PRESS RELEASE

PRESS RELEASE MADE BY THE MINISTRY OF DEFENCE ON THE PRESS STATEMENT ISSUED BY THE SOCIETY OF ADVOCATES OF NAMIBIA CONCERNING THEIR POSITION ON THE “THREATS MADE BY INDIVIDUALS AGAINST THE STATE”

Of late the Ministry of Defence has observed press statements from certain quarters of the legal fraternity that are misleading or uninformed in respect of the role and operations of constitutional bodies in the security cluster. A case in point is the press statement issued by the Society of Advocates of Namibia on 21 January 2020 in which it is arguing that the actions of the NDF is blurring the mandates of the military and the police. This is not an accurate interpretation of the functions of the military vs the police.

The Defence Act and Police Act are complimentary as they relate to the requirements for the security and stability of the state. In terms of classic military terminology, the security and stability of the state operate at the following levels:

The **strategic level** of stability implies peace in the region and among neighbors, but also freedom from foreign interference, from the indirect effect of conflict elsewhere and from such problems as smuggling, illegal fishing and theft of natural resources. *Most of these will be the responsibility of the military, but many other actors, such as foreign ministries, intelligence services, customs and border guards will be involved as well.*

The **operational level** is concerned with the stability of the country as a whole, and with threats from nationally organized crime, ethnic or regional tensions and violent dissidence, either political or separatist in nature. Both the military and the police will be involved. *Peaceful dissident activities will mainly be the responsibility of the police; however, violent dissident activities will attract the involvement of the military.*
The tactical level, namely stability in daily life, is concerned with the ability of individual citizens to go about their life free from crime and the threat of violence. This area is essentially the responsibility of the police, although an efficient judicial system is also important. The military will only get involved when invited by the police.

The period in the run up to the national elections of 2019 was characterized by incidences of threats of both a tactical and operational nature. Operation Kalahari is tactical in nature; hence the involvement of the military at the request of the police. During this operation all press releases were and are issued by the police.

However, towards the end of October and the whole of November 2019 there were sections of the population who, for reasons known to themselves, were threatening to render the country ungovernable by advocating and agitating for the destruction of government and individual properties as well as threatening the lives of individual citizens.

Those type of threats were at the operational level and therefore led to a proactive stance by the military. That was the basis for the media releases warning against any violent conduct aimed at making the country ungovernable and thus negating its security and stability - and that warning still stands. For the Namibian Defence Force, “Prevention is better than cure.” And law-abiding citizens have nothing to fear.

There is no blurring of mandates. The statement by the Society of Advocates is therefore irresponsible and may even appear to be a covert incitement to violence and lawlessness. The uninformed might interpret it to mean that the NDF is constrained by the constitution and the Defence Act to act against would be perpetrators of such violence. If that were the case, the NDF wouldn’t have acted against the Caprivi Secessionists nor would it deploy troops in anti-poaching operations or national emergencies.

In democracies the world over, the Defence Forces are called upon to take a lead in times of grave danger to the security and stability of the state and Namibia, being a democracy, is no exception. However, in responding to such a national call, the NDF shall at all times operate within the four corners of law. In this regard we are going to train our soldiers further especially in being able to deal with civilians in a manner that respect their rights and dignity.

The Society of Advocates is not a statutory body, it is merely an entity within civil society whose right to freedom of expression we respect. That said, in matters of state the government has legitimacy and responsibility, whilst civil society may not always have legitimacy and often seek to avoid responsibility.

A balanced statement from the Society of Advocates should have warned those sections of the public not to make statements or take actions that are tantamount to violating the law and therefore lead to a confrontation with the security forces. Such a statement should not have misrepresented our duties as guarantors of the security and stability of a democratic Namibia governed by the people through their elected representatives.
The Namibia Defence Force shall remain vigilant in the service of the Namibian people through their elected representatives and shall at all times serve within its constitutional and legal mandates.

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EXECUTIVE DIRECTOR
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