

**Promoting Partnerships between State and Private Security Providers
Namibia Country Report**

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List of Abbreviations

CEO	Chief Executive Officer
GDP	Gross Domestic Product
GRN	Government of the Republic of Namibia
LaRRi	Labour Resource and Research Institute
MoL	Ministry of Labour and Social Welfare
NATAU	Namibia Allied Workers and Transport Union
NISU	Namibia Independent Security Union
NCIS	Namibia Central Intelligence Service
NSGPU	National Security Guards Protection Union
NDF	Namibian Defence Force
NEF	Namibia Employers Federation
NFSE	Namibia Federation of Security Employers
NamPol	Namibian Police Force
PSF	Police Security Forum
PSI	Private Security Industry
PMCs	Private Military Companies
PSCs	Private Security Companies
SALW	Small Arms and Light Weapons
SAN	Security Association of Namibia
SESORB	Security Enterprises and Security Officers Regulation Board
SEESAC	South Eastern and Eastern Europe Clearinghouse for the Control of SALW
SOC-SMG	Special Operations Consulting-Security Management Group
UDP	United Democratic Party
UNDP	United Nations Development Programme
VIP	Very Important Persons
VVIP	Very Very Important Persons

Methodology

This assignment forms part of a four country comparative study commissioned by the Private Security Regulatory Authority (PSiRA) of South Africa. The overall objective of the research project was to explore crime prevention partnerships between the state and the private security sector in Namibia with a view of influencing policy-processes aimed at improving crime prevention initiatives. This report, while not intended to be exhaustive or definitive, is meant to contribute to a better understanding and quantification of the issues that are relevant to the establishment of crime prevention partnerships between the state and the private security sector in Namibia.

Research Approach

The findings of this report are based on an extensive literature research and key informant interviews conducted with key industry participants in both the public- and private-sector. For this, the questionnaire as prepared by PSiRA was used and adapted to the Namibian context. In addition, a few spot surveys were also conducted with security guards on duty to gain an impression of their actual working conditions.

The draft report was presented to the key industry participants in both the public- and private-sector with the view to detect omissions, inaccuracies with the view to improve the final product.

Limitations

Generally, there were no major limitations experienced during the compilation of this report. The major limitations related to time and financial constraints, resulting in no field work been conducted to, for instance, identify personnel in private security companies who were demobilised after the end of the liberation war. Furthermore, this report does not and cannot analyse each and every issue in detail. Thus, many of the issues considered herein appear ripe for further and more detailed study and analysis.

Part I: Introduction

1.1 Population trends and demographics

Namibia covers an area of 825, 234 square kilometres. It is bordered by Angola and Zambia on the north-east, Botswana on the east, South Africa on the south, and the Atlantic Ocean on the west. After Mongolia, Namibia is reportedly the least-densely-populated country in the world.

The country has been administered in 13 regions since 1993. A 14th region was added in 2013 on the recommendation of the Delimitation Commission.

The latest population size as recorded in the 2011 National Housing and Population Census shows that Namibia has a population of 2,113,077 people. The 2011 Census also shows that most of the population live in rural areas (1,209,643) compared to 903,434 living in urban areas (Namibia Statistics Agency, 2012). The Census further reveals that the country is experiencing high rates of rural-urban migration. In this regard, it shows that the urban population grew by 49.7 percent between the two preceding censuses (2001 and 2011) while the rural population decreased by 1.4 percent during the same period (*ibid*, 26). Namibia reportedly has a relatively young population in that close to 37 percent of the whole population being less than 15 years of age. Furthermore, the female population in Namibia continues to be higher than the male population (1,091,165 females versus 1,021,912 males), representing 51.5 percent of the total population compared to 48.4 percent for males (*ibid*, 29).

The overall unemployment rate for Namibia, as measured by the broad unemployment definition, is 29.6 percent (Namibia Statistics Agency, 2013). Unemployment has a gender dimension. The latest Labour Force Survey for the country shows that the overall unemployment rate for females in all age groups under 60 years is higher than for males in the same age group. Overall, 33.1 percent of females are unemployment compared to 25.8 percent males (*ibid*, 75). Unemployment in Namibia also affects the youth the most. The overall unemployment rate for youth aged 15 to 34 is 41.7 percent (*ibid*, 81).

1.2 Historical background

Historically, it is said that an estimated 2000 years ago, Namibia was inhabited by the ‘San’ people. As the years drew on, the Europeans started exploring the continent of Africa. It was the German explorers who were particularly attracted to the territory of Namibia and accordingly placed it under its control mainly for exploitation of its resources. When Germany lost the First World War, it also lost all its colonies and it was the League of Nations who was tasked to allocate how these territories were to be governed. In 1920 the League of Nations awarded the territory of Namibia/South West Africa to South Africa with the aim that the latter would prepare the territory for independence. Instead, South Africa governed the territory (Namibia/ South West Africa) as if it were a fifth province imposing upon its racist and apartheid policies. After a century of colonialism and a long period of armed struggle, Namibia attained independence on the 21st of March 1990.

Namibia is said to be one of the richest countries in Africa. The country, however, as noted by the then Central Bureau of Statistics in 2008, is also one of the most unequal societies in the world. For instance, in Namibia the wealthiest 10 percent in the country have consumption levels that are 50 times higher than the poorest 10 percent. Also, the Gini coefficient, which is the standard summary measure for inequality, is 0.63 and with great variation according to various background variables such as sex, age, main source of income and administrative region. Furthermore, a comparison with countries for which comparable data is available reportedly suggests that the level of inequality in Namibia is among the highest in the world (Central Bureau of Statistics, 2008).

1.3 Current context

Since independence, Namibia has enjoyed political stability and steady economic growth, achieving the status of a middle-income country. While the Gross Domestic Product (GDP) has increased considerably, the poorest sectors of Namibian society have not benefited in the way they should. For instance, inequality and poverty levels are still at unacceptable high levels. For instance, in Namibia, the wealthiest ten per cent of the population reportedly have consumption levels 50 times higher than the poorest 10 percent of the population (UN Human Rights Council, 2012). The high unemployment is an important feature of poverty in the country (*ibid*).

After more than a century of colonial domination and three decades of liberation struggle, the Namibian Constituent Assembly, on the 9th of February 1990, adopted the Namibian Constitution. The Namibian Constitution has been hailed as one of the best in the world. The Constitution is based on a set of constitutional principles adopted in 1982 by the UN Security Council after consultations with the parties involved in the Namibian conflict. The 1982 Constitutional Principles were agreed to by the Western Contact Group consisting of five states namely the United States, the United Kingdom, France, Canada and West Germany and served as a set of principles for the Constituent Assembly and for the future constitution of an independent Namibia. The Constitution adheres to the principle of separation of powers in terms of which State power is distributed to the Executive- comprising of the President and his/her Cabinet, the Legislative and the Judiciary. The country, as noted by Kaapama and others, has adopted a combination of unitary framework for the organisation of the state and a hybrid of both presidential and parliamentary systems of government (Kaapama *et al*, 2007). Hitherto, the country's political system is in a stable state and provides an enabling environment for democratic consolidation (*ibid*, 30). Töttemeyer argues that although Namibia is a one party dominated State, the Constitution secures multi-party democracy (Töttemeyer, 2013). Indeed, although Namibia is marked by dominant one-party governance, the ruling party i.e. the SWAPO Party, to its credit, does not reject democracy as a principle and as a process (*ibid*,66).

1.4 The Namibian Constitution and human rights

Namibia's Constitution brought about a shift from an era of parliamentary sovereignty to constitutional supremacy. In this regard, article 1(6) of the Constitution proclaims that the Constitution shall be the supreme law of the land. The Namibian Constitution, as correctly observed by Kaapama and others, is committed to the preservation of fundamental human rights and freedoms (Kaapama *et al*, 30). Article 5, the opening article of the Namibian Bill of Rights (Chapter 3) stipulates that the Bill of Rights applies vertically and horizontally and thus constrains both public as well as private actions. It accordingly imposes a positive duty on the legislature, the executive, the judiciary and other organs of state as well as juristic and natural persons, where applicable to them, to respect and protect all the fundamental rights and freedoms guaranteed in the constitution. Some of the fundamental rights and freedoms guaranteed and protected in the Bill of Rights include the right life, human dignity, equality and non-discrimination, fair trial guarantees, administrative justice, and various freedoms such as academic, freedoms of association, free speech and expression, the media, the press, to mention but a few. The rights and freedoms guaranteed in the Chapter 3, like in all constitutional democracies, may be limited and even suspended provided certain requirements are complied with. In this regard, article 22 of the Constitution provides for the limitation/restriction of the rights and freedoms enshrined in Chapter 3. Article 24 requires that any envisaged limitations must be based on a law of general application, may not negate the essential content of the right in question, and may not be aimed at a specific person(s). Furthermore, the Constitution in article 24, as is universally accepted, makes provision for the suspension/derogation of rights and freedoms in defined circumstances such as when the country is in a

state of national defence or when a state of emergency has been declared. Any suspension/derogation of rights is subject to a detailed procedural guarantees and a maximum time period of 30 days. Article 24 also lists the rights and freedoms which may under no circumstances be suspended. These include the rights to life, human dignity, equality and non-discrimination, fair trial, administrative justice, freedom of speech and expression, freedom of thought, conscience and belief which include academic freedom, and freedom of association. Similarly, no person or group of persons may ever be denied access to a legal practitioner or a court of law irrespective of the circumstances the country is facing (The Namibian Constitution, Article 24)

The Constitution also, as is required by international human rights law, provides for the right to an effective remedy where someone's rights or freedoms have been threatened or actually violated. In this regard, article 25 endows aggrieved persons with the right to approach the Courts for redress. In guarding this constitutional injunction the superiors Courts in the country have shown their resolve to guard these constitutional imperatives. The Courts have on different occasions nullified legislative provisions, executive and administrative conduct, common law provisions and customary law and conduct found to be in conflict with the Constitution. People may also file complaints with the Ombudsman. In Namibia, the Ombudsman performs both the functions of a traditional Ombudsman i.e. investigating and dealing with complaints of maladministration and those ordinarily assigned to a human rights commission. Worryingly, only a small percentage of people regard courts and the office of the Ombudsman as protectors of human rights in the country. This was the finding of a Baseline Survey on Human Rights in Namibia which recently published by the Office of the Ombudsman towards the end of 2013 (Office of the Ombudsman, n.d).

The right to peace and security is not specifically guaranteed in the Namibian Bill of Rights, Chapter 3. Namibia, however, is a State party to several human rights instruments which guarantee the right to security of the person. The right to security of the person is closely associated with the right to liberty. However, it is also relevant in a variety of other contexts in which the State is required to keep its citizens safe, ranging from the threat of terrorism to domestic violence. The right to peace and security, though not expressly provided for in the Constitution, is guaranteed in Namibia through the operation of article 144. This article dictates that all international agreements binding on Namibia shall automatically form part of the laws of the land.

1.5 The public security sector in Namibia

The state institutions responsible for safety and security in Namibia include the Ministry of Defence (which incorporates the army, air force, and the navy), the Namibian Police (Nampol), the Namibia Central Intelligence Service (NCIS), and the Security Commission. The following paragraphs will give a brief outline of the mandate of each of these role players in the context of safety and security.

