment regime is designed to provide protection from expropriation and give the ability to repatriate profits. Players in the economy need to be assured not only that legislation considers them, but also that evolution of the law will be considered and equitable.

Thirdly, foreign direct investors and local employees need accord in the matter of treatment of labour. This not only gives assurance to Namibian employees, but also sets expectations for entrants into markets pertaining to operations and cost structures.

Finally, players in the economy need to be certain that Namibia's vigorous stance against corruption can be relied upon to level the playing field for all participants.

Ensuring economic equity is not just a matter of legislation and regulation. It falls to the legal fraternity to arrange the forms of the transactions

and any legal interventions in disputes. Following this, we understand that the legal fraternity must govern itself in a manner that is both vigorous and imbued with exceptional integrity.

The integrity of legal bodies is a vital element of an equitable economy.

Integrity ensures trust and confidence in the legal system. People are more likely to comply with laws and cooperate with legal proceedings when they believe that the law, as embodied by its legal structures and institutions, is fair and unbiased.

Laws must be seen to apply equally to all, which requires the impartiality and honesty of legal institutions. Integrity and impartiality within institutions ensures that laws are applied and enforced in a just manner.

Integrity safeguards against corruption within the legal system and fraternity, but malfeasance can undermine that hard-won trust. As all legal practitioners know, exchange of value is highly emotive, and one slip can lead to anger and accusations. Purity of purpose is the greatest defense against attacks on the profession.

Although the fraternity positions itself as imbued with purity of purpose, the humanity on which it relies for its good reputation also opens individuals to temptation and the desire for illicit gain.

Bodies such as the Legal Practitioners Fidelity Fund are a means to secure the integrity of the profession.

Firstly, it provides a control mechanism that wards against malfeasance through the auspices of the profession's own membership. Secondly, it provides restorative justice in the event of malfeasance. Thirdly, by acting as a mechanism to police itself, the profession builds its own reputation for integrity.

Opening a very visible bridge to the public, and the expansion of activities and capacity of the Legal Practitioners Fidelity Fund is a logical step to grow its influence and the sense that Namibia's legal environment and its integrity is beyond reproach.

It will also further have an impact on the advancement of the Namibian economy.

THE WAY AHEAD

NOLAN SWARTS, CHAIRPERSON OF THE BOARD OF CONTROL



As you know, access to the Legal Practitioners Fidelity Fund is vital to the health of the legal system, and it will also influence Namibia's economic growth and development.

The Fidelity Fund was established by the Legal Practitioners Act of 1995 and has served in the capacity envisaged for it since then. However, given the critical role it plays, its wide-reaching impact and the evolution of legal practice in Namibia, it is vital that the Fund mature as an institutional entity.

Without abrogating from the guiding role of its parent body, the Law Society of Namibia, the Board of Control of the Fidelity Fund is instituting measures to further develop the Fidelity Fund as an effective and impactful body.

The Fund's strategy with a window from 2024 to 2027 is divided into four strategic themes. These are: operational efficiency, stakeholder engagement, financial sustainability and legislative reform.

Operational efficiency

The Fund currently operates as a function of the Law Society. It is operated by a Board of Control consisting of three independent members and one or two ex-officio members of the Law Society, supported by capacity provided by the Society.

It has become increasingly clear that to function efficiently, the Fund must develop its own efficient, operational structure. Bear in mind please, that members of the Board of Control are also engaged in their professional obligations, and the Law Society has limited resources that it can make available to the Fund.

The Fund's strategy will be to implement its own institutional, administrative structure and capacity to efficiently investigate and resolve allegations received by it. This exercise will entail development of optimally staffed systems and processes, as well as offices.

The Board is also hampered by short terms of office which impact business continuity. Although an operational structure can provide a degree of business continuity, decisions and investigations, as well as strategic windows, which span periods of longer than a year present a risk to the Fund, and so extension of board tenures must also be mooted.

Stakeholder engagement

The Fund must interact in a transparent manner to satisfy the needs of its stakeholders.

The critical component of its stakeholder engagement must be to serve in the interests of the general and institutional publics, by providing information on redress and resolution when allegations are received. It must also provide effective communication on its activities.

With this goal in mind, the fund is engaging in a public outreach campaign to enable the public to understand when and how to report matters of concern and allegations to the fund. The campaign, which will go to media in the coming week, is centered on the new website at www.fidelityfundnam.com which contains a wealth of information for the public. In addition to the media campaign, outreach will be supported by selected social media.

However, the Fund must also engage with a view to understanding its dynamic environment and the needs of its various stakeholders, including the legal fraternity, the Ministry of Justice, the Namibian police and others. This engagement and its results will be the basis for evolution and evolving relevance of the Fund.

Financial sustainability

The Fund runs a substantial financial risk that must be mitigated. Although the Fund is driven by indemnity insurance, financial prudence dictates that the Fund

must hold reserves, those must be deployed to cover operating costs, as well as to provide for corporate social responsibility and development of legal skills.

To deal with this, the Fund will establish an investment policy to be overseen by an Investment Committee. This step will consider under-performing assets.

The fund will also implement greater engagement with consultations on its indemnity insurance and draft a regulation to govern caps on claims.

Legislative reform

The Fidelity Fund is empowered and governed by legislation, however it lacks legislative powers. The need for these powers is underscored by the dynamic environment in which it operates, as well as existing loopholes in the law. The Fund must begin to develop these powers to govern itself and set itself planned targets against which it can measure its achievements.

The Fidelity Fund has drawn up a strategy which will be circulated to stakeholders. I urge you to scrutinize it and engage with members of the Board of Control. The need for a strong Fidelity Fund is understood, so I call on you to contribute with constructive suggestions that the Board can moot.

In closing I want to thank my colleagues on the Board of Control for the perseverance and commitment that has brought us to this point. It has been a trying time, but fruitful. In the same vein, we would like to thank the Law Society of Namibia for their continued support and the mutually beneficial relationship we have enjoyed.

Together, we can make a worthy contribution to Namibia and the integrity of the legal fraternity and environment.

SCENES FROM THE LAUNCH



Taimi Iileka-Amupanda, member of the Board of Control, acted as MC for the launch.



Pius Iikwambi, member of the Board of Control, thanked people and enterprises that contributed to the launch.

CONTACTS



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