

Namibian civil-military relations in the new millennium

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Introduction

Sound civil-military relations are pre-requisite to political control over the armed forces in a democratic society. The exact contours of stable civil-military relations are determined by the political culture of a country and how its institutional and legal framework provide for these principles.

The principle of civil supremacy over the Namibia Defence Force (NDF) is enshrined in the Namibian Constitution and has been fully accepted by all in the Republic of Namibia. This paper will examine how the concept of civil-military relations applies in Namibia and will explore the prospects for, and challenges to those relations. The paper will also look at the degree of the application of civil-military relations as a concept in the Southern African Development Community (SADC) region and beyond.

The legal framework

Civil-military relations are determined by the hierarchy of authority between the Executive, Parliament and the Armed Forces, and the principle of civil supremacy over the armed forces. Sound civil-military relations facilitate political control of the armed forces by a democratic government. These concepts are as old as the Constitution of the Republic of Namibia itself and the Defence Amendment Act, (Act 20 of 1990) of its National Assembly.

In accordance with Article (1) of the Namibian Constitution:

“The Republic of Namibia is hereby established as a sovereign, secular, democratic and unitary State founded upon the principles of democracy, the rule of law and justice for all. All power shall vest in the people of Namibia who shall exercise their sovereignty through the democratic institutions of the State and the main organs of the State shall be the Executive, the Legislature and the Judiciary.”

The Defence Amendment Act (Act 20 of 1990), established the Namibia Defence Force ‘organised in such arms, corps, formations and units as the Minister of Defence may determine or as may be prescribed by law.’ The Minister of Defence is the civilian authority over the Namibia Defence Force.

Section 8 of the Defence Act stipulates:

“The executive military command of the Namibia Defence Force shall, subject to the provision of this Act, be vested in the Chief of the Defence Force appointed under the Namibian Constitution.”

Article 32 (4)(c) of the Namibian Constitution stipulates that the President shall have the power to appoint the Chief of the Defence Force on the recommendation of the Security Commission. The Security Commission is chaired by the Chairperson of the Public Service Commission and includes the Attorney General and members of the Parliament.

Further, section 9 (2)(a) states:

“The procedure in connection with the appointment and promotion of officers and other ranks and the conditions of such appointment or promotion shall be as may be prescribed by the Public Service Commission.”

“No person shall be appointed in the Defence Force, unless he or she meets the requirements as prescribed by the Public Service Commission in consultation with the Minister of Defence, continued section 10 (1).”

It is also worth-observing that section 14 of the Defence Act prohibits a member of the NDF from nomination, election or appointment as a member of Parliament or any prescribed public body. In other words, a serving member of the NDF must be apolitical.

The Constitution, which is the supreme law of the country, and the Defence Act provide for a *locus standi* of civil supremacy over the NDF. Against the above legal provisions, people have a legitimate expectation for the civil-military relations concept to apply in Namibia.

The civil-military relations concept in Namibia has been broadened to apply to sister law-enforcement agencies and the security forces in accordance with the Constitution, enabling acts and institutional framework.

Civil oversight

The Constitution of the Republic of Namibia makes the following provisions for stable civil-military relations:

- The President is the commander-in-chief of the NDF and directs the Chief of the Defence Force during the state of national defence.
- The Parliament has legislative powers, approves the defence budget and reviews the President’s decisions to deploy defence forces in critical functions.
- The Minister of Defence directs the Chief of the Defence Force in executing his duty in times of peace.
- The Chief of the Defence Force enjoys executive military command of the armed forces.

The Minister of Defence is responsible for the defence function of government and is accountable to the President, the Cabinet and Parliament for the man-

agement and execution of this function. Hence, the Minister constitutes the civilian authority on military matters on behalf of the Cabinet.

The Permanent Secretary for Defence is the accounting officer. He/she is the political advisor to the Minister regarding defence policy and matters, which may be investigated by the Standing Committee on Defence:

- The Permanent Secretary performs such duties and functions as may be necessary for democratic and civilian management of the defence function to enhance parliamentary and ministerial control over the defence force. He/she monitors compliance with directions issued to the Chief of the Defence Force by the President and the Minister.
- The Permanent Secretary is personally responsible to the Parliament and the Minister, for the sound financial management and regularity of the Defence Ministry's business for its prudent and efficient administration. He/she is personally accountable to the select Public Account Committee of the National Assembly.