The **Namibian Defence Force (NDF)** consists of (i) the Namibian Army, (ii) the Namibian Air Force, and (iii) the Namibian Navy. Section 5 of the Defence Act states that the entire NDF, or any its wings or a member of it may at any time be employed on service in defence of the country. Such services further extend to the prevention or suppression of terrorism, the prevention or suppression of internal disorder in Namibia, the preservation of life, health or property, the maintenance of essential services, or any other service as may be determined by the President as Commander-in-Chief. This section further empowers the NDF, or any its wings or a member of the Force to be used perform any of the police functions provided for in the Police Act. These include the preservation of the internal security of

Namibia, the maintenance of law and order, and the prevention of crime. The NDF has an estimated staff compliment of 20,000 members.¹

The **Namibian Army** comprised of an estimated number of 10,000 staff members (out of the total for the NDF). The Defence Policy commits the Army to strive for perfection, to remain a disciplined, accountable, professional and a volunteer force. It further commits the Army to promote a good public image and assist the communities in which it is based. In terms of the policy, when called upon to assist the Namibian Police in the maintenance of law and order, the Army shall do so in the public interest. This shall in no way be construed as assuming policing duties (Ministry of Defence, n.d)

The primary mission of the **Air Force** is to protect Namibia's airspace, and to protect the country's cultural and national economic assets and installations (*ibid*, 84). Its peacetime role includes, among others, search and rescue operations, support to civil power and communities by providing air assets and personnel in times of emergencies (*ibid*, 87).

The **Navy's** wartime role, as assigned to it in terms of the Defence Policy, include surveillance and security of the country's entire coastline, naval combat engagements, search and rescue operations, casualty evacuation, naval blockades and landward combat operations by maritime airborne and seaborne forces(*ibid*, 90). In peacetime the Navy has the role of augmenting civil offshore patrol forces. Specific tasks in this regard include assisting civil authorities to combat illegal immigration, smuggling (arms and drugs) and threats to the environment, as well as assisting the Ministry of Fisheries and Marine Resources with the enforcement of the fisheries protection regime (*ibid*, 91).

Article 115 of the Namibian Constitution provides for the establishment of a **Namibian Police Force** by way of an Act of Parliament. Subsequent to this constitutional injunction the Police Act (No. 19 of 1990) was enacted. This Act, amongst others, provides for the establishment, organisation, administration and powers and duties of the Namibian Police Force (NamPol). The prime constitutional mandate of NamPol is to secure the internal security of the country and to maintain law and order. Section 13 of the Police Act expands on this mandate by directing that the powers of NamPol shall be (i) the preservation of the internal security of Namibia, (ii) the maintenance of law and order, (iii) the investigation of any offence or alleged offence, and (iv) the prevention of crime.

The National Central Intelligence Service (NCIS) is established in terms of the Namibia Central Intelligence Act (No. 10 of 1997). The powers, duties and functions of the NCIS are outlined in section 5(1) of the Act. It entails investigating, gathering, evaluating, correlating, interpreting and retaining intelligence related information, whether inside or outside Namibia, for the purposes of:

- detecting and identifying any threat or potential threat to the security of Namibia;
- advising the President and the Government of any threat or potential threat to the security of Namibia;
- assisting the Namibian Police Force by gathering intelligence to be used in the detection and prevention of serious offences; and
- taking steps to protect the security interests of Namibia whether political, military or economic;

Article 114 of the Namibian Constitution provides for the establishment of the **Security Commission**. Article 114(1) of the Constitution empowers the Security Commission to recommend to the President the appointment of the Chief of the Defence Force, the Inspector-General of Police and the

¹ Attempts to get official documentation in this regard proved futile.

Commissioner of Prisons. Article 114(2) of the Constitution states that the Security Commission shall consist of the Chairperson of the Public Service Commission, the Chief of the Defence Force, the Inspector-General of Police, the Commissioner of Prisons and two (2) members of the National Assembly appointed by the President on the recommendation of the National Assembly. Additional functions of the Commission, as outline in section of the Security Commission Act (No. 18 of 2001) include advising the President on matters relating to defence or internal security when requested to do so by the President or on its own accord. The Commission is also empowered to alert and recommend to the Minister of Home Affairs the presence in Namibia of a named person regarded as inimical to peace and the public interest or that a named person, by his or her conduct, is a danger or is likely to be a danger to peace and good order in Namibia.²

From the above is thus clear that the Namibian Government is responsible to ensure peace and security in the country.

1.6 Staff compliment of the army and police

The estimated staff compliment of the Namibian Defence Force (NDF) is 20,000. About 10,000 of this figure is assigned to the Army, another is estimated 3,000 to the Navy and the remainder to the Air Force.³ The NDF, as noted by Graham Hopwood- the director of the Institute for Public Policy Research (IPPR), is run on a professional basis and operates with neutrality when it comes to political or tribal issues (Poolman, 2014). Hopwood further opines that The NDF has by and large avoided political controversy and worked to serve the country's interest, rather than any particular political or ethnic group (*ibid*).

The total estimated staff compliment of the public police (NamPol) according to Deputy Commissioner Edwin Kanguatjivi, the police spokesperson, stands at 14, 094 staff members (Interview, Kanguatjivi: January 2014).⁴ This figure is divided amongst the Special Field Force (SFF), VVIP and VIP Protection and the Special Reserve Force. About half of the officers belong to the SFF and are mainly responsible to conduct border patrols (*ibid*). A significant number of the remaining members, according to Kanguatjivi are designated to do Very Very Important Persons (VVIP) and Very Important Persons (VIP) protection whereas others serve in the Special Reserve Force- to deal riots and special situations, respectively. This leaves an active police force of about 5,000 staff members (*ibid*). That said, private security officers outnumber Namibian police officers by over three-fold at a ratio of three to one (3:1).

² See section 5 of the Act.

³ No official document was made available to the researchers to verify these figures.

⁴ Remarkably, no official document could be obtained to verify this figure.

1.7 International treaty obligations on peace and security

Namibia signed, ratified and/or acceded to the following human rights and other international instruments relating to peace and security. The following table shows some of the main instruments related to peace and security the country is bound to.

Table 1:

Name of instrument	Signed	Accede	Ratify	Date
United Nation Level				
1. Charter of the United Nations, Article	√	√		23.04.90
2. The four 1949 Geneva Conventions	√	√		22.08.91
Continental Level				
1. Constitutive Act of the AU	√		√	11.07.00
2. Protocol relating to the establishment of the Peace and Security Council of the AU				
3. Common African Defence and Security Policy (CADSP)				
SADC Level				
1. SADC Treaty Articles	√		√	17.08.92
2. The Protocol on Politics, Defence and Security Co-operation				

Part 2: NAMIBIA SECURITY THREATS

Namibia is ranked among a few countries in the world that have consistently enjoyed peace and stability, with virtually no civil strife resulting from political turmoil (The Namibia Sun, 2013). The country has been ranked 3rd in Sub-Saharan Africa and 46th in the world in terms of the high level of peace prevailing in the country by the 2013 Global Peace Index (GPI) Report (Institute for Economics and Peace, 2013). Hitherto, the nation experienced one visible incident that threatened the peace and stability enjoyed in the country in the form of an armed rebellion.

2.1 The Caprivi secessionist issue

In the early hours of 2 August 1999, this peace and stability was briefly disturbed when members of a secessionist group, the Caprivi Liberation Front (CLF), attacked government installations in the regional capital Katima Mulilo, in the then Caprivi region (now Zambezi), in an attempt to secede this region from the rest of Namibia. The group attacked the police headquarters, the local offices of the Namibian Broadcasting Corporation, an army base and an immigration post. The Namibian security forces acted swiftly and, rather zealously, to quell the uprising. Officially nine lives were lost, dozens are reportedly still missing, and hundreds were jailed and tortured (Harring *et al*, 2012). One hundred and twenty people were subsequently arrested for their alleged involvement in this armed rebellion to face charges ranging from high treason, murder and attempted murder.

The Caprivi trial, as it is commonly referred to, has become known as one of, if not the longest trial, in an independent Namibia. Several of the accused have since died in detention. On February 11, 2013 forty three of the accused were acquitted by the High Court when it ruled as inadmissible the admissions and confessions allegedly made by the accused persons during their arrests and arraignment. The rest of the accused still await, after more than 13 years, the outcome of this highly published treason trial.

Some people in the Zambezi region, as pointed out by Töttemeyer, still pursue, although more hidden than openly, the succession of this region from the rest of Namibia. (Töttemeyer, 2013). This might not be hyperbole considering the renewed endeavours by Lozi-speaking Namibians to secede the Zambezi region from the rest of Namibia were launched in 2012. In their protest march, which at the end was not authorised by the Namibian Police, they openly called and demanded for the succession of the Zambezi region from the rest of Namibia. Furthermore, the exiled leader of the CLF- the former Namibian politician- Mishake Muyongo, in a telephonic interview in 2011 reiterated his resolve to 'leave no stone unturned to ensure that the Caprivi gain its independence (Poolman, 2011).

Hitherto, the Government of Namibia (GRN) has adopted a rather hard-line approach in dealing with the Caprivi secessionist issue. For instance, on September 1 2006, the Government announced that it considered the United Democratic Party (UDP) - the political party advocating for the succession of the Zambezi region from the rest of Namibia, as an illegal organisation. In terms of the announcement the GRN demanded that the UDP abandons, rejects or denounces its secessionist agenda. The announcement further revealed the GRN's intention to rigorously enforce national laws governing the prevention of illegal gatherings to ostensibly thwart the UDP's intentions of undermining the constitutional order (Weidlich, 2006). The Dinyando-announcement (named after the then Deputy Minister for Information and Broadcasting, Raphael Dinyando who made it) however, stopped short of

banning the UDP altogether. There is a strong argument to be made that the hard-line approach adopted by the GRN in dealing with the Zambezi/Caprivi secessionist issue falls foul to human rights principles and standards. It is respectfully submitted that advocating for the succession of the Zambezi region from the rest of Namibia cannot be equated with treason. Undoubtedly, the open and democratic society envisaged by the Namibian Constitution makes allowance for the advocating of all kinds of ideas, never mind how controversial, provided it is done through peaceful means. It is submitted that the suppression of a democratic debate surrounding the Zambezi/Caprivi secessionist issue only exacerbates intra-state tension and undermine the long term peace, security and stability in that part of the country.

2.2 Unemployment, Poverty and Inequality

How sustainable is the current levels of peace and stability currently enjoyed in the country? Such an interrogation is imperative given the disproportionate income inequality, the grinding poverty, and the depressing high unemployment rate plaguing the country. It is clear that risks can arise where there is a public perception that the benefits of national growth are not being shared equitably. It is worth noting that the 1994 Human Development Report of the UN Development Programme advocates for the concept of security to be shifted from the idea of a militaristic safeguarding of state borders to the reduction of insecurity in people's daily lives (human insecurity) and from security through armaments to security through sustainable human development (United Nations Development Programme, 1994). Issues such as economic security, food security, health security, environmental security, personal security, community security and political security should as such be seen as threats to human security (*ibid*). The 2013 Human Development Report similarly warns that rising inequality, especially between groups, can lead to social instability. The 2013 Human Development Report further warns against the potential of social unrest resulting from the persistence of inequality and the lack of intergenerational social mobility (UNDP, 2013). The CADSP similarly advocates for a new, multi-dimensional emphasis on human security which should be based on political values and social and economic imperatives. Such a multi-dimensional notion of security should necessarily embraces issues such as human rights; the right to participate fully in the process of governance; the right to equal development as well as the right to have access to resources and the basic necessities of life; the right to protection against poverty; the right to conducive education and health conditions; the right to protection against marginalization on the basis of gender; protection against natural disasters, as well as ecological and environmental degradation (CADSP, article 6).

That said, it is fair to state that the current and growing unemployment, poverty and inequality in the country constitute a ticking bomb whose explosion could present an unimaginable security threat for the country. Anecdotal evidence seems to suggest that for some of the unemployed, excluded, marginalised and the poverty stricken members in the country violence and crime have become the only means through which they can make a living. Poverty and inequitable distribution of natural resources, as pointed out in the CADSP, constitutes an internal security threat which undermine the maintenance and promotion of peace, security and stability in a given country (*ibid*, 8(ii)(k)). Time has come to view the triple challenge of unemployment, poverty and inequality in the country not only as a socio-economic problem but also a threat to the peace, stability and security of the country. This is so because Namibia, at the risk of sounding alarmist, faces a real security threat and challenge now and in the near future if nothing is done to address the huge unemployment, poverty and inequality. It is beyond dispute that the growing unemployment, poverty, and inequality in the country are the ingredients of crimes, social chaos, conflicts and instabilities.

Part 3: LEGISLATIVE AND POLICY REGULATORY FRAMEWORK OF THE PRIVATE SECURITY INDUSTRY IN NAMIBIA

Responsibility for private security companies in Namibia falls under the Minister of Safety and Security. The industry is governed by the Security Enterprises and Security Officers Act, 1998 (No. 19 of 1998). The Act mandates the Minister, in consultation with SESORB to make regulations relating to various aspects pertaining to the industry. However, the regulations are still in draft form and thus of no legal force. Hence, it is a common complaint among representatives of the sector that it is currently way too easy to start a private security company. There is general concern that this lack of regulation has resulted in a vast number of unprofessional companies who provides poor services and ruthlessly exploits their guard guards.

3.1 Legislative framework

The Namibian private security industry, as stated above, is currently governed by the Security Enterprises and Security Officers Act. This Act was amended in 2002, by the Security Enterprises and Security Officers Amendment Act, 2002 (No. 21 of 2002). The Act is complimented by the Regulations and the Coded of Conduct. Both the Regulations and the Code of Conduct are still in draft form but are discussed here to provide the necessary context and a holistic understanding of the issues discussed.

3.1.1 Definition of security

The Act, strikingly, does not to define what constitutes a 'security service'. In this regard, it is worth noting that the equivalent of the Namibian Act in South Africa, the Private Security Industry Regulation Act 56 of 2001, elaborately defines the concept of 'security service'. A 'security service' in that country's Act, for instance include protecting or safeguarding a person or property in any manner; performing the functions of a private investigator; providing security training or instruction to a security service provider or prospective security service provider; and performing the functions of a locksmith (PSIRA, 2001)

3.1.2 A security enterprise

The Act does not comprehensively define "security enterprise". It stipulates that to operate as a security enterprise a company must apply to SESORB for registration. Such an application must be accompanied by a clear set of fingers taken by the police and a non-refundable fee of N\$850. For the enterprise to be registered the applicant (in the case of a natural person), every director (in the case of a company), and each member (in the case of a close corporation or partnership) must also be registered as a security officer.

The draft regulations further required that the application for registration must be accompanied by an original or certified copy of a police clearance certificate regarding the criminal record status of each applicant, director or member whichever is applicable (Draft Regulation 5(b), 2009). Applicants found

guilty, 10 years prior to or any time after the commencement of the Act of an offence specified in the Schedule to the Act are precluded from registering. Such offences, 27 in total, include high treason, rape, indecent assault, murder, culpable homicide, child stealing, malicious injury to property, public violence, theft of game or stock (Including illegal hunting), robbery, assault with intent to do grievous bodily harm.

A security company may be deregistered by SESORB for a number of reasons. These may be for being found guilty of a Scheduled offence as listed in the Act, or a misconduct committed under the Code of Conduct, failure to pay any outstanding fee(s) owed to SESORB, or failure to pay the prescribed annual amount to the Fidelity Guarantee Fund established for the private security sector.

Both the Act and the draft Regulations create a number of statutory offences which may be committed by a security enterprise/company. These include failure to deliver a surrendered certificate of a deregistered security officer to SESORB within seven days of such a surrender; failure to display its registration certificate in a conspicuous place in each of the premises used by such a company; trading under a name other than the one registered with SESORB; and failure to issue a security guard with a durable identification card.

3.1.3 Security officers

The Act also does not provide for a definition of a security officer. Section 16 of the Act governs the application for registration as a security officer. Such an application must be made to SESORB. The application must be accompanied by a clear set of fingerprints taken by the police and a non-refundable fee of N\$120.

A prospective security officer must submit, together with his/her application an original of certified copy of a police clearance certificate of his/her criminal record status (Draft Regulation 5(b), 2009). Persons found guilty, 10 years prior to or any time after the commencement of the Act of an offence specified in the Schedule to the Act are precluded from becoming security officers.

Where a security officer: provided SESORB with materially false information in his/her application for registration; or is found guilty of an offence specified in the Schedule of the Act; or is found guilty of a misconduct committed under the Code of Conduct; or is declared mentally disabled by the High Court, s/he may be deregistered by the Board/SESORB. A security officer who has been deregistered must surrender his/her registration certificate within seven days (7) thereafter either to his employer or SESORB if s/he is not employed by a security company.

Both the Act and the draft Regulations create a number of statutory offences which may be committed by security officers. These include failure to surrender his/her certificate of registration to his/her employer or SESORB within seven days of his/her deregistration; failure to surrender his/her identification card upon ceasing to be employed by a security company; changes, falsifies information on, defaces, destroys or fails to take reasonable steps to safeguard his/her certificate of identification

3.2 The Security Enterprises and Security Officer Regulation Board (SESORB)

The Act, as stated in previous paragraphs, provides for the establishment of a regulatory body called the Security Enterprises and Security Officer Regulation Board (SESORB). The objects of the SESORB are to

essentially exercise control over security enterprises and the occupation of security officers by way of maintaining, promoting and protecting the status of security companies and security officers respectively. SESORB's powers include the following: maintaining standards and regulating practices in connection with the occupation of the security officer; informing persons pursuing or intending to pursue such occupation about those standards and regulatory practices; gathering information relevant for the occupation of security officers; and advising the Minister of Home Affairs on any matter relating to security officers.

SESORB is also responsible for the registration of the security companies and security guards as explained above. It also is responsible for the enforcement of the code of conduct in the industry. It is further charged to keep a register detailing names and particulars of all registered security enterprises and security officers.

The Amendment Act, No. 21 of 2002, provides for the reconstitution of SESORB. It restricts the power of the Minister of Home Affairs to make the regulations for the industry. It is worth noting that whilst the Act makes reference to the Minister of Home Affairs, in reality the draft regulations were made by the Minister responsible for policing. This raises various issues relating to administrative legality. For instance, the Minister responsible for policing is not the Minister of Home Affairs as per the ministerial portfolios. The police department resorts under the Minister of Safety and Security. Thus, whilst the author (of the regulations) is consistent with the daily realities the Minister responsible for policing is not necessarily the designated person to have made the regulations if regard is to be had to the provisions of the principal Act. Needless to say, this matter alone may give rise to legal battles in future. It is thus advisable that this matter be addressed before the actual promulgation of the draft regulations.

In terms of reconstituting the SESORB, the Act provides that the SESORB shall consist of the following:

- one staff member of the Ministry of Home Affairs (who shall be the chairperson);
- one member of the Namibian Police Force (NAMPOL), designated by the Inspector General of Police (who shall be the vice-chairperson);
- one staff member of the Ministry of Labour, designated by the Attorney-General;
- one staff member of the Office of the Attorney-General, designated by the Attorney General; and
- six security officers selected by the Minister from a list submitted to him/her (three shall be representative of employers and three representatives of employees).

SESORB as can be seen from the above composed of 10 board members. It is supposed to meet at least twice a year. A special meeting convened at the request of the Minister or of at least one third of the SESORB members. It appears that the current legislative framework does make room for the full administration of the regulatory authority/SESORDB. This begs a number of questions. For instance, are the different committees SESORB is empowered to appoint/establish from time to time for the purpose of performing any of its functions supposed to fill this void (in respect of daily administration)? Also, what are potentially serious implications of limited regulation and accountability of an industry which continues to grow in both size and importance, and which is likely to be here to stay? Is a ten member board, without support any support staff well positioned to play the kind of role and function as envisaged by the principal Act, the draft Regulations and draft Code of Conduct? Given these challenges, would it not make sense to emulate the South African model in this regard? In that country, the equivalent of SESORB is a Council, which just like SESORB serves on a part time. However, the day-to-day activities of the Authority are overseen and implemented by a full-time administrative structure.

Part 4: THE USE OF FIREARMS AND UNIFORMS BY THE PRIVATE SECURITY INDUSTRY

4.1 Use of fire arms by private security officers

The current legislative framework allows for the use of fire arms within the PSI. There is currently no specific rules governing the use and specifications of firearms used by private security companies due to the lack of regulations for the industry. The Arms and Ammunition Act (No. 7 of 1996), thus, serves as the general guide in this regard. This Act, amongst others, regulates the control over the possession of arms and ammunition. Section 2 of this Act expressly prohibits any person from having a firearm in his or her possession unless s/he is licensed to possess such an arm. However, there seems to be a clear vacuum in the current legal provisions as it pertains to the use of fire arms by security officers. Currently, the license of the PSC to buy and possess fire arms, is by default, pass on to the security officer in the employment of that company. Thus, in terms of the current situation such a security does not need to have a license to possess and or use a fire arm whilst on duty. Also, there is currently no requirement that security officers must be subjected to a fitness test to determine where s/he is fit to handle a fire arm or not. There is currently also no requirement that security officer undergo some kind of training programme for the use and handling of fire arms, as is the case in South Africa. Indeed, a random informal survey conducted amongst security officers, for this study, found that the majority of security officers spoken to received no or very little training on the use and handling of fire arms. Currently, only few PSCs and mainly the established ones provide fire arm training to security officers. It is important to stress though, that such initiatives are done voluntarily and in the absence of a statutory duty to do so.

Once again, due to the absence of rules and regulations, PDCs may technically use whatever type of weapons they may want to use except for semi-automatic to automatic rifles. Permission must be obtained from the police to use such type of rifles. Otherwise, firearms like shotguns, small caliber AK-47's which are single-shot may be used. In term of the practice a PSCs only need to register themselves with the police as a security officer whereby they are allowed to buy any firearm they want.

In this regard, pistols and shotguns may be used in self defence. Furthermore, the use of concealed weapons applies to all persons in private clothes. Those in uniforms, including security officers, must place it where it is easily identifiable.

Furthermore, private security officers are only allowed access to fire arms when on duty. All weapons are to be stored at the employer's premises. The law makes it mandatory that such weapons must be stored in a safe.

Security guards are usually using pistols, shot guns, semi-automatic weapons and at times AK 47's.

4.2 Registration of company weapons

In terms of the law no fire arm should be possessed without a license. *Part II and regulation 2* of the Fire Arms and Ammunition Ac, 1996 (No.7 of 1996) is authoritative on this issue. There has to be, *inter alia*, documentary proof that the applicant carries on a business of rendering security services, attached to an application for a license.

4.3 System in place for controlling the use of fire arms by employees

In relation to state owned security entities, the police manual actually regulates the use of fire arms (Operation manual, Chapter 2, use of firearms. According to the chief of City Police (Kanime, Interview 2013) the Police manual regulates the keeping of fire arms. Police officers are 24hrs on duty but they have to follow procedure when taking firearms. In terms of the internal rules regulating the use of fire arms at City Police, the following procedure has to be adhered to:

1. Make an application to the head of the police force for record purposes. The head may deny an officer access to the firearms based on disciplinary issues.
2. Such an officer should have a safe at his residential premises so that he can store the weapon when it is not on his body.

The Fire Arms and Ammunition Act specifically Part II, specifically requires that all employees using firearms must be registered in terms of the law. In the case of private security companies there are no specific legal requirements. As a result it is up to individuals PSCs to come up with their individual controlling measures. In the absence of governing regulations private security companies devised their own controlling system in this regard.

4.4 Criminality in the private security industry

From the newspaper articles referred to below, it is evident that employees of private security firms are not immune from criminal activities. For instance the Namibian newspaper of Monday 16 September 2013 reported that a security guard Junias Uleko (31) was jailed for stealing sweets. Uleko admitted that he stole goods with a total value of N\$ 1388, over a period of time he was employed as security guard at a service station shop. Magistrates sentenced him to 15 months imprisonment, of which 5 months is suspended for a period of five years on condition that Uleko is not convicted of theft committed during the period of suspension.