The Chief of the Defence Force executes defence policy, directs the work of Defence Headquarters and manages the overall functioning and operations of the defence force. He/she is the principal advisor to the Minister on military, operational and administrative matters within his/her competence.

The decision making process of a Defence Ministry is often done through the hierarchy of the Defence Committees and Council.

These committees are provided for in the White Paper on Defence Policy enacted by Parliament in 1993. At the apex of the Committee Structure is the Defence Staff Council chaired by the Minister of Defence and includes the deputy Minister of Defence, the Permanent Secretary and the Chief of the Defence Force. The Defence Staff Council remains the highest decision-making body in the Ministry of Defence. Its composition guarantees healthy civil-military relations in the decision-making system of the Ministry. Other critical subordinated committees in shaping the defence preparedness of the military component of the Ministry of Defence are the Senior Management Committee, chaired by the Permanent Secretary, and the Military Steering Committee chaired by the Chief of the Defence Force.

Interaction between civilians and military staff in the defence ministry is business like and civilians are employed on a permanent basis while the military officers are deemed to be on a duty tour, rotating between defence force units.

Civilians formulate defence policy and are responsible for the political dimension of defence. Military officers execute defence policy and contribute to policy formulation based on their technical expertise. The Defence Secretariat is a coordinating institution under the central staff component of the Ministry.

The Central Staff of the Ministry of Defence is under the direction and supervision of both the Permanent Secretary and the Chief of Defence Force. The central staff further comprises divisions responsible for defence policy formulation and planning, public relations, information systems and the internal auditing.

Defence policy

In accordance with Namibia's White Paper on Defence Policy, the defence force should develop a professional fighting force, trained, equipped and deployed to meet threats and challenges the country can expect to face at any given time, including playing a positive and constructive role in peacetime.

- To this end the NDF is expected to comply with the principles expressed in the acronym AAAC:
 - A: Apolitical
 - A: Accountable
 - A: Affordable
 - C: Capable
- The golden rule remains that the functions and responsibilities of the defence force shall be determined by Namibia's constitution and the Defence Act.

The Defence Ministry undertakes to operate effectively in support of civil authority when required and participate in peace keeping, peace making and humanitarian relief operations in the region and beyond.

Prospects for stable civil-military relations in Namibia are indeed encouraging and all the stakeholders are motivated to render meaningful contributions in realising this objective. The African civil-military relations programme co-ordinated by the Institute for Security Studies and the University of Namibia, through the Southern African Defence and Security Management Network, has added a wider dimension to stable civil-military relations in Namibia. The interests shown by the lawmakers, non-governmental organisations, civil society and the security forces in this field are the positive steps for promoting healthy civil-military relations in Namibia.

Challenges

Although the Republic of Namibia enjoys a legal and institutional framework for healthy civil-military relations, challenges exist in exercising these principles.

The fact that the military has insufficient resources to support civil communities in cases of emergency constitutes a challenge to civil-military relations. The public was heavily critical of the slow response of the Defence Force and

Police when they were called upon to combat crime and banditry. Subsequently, the public lost confidence in security forces and could not be convinced that through stable civil-military relations alone territorial integrity and sovereignty can be protected.

On the other hand, the security forces expected the government to provide for their operational requirements. Without adequate provision, the Security Forces are unable to attend to the diversity of security operations in the country. This fosters unhealthy civil-military relations.

It remains the responsibility of the government to ensure that the Namibia Defence Force is adequately budgeted for to enable it to accomplish its missions as mandated by the constitution. However, due to the inadequate macro-economic base of the country, the state cannot always rise to the expectations of the defence force in providing much needed logistical supplies, modern military equipment and highly specialised training to meet the threats and challenges it faces. An imminent challenge to civil-military relations in Namibia is the lack of modern defence resources to meet territorial defence needs. Consequently, members of the defence force at times develop the perception that the state should increase the defence budget to enhance military professionalism and thus boost healthy civil-military relations.