In a separate incident, a former detective inspector, Michael Booysen, was jailed for four years after he pleaded guilty to assault charges and was sentenced in the Magistrates court in Katutura. The former detective inspector was imprisoned for assaulting his ex-girlfriend after burning down her flat in 2004 and threatened her with a fire arm.

Similarly, Werner Menges of The Namibian reports an incident involving a killing resulting from use of a fire arm. The media publication runs under the title, "Security company boss denies murder charge". A security company owner is accused of killing a former employee (Kafirovi) in a shooting that took

place in his office three years ago. The accused (Andreas Karupu) pleaded not guilty on a charge of murder in the Windhoek Regional Court.

The latest incident involving criminal behaviour of security guards occurred as recent as April 2014. In this instance, police in Rundu arrested four men, including two security guards, in connection with a robbery involving N\$1,8 million from the First National Bank of Namibia in the town on Monday, April 28, 2014. The security guards initially claimed they were robbed of the money, which was supposed to have been distributed for use in ATMs at a Rundu shopping mall. Two security guards were reportedly supposed to distribute the money to ATMs at the Galaxy Shopping Mall, but staged a robbery instead (The Namibian, 2014).

4.5 Uniform, identification and insignia of security guards

The enabling Act, as noted earlier on, makes it mandatory for security guards to wear uniform, have insignia and have proper identification whilst on duty. It can be stated that the requirements relating to uniform and insignia are generally complied with. However, this study found that most security officers are not wearing any form of identification whilst on duty. Once again, only the established PSCs consistently adhere to this statutory requirement. Furthermore, the existing legal provisions forbid PSCs from having the same or similar uniforms as the Namibian Police or Windhoek City Police. This provision is customarily not adhered to with the result that every PSC is doing as it sees fit. Consequently, many of them use uniform closely resembling that of the State institutions such as the police or the defence force.

PART 5: The Extent of Private Security Industry in Namibia

Private security as a concept means different things to different people (Gumedze, 2007-08). To some, it means mercenaries, yet, to others, it means private military companies (PMCs) and private security companies (PSCs). Others think of private security as including vigilantes and community police, while some do not see a difference between any of the above (*ibid*). This review focuses on the private security industry within Namibia's borders in the context of such services being provided by non-state actors. It deliberately refrains from delving much into definitional "gymnastics" which are likely to blur the global objective of the study. That said, the private security industry comprises those actors who provide security for people and property under contract and for profit (Richards and Smith, 2007). This focus does not in any way detract, disregard or devalues the security provided by informal communities. Rather, it has been informed by the mandate and scope of the assignment and the fact that, worldwide, this industry is experiencing a period of rapid growth (*ibid*). Available evidence suggests that the trend towards increased security provision by non-state actors is prevalent in all regions of the world (*ibid*, p.5). This begs the question, how has this global trend play itself out within the Namibia context?

5.1 The size of private security industry in Namibia

The issue of what constitutes private security is not well defined in Namibian legislation. Closest to this, is the definition of "security service" in the Security Enterprises and Security Officers Act (No. 19 of 1998 as amended). Security service, in terms of this Act is defined as a service rendered by one person to another for reward in exchange for the protection or safeguard of people or property; or the provision of advisory services in this regard (Security Enterprises and Security Officers Act, section 1). It is debatable whether this definition sufficiently caters for the broader view of the role of private security that prevails today. For instance, the American Society for Industrial Security (ASIS) International- the largest association of private security professionals in the United States, has defined private security as 'the nongovernmental, private-sector practice of protecting people, property, and information, conducting investigations, and otherwise safeguarding an organization's assets' (Strom, K et al, 2010).

The private security industry in the country, as mentioned in the literature reviewed, is under-researched. As a result, very little is known about the scope and nature of the industry in the Namibia. For instance, trying to discern the number of security enterprises and security officers from official documents such as the 2012 Namibia Labour Force Survey Report is impossible. This is so because the private security industry is not listed as a standalone industry. Thus, depending on the source consulted, the size of this industry appears to vary. For instance, an investigation conducted by labour inspectors of the Ministry of Labour and Social Welfare (MoL) indicates that there were 216 security companies in operation in the major towns throughout the country in 2012 (Ministry of Labour and Social, 2012). The report, regrettably, does not show which of these companies are branches or outlets of the major security companies operating in the country. The given number may thus be an overstatement of the number of PSCs currently operating in the country. This, however, does not detract from the concerns expressed by various key informants in the industry about the high number of 'fly-by-night' security companies operating in this sector. For instance, a study conducted by the Labour Resource and Research Institute (LaRRi), allegedly administered and managed from a 'suitcase'. These 'fly-by-night' security companies reportedly do not have physical office space, do not pay their workers regular salaries and usually do not pay the prescribed minimum wages set for the industry (Shindondola-Mote and Indongo, 2012).

The same muddle regarding the exact number of security guards employed by the PSI prevails in the country. For instance, the latest Labour Force Survey does not give an indication of the number of persons employed as security guards in the country. Also, two key informants for this study gave different estimates for the number of security guards currently employed by the PSI. In this regard, Andries (Dries) Johannes Kannemeyer, president of the Security Association of Namibia (SAN) estimated that there are around 14, 000 guards employed by the PSI in the country (Interview, Kannemeyer: February 2014). On his part, Mr. Johan Visser, chief executive officer (CEO) of the Namibian Protection Services, estimated the number to be 17,000 (Interview, Visser: January 2014). He based his estimations on the 2009 wage negotiations conducted for the industry in that year. Also, already back in 2009, the Namibian newspaper carried an article which estimated that there were between 15 000 and 20 000 people are employed in this industry (Shejvali, 2009). Be that as it may, this industry is generally regarded as one of the fastest growing in Namibia.

5.2 Major private security companies in Namibia

It is worth repeating that the exact number private security companies in the country are highly disputed. There is a general consensus though that the number of these companies is continuously growing. The companies vary considerably in size, with the majority being small to medium-sized, owner-managed companies, employing less than 100 people. The majority of companies operate in only one locality or town, whereas the major companies have operations in several main towns as well as rural areas. The highest concentration of companies is in Windhoek. The sector is dominated by approximately five leading companies. The largest company in terms of number of employees is Namibian Protection Services, with about 2,000 employees and operations in 11 branches across the country. Other main players include G4S Security Company with approximately 1,800 employees, Rubicon Security Services with approximately 1,254 employees, as well as Omega Security Services, Eagle Night Watch Security Services, amongst others. Most of these companies operate throughout the country, although some have chosen to restrict their operations to certain towns and regions.

The following table, compiled by the Ministry of Labour and Social Welfare in 2012, shows the location of private security companies throughout the country.

Name of the towns	Number of Security companies
1. Gobabis	9
2. Oshakati	15
3. Ondangwa	10
4. Windhoek	38
5. Omatako	1
6. Oshikango	4
7. Swakopmund	11
8. Rundu	12

9. Ongwediva	1
10. Khorixas	3
11. Otjiwarongo	9
12. Opuwo	4
13. Outjo	2
14. Rietfontein	1
15. Usakos	2
16. Walvis Bay	15
17. Katima Mulilo	4
18. Tsinsabes	1
19. Tsumeb	3
20. Omuthiya	3
21. Quinas	1
22. Aminus	1
23. Okongo	2
24. Eenhana	2
25. Outapi	7
26. Oshikuku	1
27. Aranos	2
28. Okahao	2
29. Mariental	5
30. Keetmanshoop	3
31. Oranjemund	1
32. Karibib	4
33. Rosh Pinah	3

34. Okahandja	7
35. Henties Bay	2
36. Grootfontein	4
37. Okakarara	3
38. Otjinene	1
39. Rehoboth	2
40. Klein Aub	1
41. Oshigambo	2
42. Onyuulae	2
43. Onyaanya	1
44. Onathinga	1
45. Oshivelo	1
46. Gibeon	1
47. Okalongo	1
48. Ruacana	1
49. Oshifo	1
50. Nkurenkuru	1
51. Divudu	2
TOTALS	216

Source: Ministry of Labour and Social Welfare Directorate, 2012.

It is worth pointing out that key informants from the private security industry questioned the accuracy of the total number of security companies per town in Namibia as given by the Ministry of Labour. They noted that the survey considered branches of established private security companies as independent outfits. This, in their opinion, erroneously creates the impression that the country has an oversupply of private security companies. These sentiments seem warranted if one considers the Master List of Security Companies in Namibia which was also published by the Ministry of Labour in 2012. Accordingly to the said Master List 85 private security companies were registered with the Ministry in that year. However, the discrepancy between the total numbers of private security companies operating per town and those on the Master List may also be directly linked to the alleged

high number 'fly-by-knight' companies operating within the industry. This situation, needless to say, calls for urgent redress through active leadership to rid the industry of unscrupulous operators.

5.3 Industry Associations

There are currently two rival industry associations in the country, namely the Security Association of Namibia (SAN) and the Namibia Federation of Security Employers (NFSE). SAN was established in 2006 and is an affiliate of Namibia Employers Federations (NEF). Most of the established and major PSCs are members of SAN. However, a significant number of companies reportedly do not belong to SAN because they either do not meet the organisation's requirements for membership or because they opted not to associate with SAN. SAN has currently a membership of 21 companies. Kannemeyer, in a wide ranging interview emphasised the main aim of SAN as being to establish and maintain quality standards and good practices in the sector; also strives to provide a central organisation to liaise with government, police and other relevant institutions and agencies. SAN specifies technical and operational standards that all members must comply with. SAN membership is open to all bonafide PSCs. The association played a central role in the initiation and setting up of the now defunct police-security forum, POLSEC, the drafting of regulations for the industry and strongly endorsed the prescribed minimum wage for the sector (Interview, Kannemeyer: February 2014).

SAN is reportedly viewed as being biased towards the interests of white employers.

Black employers in this industry reportedly therefore established their own association called the Federation of Security Employers in Namibia (FSEN) to advance their interest (Shindondola-Mote and Indongo, p.5). According to the records of the Ministry of Labour, the FSEN was registered with the ministry in 2008. To date no annual return has been submitted by this federation and it has since been de-registered by the Ministry (Ministry Labour, 2012). In fact, very little is known about this entity. No evidence, whatsoever, could be found on the role this federation is playing in either the Security Labour Form or POLSEC. It is thus safe to assume that this federation plays no actual, or if any, an insignificant role in the regulation of private security companies in the country.

5.4 Main operational areas of private security companies in Namibia

The investigation report of the MoL, referred to earlier, reveals that PSCs are operating in 51 towns throughout the country. The report also shows the number of security companies present in a respective town. Closer reading of this report shows that private security companies mainly operate in urban areas. Some thirty eight private security companies are currently applying their trade in and around the capital. Oshakati and Walvis Bay are joint with the second highest number of private security companies at fifteen. Rundu and Swakopmund are third and fourth respectively with a total of twelve and eleven private security companies providing security services there (MoL, 2012).

5.5 Foreign ownership of private security companies in Namibia.

The Security Enterprises and Security Officers Act is silent on the regulation of private ownership and control of a business operating as a security service provider. Foreign owned private security

companies such as Rubicon, G4S, and Coin Security thus freely operate in the country.⁵ The Act also does not, as rightfully pointed out by Gumedze, address the issue of the exportation of private security skills beyond the borders of Namibia, as it the case in the South African equivalent legislation. This is despite the fact that there were concerns around the abuse by private security and military companies surfaced in 2007. In that year a firm called Special Operations Consulting-Security Management Group (SOC-SMG), an US outfit, actively went around to recruit ex-combatants to guard US bases in Iraq and Afghanistan. This matter, when it became known, created a national and international stir. The Namibian government eventually declared the two US nationals said to behind the recruitment drive as prohibited immigrants. The two were accordingly deported them. The State Security Committee also recommended the closure of the SOC-SMG.

5.6 Registration and licensing of private security

The Companies Act (No. 28 of 2004) governs the registration of all companies in Namibia. As such, this Act and its regulations are the provisions under which all private security companies are to be registered. The Registrar of Companies, in the Ministry of Trade and Industry oversee the registration of companies in Namibia. Thus, anyone wishing to start a private security company can register such a company with the Registrar of Companies. The registration requirements are generally very liberal and allow any would-be entrepreneur to start such a business.

However, operating a security company is further subjected to the requirements of the Security Enterprises and Security Officers Act (No. 19 of 1998). Section 14(1)(a) of this Act stipulates that no person may operate a business for purposes of rendering a security service unless such a business is registered as a security enterprise. Section 14(1)(b) of the Act similarly prohibits any person from being a security guard unless s/he is registered as a security officer/guard. In this regard, the Act establishes an entity called the Security Enterprises and Security Officers Regulation Board (SESORB) which, amongst others, is empowered to grant the applications and to register private security companies and security officers upon application respectively (Security Enterprises and Security Officers Act, sections 15(3) and 16(3)).

It transpired though that these provisions are generally not enforced in practice. Several of the industry participants have singled out the non-enforcement of the application and registration requirements as the most singular reason for the proliferation of private security providers in the industry. The non-enforcement of these requirements was also commonly cited as the reason why some of the registered private security companies refuse and/or are reluctant to pay the minimum wage set for the industry.

The Act empowers the Minister of Home Affairs, in consultation with SESORB to make regulations relating to, inter alia, the training of security officers, the uniform, insignia and identification of security officers, requirements for the identification of vehicles used by security organisations and security officers in the course of their duty. However, these regulations have still in draft form - sixteen years after the passing of the Act. The general non-enforcement of the Act and the absence of regulations,

⁵ South African Parliament in 2013 passed an amendment to their Act. In that country the law now requires that at least 51 percent of the ownership and control of private security companies must be exercised by South African citizens; See section 9(c) of Private Security Industry Regulation Amendment Bill

as noted by Mr. Wiese, greatly contribute to the non-uniform standards currently plaguing the industry (Interview, Wiese: January 2014). The reasonableness and justifiability of the lack of zeal and leadership on the side of the relevant organs of the Government in this regard is open to question.

5.7 Vetting and screening policies of private security companies

Prescreening of personnel, as observed by Kevin Strom and others, is becoming more thorough in the private security industry the world over. As such, criminal histories and fingerprint checks are becoming the norm. This is so because the nature of the job makes it essential for background checks to include measures of the applicant's personality. Thorough background checks are critical because employers have an obligation towards the people they serve. Moreso, private security companies, rightfully, want to ensure that the individuals they hire are competent and mentally fit to handle the daily duties of their jobs (Strom, K et al, 2010). These matters, surprisingly, are not addressed in the Act. The Act does not expressly address the issue of background checks. This, arguably, is indirectly addressed through the statutory requirement that a "clear and complete set of finger prints" be submitted to SESORB by both prospective security enterprises/companies⁶ and security officers/guards upon applications to provide such services in terms of sections 15(1)(a) and 16(1)(a) of the Act. This, however, is currently not happening due to the inactive and/or dysfunctional status of SESORB. As a result of this, anyone, whether with good or bad intentions, may, under the current dispensation, either operate a private security company or become a security guard. This state of affairs, needless to say, provides an ideal opportunity for crime syndicates to operate given Namibia's high crime rate.

Some private security companies are reportedly addressing this void by having formulated their own vetting and screening policies. Such practices are, however, mainly done by the major security companies. Again, pointing to inconsistency in this regard.

In terms of the current practice, security companies collaborate with the Namibian Police services to acquire fingerprint-based checks of criminal history records to screen prospective security officers. The inherent flaw of this practice is that it has no legal basis and is not mandatory. It is thus up to the private security company to do such a check. It was found that some companies would even allow employment while the results of the check are still pending. Some companies like Namibia Protection Company also do background check on prospective employees by interviewing family members.

5.8 Unionisation and conditions of employment in the private security

industry

The right to freedom to form or join a trade union of one's choice is entrenched in the Namibian Constitution (Namibian Constitution, 1990). This right is also listed as a non-derogable fundamental freedoms under article 24(3) of the Constitution. This right, undoubtedly, equally and unreservedly

⁶ Finger prints of the applicant if such an applicant is a natural person; where the applicant is a company, such finger prints must be of each director of the company; where the applicant is a close corporation or a partnership, the finger prints must be of each member.

also apply to employees of private security companies. Literature of the level of unionisation within the private security industry is close to zero. The 2012 LaRRi study, referred to earlier, was found to be the only source shedding light on this subject. This study reveals that only 40.9 percent of security guards employed by private security companies belong to a trade union (Shindondola-Mote and Indongo, 2012). This report shows that there are currently three trade unions organising within the private security industry. These are the Namibia Allied Workers and Transport Union (NATAU), the Namibia Independent Security Union (NISU), the Namibia Security Guard and Watchmen Union (NASGWU) and the National Security Guards Protection Union (NSGPU). Most security guards, 83.4 percent, reportedly belongs to NATAU whilst some 7.3 percent hold NASGWU membership (*ibid*).

The Labour Act (No. 7 of 2011) entitles a trade union which represents the majority of employees in an appropriate bargaining unit exclusive bargaining agency status (recognition agreement) for purposes of negotiating a collective agreement on any matter of mutual interest with the relevant employer and/or group of employers. Both NATAU and NASGWU enjoy exclusive bargaining agency status with some private security companies. However, a sizable number of employers in the private security industry reportedly do not find it necessary to have recognition agreements with trade unions (Shindondola-Mote and Indongo, 2012). This, if reportedly correctly, undoubtedly constitutes an unfair labour practice. Exclusive bargaining agency status, under the current labour regime, is an entitlement, differently phrased, a right and not a privilege bestowed on a trade union. Furthermore, the importance of recognition agreements in an industry notoriously known for low wages, extended working hours, poor working conditions cannot be overemphasised.

Part 6: THE GROWTH OF THE PRIVATE SECURITY INDUSTRY IN NAMIBIA

Increasingly, the private security industry is taking on roles that have traditionally been the preserve of state security providers. This include escorting and transporting high-risk commodities; providing rapid response services attached to alarm systems; stewarding large public events; providing surveillance services; risk analysis; and providing protective security to a wide range of facilities such as banks, ports and embassies (SEESAC, 2006). Richards and Smith similarly observe that the trend towards the provision of increased security by non-state actors is prevalent in all regions of the world (Richards and Smith, 2007). Thus, the mixture of state and private actors within the field of security, as aptly observed by Creutz, is here to stay (Creutz, 2006). It therefor just makes sense that all actors involved in this sector 'find a way, if not to embrace it, at least to cope with it (*ibid*). Namibia, as was pointed out in Part 3, has a rapidly expanding private security industry. What has been the drives this growth and how has this expansion been used to the advantage of the nation at large? These are some of the issues canvassed in this section.

6.1 Main reasons for the development of the private security industry in

Namibia

Private security provision in Namibia became more prominent after the attainment of independence in 1990. Several reasons may be given for this development. .

One such reason relates to the demobilisation of ex-combatants after the end of the armed liberation struggle. The main belligerents in the struggle for independence were the South African Defence Force (SADF), the locally recruited South West African Territorial Forces (SWATF) and paramilitary groups, and the People's Liberation Army of Namibia (PLAN, which was the military wing of the South West African People's Organisation's (SWAPO). Namibia's transition to independence took place under the United Nations Transition Assistance Group (UNTAG). UN-supervised demobilisation was initiated as a condition for the transition to independence. UN Resolution 435 stipulated the demobilisation of PLAN, SWATF and Koevoet (the paramilitary unit of SWATF), and the withdrawal of the SADF. Most veterans were unemployed and had few marketable skills (IRIN, 2008). The experience gained by many soldiers, on both side of the divide, during the conflict made them ideal recruits and a fertile hunting ground for private security companies (*ibid*). The company profile of the Namibia Protection Services confirms this assertion. It indicates that the company was formed in 1989 by the SWAPO Party leadership as a job creation initiative to mainly assist ex-PLAN⁷ fighters (Namibia Protection Services, 2014). The President of SAN similarly pointed that many PSCs in the country indeed have ex-combatants, retired army officials and even ex-police officers in their staff compliment. That said, scholarly information about the demobilisation-reintegration process in Namibia is sketchy. Efforts to obtain information from government sources in this regard proved futile. This is indeed regrettable because empirical date on this issue would have undoubtedly added value to the study namely by showcasing how many of these ex-combatants have

⁷ PLAN stands for the Peoples' Liberation Army of Namibia which was the military wing of the SWAPO during the liberation struggle.

ended up in private security firms. Also, most unfortunately so, the authors could not, due to time and resource constraints, identify personnel in private security firms who were demobilised from the war. Needless to say, further research is needed to substantiate the averment that many ex-combatants have been absorbed by the private security industry.

The expansion of the PSI in Namibia can, undoubtedly, also be linked to the rapid migration pattern of people to urban areas in search of jobs and better opportunities. The majority of these urban migrants do not succeed in entering the employment markets. Anecdotal evidence suggests that many of these unemployed rural migrants end up getting involved with criminal activities. Indeed, crimes such as armed robbery, murder, house breaking, domestic violence, baby dumping, infanticide, and rape have reached alarming proportions in most towns and cities in the country in recent times (NAMRIGHTS, 2012). The fear of crime, thus, fuelled and continues to fuel the booming of the private security industry in the middle-class suburbs across the country (Du Pisani, 2006). Private security vehicles, for example, are highly visible around Windhoek's wealthy areas and suburbs, parked at strategically central points- ready to respond to calls from clients. In fact, in response to the escalating levels of crime, which at times taken on violent portions, the middle-class suburbs are increasingly characterised by gated communities. Du Pisani describes such communities as fortified enclaves with private security, automated surveillance cameras, unfriendly barbed- and electric-wire fencing and vicious guard dogs (Du Pisani, 2006). In Windhoek, these gated communities are scattered in former white areas and are burgeoning on the southern and eastern outskirts of the city (Morange et al, 2012). Arguably, in Namibia, just as is the case in South Africa and other parts of the world, gated communities have become popular primarily as a response to the high levels of crime and the fear of crime (Landman and Schönteich, 2002).

Namibia, as noted before, has high levels of poverty and employment. Arguably, the majority of rural and urban poor dwellers have not benefited from the growth of private security companies. For instance, alarms and rapid response services provided by these companies are outside the financial reach of the vast majority of households. Private security services are accordingly affordable only to wealthy citizens, expatriates and employees of international organisations, embassies, etc. The crime levels and sense of security in wealthy areas and suburbs are accordingly much lower compared to that in poorer communities.⁸ Those communities who cannot afford private security services organise various forms of neighbourhood watch schemes, at times even vigilante groups, to improve their collective security.

6.2 Private security companies and crime levels

Namibia is essentially an unequal society. Inequality is pervasive in all spheres of the Namibian society be it in terms of income, or between the sexes, or with reference to the opportunities and services available in urban versus rural areas, or amongst the different races, ethnic groups or classes in society (Office of the Ombudsman, n.d). The provision of private security in the country is thus no exception. Kirunda forcefully argues, that an examination of all the circumstances relating to the growth of the private security industry in Uganda reveals that private security in that country has only benefited wealthy people and businesses, which can afford to pay the hefty bills of the firms or personnel providing the security. The people in the rural areas, so he argues, have been left exposed to the same security dangers and risks that prevailed prior to the advent of the privatisation of security in that country

⁸ Several attempts to get crime statistics from the police to validate this proved futile.