Parliament controls the state, including the defence force as an apparatus of the state. In this regard, it expects the principle of transparency to apply to all the activities of the state including those concerning the NDF. The executive power of the commander-in-chief of the NDF to deploy the defence force in accordance with a threat assessment and national interest is sometimes criticised by the opposition in Parliament. Parliament should not expect transparency to apply always in deployment of the national defence force and due consideration should be given to the necessity for confidentiality based on operational requirements.

The Parliamentary Standing Committee on Security provided for by the Namibian Constitution is one of the most important mechanisms for promoting stable civil-military relations. However, it has not met as often as required due to other equally important national commitments.

Last but not least, healthy civil-military relations are not expected to flourish in the absence of a civil-military educational institution in Namibia. A civil-military education curriculum deserves integration into the military training programme of the NDF. Off-shore courses on civil-military relations should concentrate on training the trainers to educate the entire community of the defence force as compared to a limited number of senior officers so far graduated from these courses.

Civil-military relations in the SADC region

Namibia's civil-military relations in the new millennium need to be analysed in the context of a summary of the regional performance for the reasons that:

- Namibia is a member state of the SADC region and could not develop stable civil-military relations in isolation.
- The Statement on Defence policy articulates Namibia's Foreign Policy based on the principle of peaceful co-existence of nations and regional development. Hence, its civil-military relations depend on an integrated regional approach to the subject.

Against these considerations, I conclude this paper by undertaking a resume of regional civil-military relations.

Earlier, we examined the tenets of civil-military relations, being the existence of a democratic system and political control over the armed forces as minimum requirements. Based on these principles, we should all agree that civil-military relations are healthy in all SADC member States.

In all SADC member states, the fundamental principle of political control over the armed forces is enshrined in the supreme laws of the countries. The heads of state or government are the commanders-in-chief of the armed forces in their respective states. All armed forces in the SADC region are under civilian authority vested in the minister responsible for the armed forces.

It is encouraging to note the shift from the traditional deployment concept of an independent headquarters of the armed forces to the co-location of these headquarters within the premises of the Ministries of Defence.

The civil-military relations concept gained momentum in the 1990's when British Military Assistance Training Teams (BMATT) were invited by the SADC member states such as Namibia, Zimbabwe, South Africa and Lesotho, to assist in the restructuring of their respective defence forces. With BMATT assistance, institutional frameworks were established and civil-military programmes effectively attended to.

However, while the legal and institutional frameworks for effective civil-military relations existed in most SADC countries, investigation reveals that no uniformity existed in the application of the civil-military relations concept in the region. Comparative studies of the organisational structures of the ministries of defence in the region show that some of them still have inadequate institutional arrangements for stable civil-military relations. In some defence ministries the military is dominant and civilians hardly make any meaningful contribution to defence policy formulation and financial control. The military principals, the Chiefs of Defence Forces or Defence Force Commanders, do not have civilian counterparts or Principal Secretaries to jointly plan, coordinate and execute policy.

When there are SADC regional for a intended for the Principal Secretaries to address and review matters of mutual benefit, member states without these functionaries are hardly represented. The much-needed political advice to the ministers responsible for defence remains inadequate in countries where there is no Principal Secretary.

For stable civil-military relations to take hold in the SADC region, all member states need to fully integrate the concept of civil military relations into the organisations responsible for defence and security. The operationalisation of the SADC Organ on Politics, Defence and Security Cooperation where the civilian ministries responsible for politics and diplomacy are represented, holds prospects for fostering healthy civil-military relations in the region.

On the African continent as a whole, the SADC region is the leader in civil-military relations, and it is one of the few regional groupings globally where the civil-military concept is operational. The challenge remains to the region to apply a uniform and effective system in promoting the concept of civil-military relations.

Conclusion

Stable civil-military relations have been established in Namibia through legal and institutional frameworks. Political control over the NDF is effective and there are regular interactions between the lawmakers, non-governmental organisations, academic institutions and the defence and security community on how best to guarantee stable civil-military relations. However, challenges related to lack of provision of adequate resources for defence and security institutions and their resulting inability to address operational demands are barriers in promoting stable and healthy civil-military relations.

Prospects for stable civil-military relations are also threatened by the lack of a uniform approach to civil-military relations in the SADC region. Namibia's foreign policy is based on the peaceful co-existence of nations, and regional cooperation and integration in realizing its domestic policies, thus SADC member states are undeniable partners in promoting stable civil-military relations.

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