(Kirunda, S 2007). The Ugandan situation also aptly applies to the Namibian. In Namibia the homes of the wealthy citizens in urban areas throughout country have become fortresses under the protection of PSCs and strongly built walls lined with electric wires. The crime rate in these affluent suburbs is accordingly very low. On the other hand, the poor, who are predominantly based in rural areas and informal settlements in urban areas, have no access to private security. Police visibility in these areas, as a rule, is usually conspicuously absent. These areas, unsurprisingly, therefore have much higher crime rates. It is clear that the commercialisation of security, as rightfully noted by Maj.-Gen.(Rtd) Len le Roux, neglects the need for the provision of security for rural and poor communities while concentrating on the more affluent urban areas (Le Roux, 2007).

6.3 Relationship between the private security industry and the government's security forces in Namibia

This report is based on the fundamental premise that the government's security forces, especially the police, and private security companies are all in the business of crime prevention. If this tenet is correct, then there have to be enormous opportunities for the groups to work together more closely to prevent crime in Namibia.

The relationship between the Namibian Police and the private security industry can at best be described as cordial. The Inspector General of the Namibian Police (NAMPOL), Sebastian Ndeitunga, in a telephonic interview noted that the relationship between NAMPOL and the PSI is not institutionalised. There is currently no official forum for the sharing of information, experiences, resources and expertise. Collaboration between these entities does not happen on a daily basis but rather on an adhoc basis (Sebastian Ndeitunga, Interview, January 2014). Such collaboration, as emphasised by the Police spokesperson, Deputy Commissioner Edwin Kanguatjivi, mainly occurs in the area of arrests (Edwin Kanguatjivi , Interview, January 24). This, however, is no special arrangement since the Criminal Procedure Act (No. 51 of 1977) provides for the citizen arrests. Deputy Commissioner Edwin Kanguatjivi Security, however, raised serious some concerns in this regard. He, for instance, questioned the quality of training of security guards in carrying out arrests. He also questioned whether security officers/guards are taught to apply the minimal use of force for the minimal length of time during the training they received? And, whether they inform accused persons of their rights upon arrest? Vey relevant questions indeed! However, yet again, Government's failure to effectively regulate the private security industry in this regard cannot be wished away.

The level of collaboration between the City Police and private security companies is said to be more frequent than with NAMPOL. The City Police networks with private security companies through what is called zonal policing.

The level of collaboration between the City Police and private security companies is said to be more frequent than with NAMPOL. The City Police networks with private security companies through what is called zonal policing.

However, the Namibian police is reported on a quest to improve its service delivery with the community in what is called community policing.

6.4 Community policing

The genesis of community policing concept was coined by Sir Robert Peel in 1829. To date, this concept is key to crime management strategies worldwide. The Namibian Police Force embarked upon a community policing program in 2011. This strategy is aimed at not only reducing the incidences of crime in society but to equally to improve service delivery by the Namibian Police Force (NamPol) and to establish a good reputation with its community. It is on this foundation that Chief Inspector Victoria Matjila strongly affirmed that since its inception, there has developed a strong partnership between the force and the communities within which community policing is practiced.

Inextricably linked to community policing as a crime prevention strategy is the partnership between the National Police Force and the community which includes; the business sector, local councils or municipalities, community based groups, the media, law enforcement agencies, religious and community leaders. From this, one is tempted to arrive at a conclusion that such partnerships would necessarily also include the PSI. This is, however, not a straight forward matter since private security companies are not expressly mentioned in this regard. In fact, the Crime Management Strategy of the Namibian Police Force (2011-2014) is conspicuously silent on the role to be played by PSCs as a strategic partner in terms of the strategy.

6.4 Sustainability of the private security industry in Namibia

There is a general consensus in Namibia that the private security industry has rapidly become an indispensable component of peace and stability operations in the country. Private security companies, as noted earlier, are spread across the country, covering all the major urban centres. It provides employment for many people, ranging from uneducated youths and school dropouts to retirees from government security agencies. Arguably, the insufficiency of resources to help the various organs of state, especially the police, in their principal role of protecting the security of their citizens has been a major driver in the growth of the private security sector in the country. There is a great problem of exclusion though, as not all people can afford private security.

On the issue of the sustainability of the private security industry anecdotal evidence suggests that private security actors tend to be better resourced than organs of state. There is, therefore, an over-reliance on them. In this regard, many leading local and international companies depend on private security companies for the security of their investments. The private security industry is therefore well integrated into the business and domestic spheres of Namibian life. Mr Visser, accordingly, forcefully argues that there is need for the private security industry in the country and that it is, in his view, sustainable (Visser, 2014). Despite this active role in the Namibian economy and the monumental growth of the industry, he decried though, like everyone else, the absence of specific government regulations or rules to standardise the industry's operations (ibid)

6.5 Concerns/challenges in relation to the presence of the private security industry in Namibia

The particular challenges in relation to the presence of the private security industry in Namibia are mainly associated with poor regulation of the sector. This research found that as a result of the non-

enforcement of the Act and the absence of regulations there is no control over the type or quality of services provided by private security companies in the country. Thus, the likelihood of untrained staff with questionable backgrounds having access to weaponry and use force in an illegitimate way, as caution by Richards and Smiths (2007), is very real and indeed an occasional occurrence. The dysfunctional status of the regulatory body, SESORB, also raises several concerns. The current status of SESORB effectively means that the industry is not directed and managed by persons with the necessary knowledge, skill and motivation to vet operators and to regulate and monitor the sector. Needless to say, an unregulated private security industry in the country hinders rather than helps law enforcement.

Another issue of concern relate to training. The training of private security companies is not regulated. In the absence of a standardised training most private security companies use their own. This raises the question whether security officers/ guards are well trained to handle fire arms?

Because of a perceived lack of formal qualifications and credibility amongst practitioners in the private security industry, it appears that some organisations (and individuals) do not believe that the private security industry is capable of contributing to a professional community crime prevention program. This became apparent through the interviews conducted with officials from the Namibian Police, many of whom seem to have a perception that private security is a competitor, rather than an enhancement or assistant to the police role.

The problems outlined above highlight the considerable challenges raised by the operation of private security companies, and the consequent need for practitioners to develop a comprehensive system providing for their effective regulation and oversight (Richards and Smith, 2007).

Part 7: THE SERVICES PROVIDED BY PRIVATE SECURITY COMPANIES

The commercial sector is the main market for private security, and virtually all businesses of any size in Namibia employ private security in one form or another, as do international organisations, NGOs and embassies.

7.1 *Range of services and/or products offered*

Private security companies, in general, provide a variety of services, including guard services, alarm monitoring, investigation, armored transport, correctional facilities management, systems integration and management, security consulting, pre-employment screening, information security, and others. In Namibia the leading companies offer a full range of services, including electronic intruder alarm systems, radio alarm response, perimeter protection and access control, vehicle tracking, as well VIP protection. The majority of companies provide only manned guarding for access control and perimeter patrol. Cash-in-transit and cash management is a growing and expanding part of the business, as more and more clients realise their vulnerability in an increasingly armed environment.

The most sought-after private security demands were found to be physical guarding, followed by asset transit (cash in transit). Armed response and alarm and security system installations were found to be the 3rd and 4th most sought-after security services whereas the occasional request for VIP protection is reportedly also on the increase. It is foreseen that with the advancement of technology in alarms, camera and surveillance systems that the number of security guards may reduce significantly.

Most of the major security companies operating in the country use technology and equipment such as satellite tracking, radio alarms, panic buttons. In fact, one of the widely used security companies in Namibia, G4S, is reportedly having more than 20 000 (twenty thousand) alarms. Armoured vehicles are generally only used by those PSCs which transport cash and assets. It was found that there is once again no consistency in this regard. Only certain PSCs use armored vehicles to transport assets even though they are transporting values thereby endangering the lives of their employees and the risking the valuables of their clients. Absence of regulations was once again pointed out as being at the heart of this.

Satellite tracking is reportedly not commonly used in Namibia. This is mainly due to the costs considerations and the availability of technology.

7.2 *Identification of private security companies*

Section 38(1)(d) of the Security Enterprises and Security Officers Act empowers the Minister, in consultation with SESORB, to make regulations prescribing the uniform, insignia and identification documents of security officers. Such regulations should expressly prohibit persons not registered as security officers from wearing such uniform or insignia or carrying such identification documents. Regulation 24 of the draft regulations gives effect to this statutory injunction. In terms of this regulation the uniform, badges, buttons, logo or insignia of each PSC must be registered with SESORB. Examples of all such must also be provided to SESORB upon registration. At present this remains a paper requirement due to the non-proclamation of the regulations. Be that as it may, to the credit of the private security companies, it appears that most of them are voluntarily compiling with this requirement.

Security guards, generally, are wearing uniforms with distinguishable insignia of their respective companies.

Furthermore, draft Regulation 10 also that each security guard be issued with a durable identity card. However, a random observation carried out for this report showed that security guards, generally, do not wear visible identification card when on duty.

7.3 Who employs the private security companies and why?

Namibia, as noted earlier, has witnessed an exponential mushrooming of private security companies. In fact, the private patrolling of shopping malls, university campuses, office buildings, and other semi-public places has become so commonplace in Namibia that people hardly take note of it anymore. It is no exaggeration to state that the proliferation of “mass private properties” such as gated communities, shopping malls, business parks and amusement districts has been a widely observed phenomenon since independence. The main market for private security services is commercial clients, ranging from industries, banks, parastatals, commercial farms to embassies, international organisations, and NGOs.

The surge in the use of the services of PSCs may, arguably, be linked to the security needs of the different sectors of the Namibian society. There is, regrettably, no or scant literature currently available in this regard, as academics and other researchers have completely neglected PSCs as subjects worthy of scholarly inquiry (Simelane, 2007). Krahmman’s assertion that the popularity of PSCs as illustrated by the growth in industry turnover indicates that citizens and corporations are not only willing to tolerate the private use of armed force for individual protection, but also that they respond positively to the ability to take control of their own security (Krahmann, E 2009), quite correctly applies to the Namibian situation.

The rise and use of the private security industry, as argued by Krahmman, fits the neoliberal paradigm with its preference for the small state, free market and maximizing consumer choice (*ibid*). Cold logic suggests that the same worldview informs the preferred used of PSCs by those who can afford their services in Namibia.

7.4 Government use of private security companies’ services

In other parts of the world, as pointed out by Isima, the emergence and proliferation of private security companies reflect a trend in which non-core security functions of the state are increasingly outsourced to the private sector (Isima, J 2007). This is reportedly prevalent in sub-Saharan Africa, where the relative weakness of the State has made it very difficult for governments to bargain with powerful private enterprises (*ibid*). This fate, fortunately, has not befallen the Namibian State. In Namibia, States institutions responsible for safety and security have hitherto retained core security functions within the public sphere. The Police spokesperson, Deputy Commissioner Edwin Kanguatjivi, when quizzed to what extent the Namibian police contracts the services of PSCs made it clear that no such arrangements currently exist (Kanguatjivi, 2014). The Police Force, in his view, is more than capable of executing its constitutional mandate of securing the internal security of Namibia and to maintain law and order (*ibid*). General Veiko Kavungo, Legal Advisor of the Namibian Army, in a similar vein indicated that the army does not make use of the services of PSCs. He was equally adamant that the Namibian Army, together

with the Navy and Air Force, is more than capable to defend, as per its constitutional mandate, the territory and national interests of Namibia, without the relying on the services of PSCs.

In reality though, the GRN does make use of the services of PCOs especially BEE security companies providing mostly guarding services. These are the companies allegedly which are mostly not complying with the minimum standards.

Ironically, it appears that the strength of the State bedevils the establishment of public-private partnership paths to strengthen the country's overall crime-fighting efforts and influence policy in a constructive and positive fashion (Taljaard, 2007).

7.5 Professionalism in the private security industry

The reply of the president of SAN in response to the question on whether the PSI in Namibia could be regarded as a professional service serves as an indicator of the current level of professionalism in the sector. According to Kannemeyer *'the industry cannot be described as professional; the reason for this is, once again, the absence of rules and regulations for the industry. As a result of this anyone can register his/her security companies and enter the industry. The lack of rule and regulations effectively means that there are no standards governing issues of training, uniforms, pre-employment screening/vetting and other matters necessary to ensure a professional service'* (Kannemeyer, 2013).

However, the level of professionalism as displayed in the private security industry in Namibia cannot be generalised. This is so because it transpired that established private security companies like Rubicon Security Services, is having a dedicated training school and place great emphasis on professional conduct and quality service delivery. The same can, however, not be said about increased number of 'fly-by-knight' companies flooding the industry. Most of these companies, if not all, are said to be are driven by a quick-profit motive. As such, investing in the professional conduct of their employees is said to be the least of their concerns.

Because the sector is at present largely unregulated standards of service and professionalism vary considerably. Issues compromising professionalism in the industry include the following:

- ✓ the absence of industry standards to define and control the quality of security products or services;
- ✓ the lack of a set of basic standards on training to main professional standards within the industry; it was found that in some instances new employees (security guards) are only provided with a uniform, a bat and taught for a few days on how to march and salute;
- ✓ the lack of uniform and consistent rigorous background checks of criminal records. If the government, as noted by Mkutu and Sabala, requires all taxi drivers to have police checks, surely PSCs should be required to do so as well. People's lives and property are at risk if ex-criminals are not filtered out. Afterall, such a checking process occurs in the police (Mkutu and Sabala, 2007); and
- ✓ the occasional media reports implicating security guards in crimes, human rights abuses and the excessive use of force; and

- ✓ the non-enforcement of the minimum wages by the Ministry of Labour which entrenches security guards remaining amongst the working poor in the country; strikingly, no punitive actions were ever taken against those PSCs who do not pay the prescribed minimum wage.

The result of all these, needless to say, compromise professionalism in the sector. The speedy promulgation of the draft regulations and the draft code of conduct for the industry will go a long way in addressing some of these issues. It is puzzling why the regulations and code of conduct could not be promulgated so long after the enactment of the enabling Act. Whether the migration of the PSI amongst three different ministries since the passing of the Act could reasonably be given as a justification for this omission is open to question.

7.6 Code of conduct for private security companies and security guards

The Security Enterprises and Security Officers Act, under section 23(1), provides for the promulgations of a code of conduct to regulate the conduct of security enterprises and security officers respectively. Further to this, the Minister responsible for policing, as mandated by the Act, drafted a code of conduct for the PSI in 2009. The said code is, however, still in draft form and thus has no legal force as yet. It is, however, important for this exercise to assess whether the draft code of conduct, in its current format, is addressing some of the areas of concern highlighted in this study.

The draft code of conduct, amongst others, seeks to promote, achieve and maintain a professional security service industry. It also aims to promote, achieve and maintain compliance with minimum standards of conduct by both PSCs and security guards; and to promote client confidence (Code of Conduct, 2009)

The code aims to achieve the above listed objectives by imposing a set of binding and enforceable rules of conduct on security companies and security guards respectively. These rules of conduct are framed as prohibited acts and omissions in relations to the rendering of security services. The list of prohibited acts and omissions is very comprehensive and does not constitute a close list as clarified in the code. The performance and/or non-performance of any of the prohibited acts or omissions constitute and misconduct and expose the perpetrator to disciplinary actions by SESORB.

Some of the specific prohibited acts and omissions includes matters relating to advertising and touting, the relationship with other security companies or security guards, the safekeeping of arms and documents, contracts entered into with clients, relations with clients, the safeguarding of client information, substitution or subcontracting of security services without a client's consent and to a company or guard who is unable, ill-equipped or does not have the capacity to render the security services in question. Some of the general prohibited acts and omissions include: collusion of a security company or guard with someone not registered as a security company or guard to provide services; the employment of unregistered and/or de-registered security guards; failure to report criminal activities; and the exploitation of a security guard by a security company.

The draft code is silent on a number of pertinent issues. For instance, it does not set the professional standards which are to be observed regarding issues of training, the use of force and fire arms, and the respect for human rights. It also, surprisingly, does not address issues such as working conditions, pay and remuneration. The code's silence on issues such as equal opportunities and non-discrimination in a predominantly male industry is equally striking.

Be that as it may, the draft code of conduct will go a long way in uplifting the professional standards in the private security industry. To achieve and maintain the laudable standards of professionalism as envisaged by the code will require an effective, efficient administration and enforcement. It is questionable whether the current set-up of and SERSORB as the regulatory authority is capable of achieving these standards as will be shown in the subsequent parts.

Part 8: THE EFFECT OF THE PRIVATISATION OF SECURITY ON HUMAN RIGHTS WITH SPECIAL REFERENCE ON VULNERABLE GROUPS INCLUDING WOMEN AND CHILDREN?

The Namibian Constitution contains an array of articles which are directly and indirectly applicable to women and children. Those most relevant to this work include the rights to human dignity, equality and non-discrimination, the prohibition against torture, cruel, inhuman and degrading treatment. The Constitution also prohibits force labour as well as child labour; it guarantees all working persons the right to form or join a trade union of their choice, and the right strike. All persons are also guaranteed the right to practise any profession, or carry on any occupation, trade or business of their choice. Furthermore, article 23 of the Constitution empowers the legislature to enact affirmative action legislation with the aim to redress the legacies of apartheid and to achieve greater social justice. In this regard, groups such as women are specifically targeted.

Additionally, article 95 of the Constitution obliges the State to actively promote and maintain the welfare of the people. In this regard, the State is tasked to enact legislation aimed at ensuring, inter alia, equal opportunities to women in all spheres of society; equal remuneration of men and women; maternity leave and benefits for working mothers, the health and strength of workers, men and women; ensurance that citizens are not forced by economic necessity to enter vocations unsuited to their age and strength; and that workers are paid an adequate living wage.

To what extent are these guarantees and entitlements observed in the private security industry?

8.1 The PSI and women

The Constitution, as noted above, expressly prohibits discrimination. The Labour Act, in seeking to give effect to this, specifically outlaws direct and indirect discrimination particularly relevant to women. These include, discrimination based on sex, marital status, family responsibilities, AIDS or HIV status, or previous, current or future pregnancy (The Labour Act, section 5). The Act prohibits sexually harassment in the workplace. In fact, it provides that a resignation resulting from sexual harassment is regarded as a constructive dismissal.

These provisions, needless to say, equally apply to the PSI. Employers in the PSI are thus obliged to respect these guarantees like any other employer in Namibia.

8.1.1 Male dominance

The PSI in Namibia is essentially male dominated. For instance, the owners of private security companies are predominantly male and the number of male security guards far out-strips that of females (Shindondola-Mote and Indongo, 2012). Many of the industry participants were of the view that the guarding of premises and the challenge of dealing with criminals on a day-to-day basis is a trade less suitable for the female gender. A summary of the female to male composition of the security guards staff compliment of the major security companies in the country indeed confirms this perception as shown in the Table 2 below.

Table 2:

Name of company	Number of employees	Female to male ratio
G4S Security Company	1 800	30 : 70
Namibian Protection Services (PTY) LTD	2 000	28 : 73
Rubicon Security Services	1 254	30 : 70
Eagle Night Watch	640	40 : 60

8.1.2 Maternity leave

The Labour Act provides three months paid maternity leave for a female employee who has been continuously employed for a period of at least six (6) months. Such an employee may also not be dismissed during her maternity leave or at the expiry of her maternity leave due to matters relating to her pregnancy. The LaRRi report found that the maternity leave provisions as a provided for in the Act are generally adhered to in the sector. However, a significant number of female security guards are reportedly not aware that they are entitled to maternity leave (Shindondola-Mote and Indongo, 2012).

8.1.3 Sanitation facilities

The right to access to proper sanitation facilities is universally guaranteed. This right requires, amongst others, that sanitation facilities be within, or in the immediate vicinity of the workplace. Sanitation facilities must also be available for use at all times of the day or night. This study found that this is not the case in many instances in the PSI. Toilet facilities are not provided at all times. It appears that such facilities are mainly available at the premises of bigger and established clients such as banks, shopping malls, embassies and parastatals. The researchers witnessed a few instances of male security guards using the bush to relief themselves. What is the situation with female security guards? Are they subjected to the same fate? These are but some of the questions which could not be adequately researched as part of this project. It can be stated though that the current situation regarding the availability of sanitation facilities appears to be an obstacle or even dangerous especially for female security guards.

The availability of other facilities, such as save drinking water, shade in the intense heat or warmth in the cold also raise serious human rights issues.

8.1.4 Sexual harassment

The Labour Act prohibits any form of sexually harassed by an employer. Not much is known about prevalence of this issue in the industry. For instance, the representative of G4S revealed that only two allegations of sexual harassment were ever reported in the company (Kannemeyer, 2013). Even then, the matter did not proceed far because of alleged insufficient evidence. Other industry participants were reluctant to speak on this issue. This might be ascribed to the societal taboo attached to discussing issues of a sexual nature in public. Sexual violence is a major issue in the Namibian society at large. It can therefore not be said that the private security industry is not affected by this societal menace. This matter appears ripe for further and more detailed study and analysis.

8.1.5 Sexual violence

There have not been many reports of gross human violations perpetrated by security guards against women within the broader society. However, sexual violence, as noted earlier, is a major problem within the broader Namibian context. Sadly, the private security industry seems not to have been spared from this. Abuse of trust and acts of sexual violence perpetrated by security guards are occasionally reported in the printed the media. This sad reality is reflected in the two Boxes below and deserve verbatim and full quoting.

Box 1

"I PLEAD not guilty."

With this statement, repeated four times, the trial of former security guard Lesley Kukame - accused of raping and murdering a three-year-old girl at the Katutura Cinema Hall in early 2005 - started in the High Court in Windhoek yesterday (24.09.07). His response came after he was asked to give his plea to each of the four charges that he faces: murder, rape and abduction, alternatively kidnapping.

It is alleged that between February 7 and 10 2005, Kukame (27) abducted a three-and a -half-year-old girl from the house where she was staying in Independence Avenue in Katutura. He took the girl to the disused Katutura Cinema Hall, which was next to the child's house, it is alleged.

At the hall, he raped the girl, it is further alleged. He then murdered her, it is charged.

The child is alleged to have died from asphyxia, caused either by strangulation or by her panties having been stuffed into her mouth.

Source: The Namibian, 25.09.07.

A similar shocking incident involved an elderly woman raped in a cemetery by a security guard.

Box 2

Cemetery attacker's appeal thrown out

By: WERNER MENGES

AN appeal by a former security guard who is serving a 37-year prison term for raping and attempting to murder a woman at Windhoek's Pionierspark Cemetery five years ago ended in failure in the High Court in Windhoek last week.

So unconvinced were Acting Judges John Manyarara and Hosea Angula by the grounds on which Adolf Kahoro was basing his appeal against the sentences that he received in the Windhoek Regional Court on September 17 2004 that they did not even want to hear any oral arguments from State advocate Andrew Muvirimi before they gave

their ruling on Kahoro's appeal on Thursday. "We are satisfied there are no merits in this appeal, and it is dismissed in its totality," Acting Judge Manyarara told Kahoro, with Acting Judge Angula agreeing with this judgement.

Kahoro (28) pleaded guilty to charges of rape and theft of a motor vehicle when his trial started before Magistrate Ben Myburgh in the Windhoek Regional Court on July 30 2004.

He admitted that on January 21 2003, when he was on duty as a security guard at the Pionierspark Cemetery, he attacked a woman who visited the cemetery. He held her at gunpoint, raped her, and then left the cemetery in her vehicle.

The woman was shot in the neck after being raped. Kahoro claimed that the shooting was accidental, but this claim was rejected and he was convicted of attempted murder as well.

Magistrate Myburgh sentenced him to 20 years' imprisonment on the rape charge, a 10-year jail term for attempted murder, and a 12-year term for the car theft.

Five years of the sentence on the attempted murder count were ordered to be served concurrently with the sentence on the rape charge. The effect of this was that Kahoro was sentenced to a 37-year prison term.

Source: The Namibian

8.2 The PSI and protection of children's rights in Namibia

8.2.1 Child labour

No dedicated study on the incidence and prevalence of child labour in the PSI in Namibia has so far been conducted. The LaRRi report appears the only reports shedding some light on this matter. This report reveals that on average 58 percent of security guards in the country are between the ages of 21 and 30, 26 percent were between the ages of 31 to 40, 8 percent were between the ages of 41 and 50, 5 percent were between the ages of 16 and 20 years and only 0,2 percent were aged 15 and below (Shindondola-Mote and Indongo, 2012). This report also founded that there was only one case of child labour. It appears therefore that child labour in the private security industry is not a major issue.

8.2.2 Impact on children within society

There have not been many reports of gross human abuses perpetrated by security guards against children in the country. However, two recent incidents in this regard shocked the nation and involve the reckless killing of two boys by security guards. In the one incident a 20-year-old high school pupil was allegedly tortured and fatally shot by two security guards. The two guards reportedly tied the boy to burglar bars inside a house and beat him severely before shooting him in the chest and stomach. The young man was accused of stealing a wallet from the security guards. After this the guards fired off more rounds with some of the bullets hitting a wall. One of these bullets ricocheted and struck a bystander in the right hand. The two guards were arrested and are currently in detention (New Era, 2014).

In a similar incident on Tuesday, October 22, 2013 learners at the Ella du Plessis Secondary School in Windhoek, and the nation at large were shocked to learn about the shooting of a Grade 10 pupil at the school. The boy reportedly wanted to hit a teacher with a brick. Two security guards intervened. After a scuffle with the two security guards the pupil was shot in the head by one of the security guards. He was declared dead on arrival at the hospital. It is alleged that the boy was unruly and attacking people after "a drinking spree" (Namibian Sun, 2013).

8.3 General human rights concerns within the PSI

Generally, the human rights infractions within the private security sector often received prime-time reporting in the local media. These include, but are not limited to working conditions within the sector, wages, health and safety issue, and the handling of fire arms.

8.3.1 Working hours

The Labour Act (No. 11 of 2007) caps the maximum weekly working hours for security officers at 60 hours. The Act also provides that security officers working five days per week may not work for more than 12 hours per day whilst those working six days per week may not work for more than 10 hours a day. The LaRRi report, referred to earlier, found that an astounding 78.9 percent of security guards work between 11 – 12 hours a day 7 days of the week. This, if indeed the case, amounts to a gross violation of the Labour Act and the rights of security guards not to be subjected to long working hours.

8.3.2 Wages

Guarding, as observed by Abrahamsen and Williams, is a notoriously low-paid occupation (Abrahamsen and Williams, 2005). This is also the case in Namibia where guards often work very long hours for very little remuneration. In an effort to contain the level of exploitation, the government in 2005 introduced a minimum wage for the sector. However, despite having a minimum wage in the sector, wages continue to be lowest compared to other sectors in the country (Shindondola-Mote and Indongo, 2012). The current minimum wage for entry-level of security officers is N\$5,00 an hour or N\$60 per shift. The prescribed minimum wage is, however, not adhered to by many security companies. In this regard, it is

worth reiterating that an investigation carried out by the Ministry of Labour and Social Welfare on this matter found that more than a third of security companies are not adhering to the minimum wage agreement. The investigation results revealed that out of the 212 security companies inspected only 147 were in compliance with the law. A total of 65 companies did not comply and 35 of them were issued with compliance orders.

Furthermore, allegations of 'illegal' salary deductions in the industry are also rife. Such illegal deductions allegedly include penalties for sleeping on duty, being absent without leave (AWOL) or leaving the site, as well as transport allowances, uniform deductions and bank charges.

8.3.3 Health and safety issues at the workplace

The Labour Act provides that every employer should provide premises that is safe, without risk to the health of the employees and that adequate arrangements be made to cater for the welfare of such employees. Furthermore, an employer employing more than 100 employees should establish a health and safety committee to monitor and implement health and safety regulations amongst others. The LaRRi report reveals that many private security companies do not have a health and safety policy or committee in place. In this regard, 24.5 percent of security guards surveyed were of the view that they were exposed to injuries at work, while 22.2 percent felt that they were exposed to the cold (Shindondola-Mote and Indongo, 2012). Other hazards experienced at work include risk of being attacked by criminals (15.7 percent), standing for too long (9.2 percent), exposure to dust (6.1 percent), exposure to chemicals and gas in factories (2.7 percent), etc.

Additionally, awareness regarding health and safety committees in the workplace raises another concern. 65 percent of employees revealed that there is not any health or safety committee in the workplace, whereas 28 percent had no idea as to whether such committee exists and only a meagre 7 percent confirmed the establishment of such a committee in the workplace.

Part 9: THE ADVANTAGES AND DISADVANTAGES OF THE PRIVATE

SECURITY INDUSTRY

The development of the private security industry attracts both positive and negative elements. As a result, the industry can be analysed in terms of the advantages it offers those who employ them while at the same time containing certain disadvantages.

9.1 Advantages of the PSI in Namibia

Among the prominent advantages of private security companies are the following:

9.1.1 Providing safety for Namibia's inhabitants and protecting client's assets

There are many critics regarding the private security industry, however, without such an industry crime levels would probably be much higher than without such an industry. Hence, such an industry is instrumental in deterring crime (Kannemeyer, Interview 2013). They also assist entities such as the police, whose main responsibility it is for providing safety to all residents in Namibia. Additionally, through their actions, they do try to protect their client's assets and have made many arrests in the past.

As a result therefore, this is a positive aspect on which to build crime prevention partnerships between the state and private security industry as it will help in keeping the residents of Namibia safe and as a result the statistics of crime will see a decrease.

9.1.2 Providing employment opportunities

The private security sector is a major source of employment in Namibia. The sector currently employs a significant number of people who would otherwise be unemployed given the high unemployment rate in the country. Private security is thus an important part of the economy, providing much needed employment. This is in spite of the fact that they pay very low wages.

9.2.3 Ease of establishing a private security companies

Kannemeyer observes that the ease to set up a security company in Namibia also counts as an advantage. Currently, all that is required is that the applicant registers his/her company with the Registrar of Companies. There are no barriers or extra pre-requisites required in registering a security company. Hence, from a business perspective, this encourages persons in Namibia to engage themselves in setting up such companies as there are very few, if any, barriers to establishing such companies.

If private security companies are seen as collaborating with the state security enterprises then they will be viewed in a positive light by potential clients and hence they would want to enter into these

partnership agreements. Thus, other persons who seek to undertake a business venture would opt to establish such private security company because of the ease it offers to establish such a company and would then also like to collaborate with state security enterprises to be placed on the map of having a good reputation and thus it will benefit both the owner of such company and the state.

9.2 Disadvantages of the PSI in Namibia

While several advantages can be outlined, there are also numerous disadvantages that can be counted against private security companies in Namibia.

9.2.1 Increasing the class divide

Since the services of private security companies are class specific and associated with high costs these services cannot be afforded by the majority people in the country. This inevitably exacerbates the already high levels of inequality.

9.2.2 No minimum standards

The ease of setting up a security company in Namibia may also arguably counts as a disadvantage. For instance, some companies reportedly register themselves under a vague name not necessarily only doing business as a security company. In their memorandum of association such companies reportedly outline various activities that the company would embark upon for example, building contractor, security companies, supplier of equipment, import and export companies etc. This is so that they are able to apply for any tenders advertised in the newspapers or other media and hoping to be successful in their application whether they have the necessary experience, capability or funds (Kannemeyer, 2013).

Hence, there are difficulties to ascertain whether each and every security company in Namibia is fit and qualified for the services they provide as it remains so easy to establish such a security company. Not only is this potentially dangerous for society in terms of consumer protection but it becomes problematic for employees as well in terms of the conditions they have to work under (e.g. being exploited due to their low levels of education). It furthermore, can pose a problem for the state to enter into partnerships with such private security enterprises as the state is unsure of the quality of services provided by such companies as there are no minimum standards and as a result it may endanger society more rather than protect it.

9.2.3 No regulations

The private security industry, as noted earlier, is currently unregulated. Due to this the standards of service and professionalism vary considerably. This has proven to be detrimental to the establishing crime prevention partnerships with the State.

9.3 General perceptions about private security companies

No study has been conducted to determine the general feeling in the country about the presence of the private security companies. Conclusions and assertions can thus only be based on anecdotal evidence. There have been no reports of people vehemently opposing the presence and/or operations of PSCs in the country *per se*. General complaints about PSCs mainly relate to the low wages and the less-than-ideal conditions of employment prevailing in the industry. It thus appears that most Namibians are prepared to tolerate the presence of private security companies whilst expecting them to pay their employees decent wages and improving their overall conditions of employment. This notwithstanding, there is still need for more authoritative research into this issue

9.4 The impact of the private security industry

The growth of the private security industry has benefitted many sections of the Namibian society. There is even no doubt that the Namibian government itself has benefitted immensely from the presence of private security companies. For instance,

- **Public security services:** Institutions and companies offering services to the public make regular use of private security companies such as security guards, installing alarms, vehicle tracking, VIP protection, surveillance, valuables in transit, etc.
- **Crime levels:** private security companies come into existence with the aim of providing protection for their clients and as a result these actions taken by such companies may indeed lower crime levels. For example, one of the widely used security companies in Namibia, G4S, has better statistics than NAMPOL. They have more than 20 000 (twenty thousand) alarms and they respond to most of them. The forum of interaction between this company and NAMPOL has stopped, due to the latter showing no interest whatsoever in the meetings prepared (Kannemeyer, 2013).
- **Public safety:** Due to the nature of the services that private security companies provide, it does contribute to the overall safety of the public. People therefore are said to feel much safer when a security guard is around (*ibid*).
- **Economy:** The security industry no doubt is a low income industry; however, it does contribute towards Namibia's economy if one takes cognisance of the fact that with an estimated 14 000 security officers operating in Namibia and each one for instance supports 5 others then this industry does have an impact on the economy (*ibid*).

Part 10: PUBLIC PRIVATE PARTNERSHIPS IN THE PROVISION OF SECURITY

Partnerships between state law enforcement agencies and private security providers have become a popular phenomenon in many countries. Many states worldwide are increasingly outsourcing functions to private contractors that were traditionally undertaken by their military and police, partly in response to public sector downsizing, but also because of the changing nature of warfare (Richards and Smith, 2007). In theory at least, this new model of security provision allows governments and public institutions to increase efficiency by concentrating on their core functions whilst transferring surplus responsibilities to private companies. For example private security companies have taken over the administration of prisons in some countries including the UK, Canada, Mexico and Lesotho (*ibid*).

The above naturally begs the question: what is the situation regarding the outsourcing of the state's security mandate to private sector partners in Namibia? Specifically, does the Government of the Republic of Namibia (GRN) outsource its security/military services to the private security industry? Is there a policy regarding the outsourcing government security services to private security companies? If so, which services? These are some of the questions briefly considered in this section.

10.1 Outsourcing of its security/military services to the private security industry in Namibia

The Namibian Government, as noted earlier, is having a rather cold relationship with the private security industry. A key informant for this study observed that the Government's attitude towards the private security industry amounts to suspicion and ascribed this to the country's recent historical past. Also, the State institutions responsible for peace and security remain fully in charge of public security matters. Given this position of strength there is, seemingly, is no incentive for the State to work with the private security companies on peace and security matters. There are accordingly no outsourcing agreements of security and/or military services to the private security industry in Namibia. In fact, from the interviews conducted with the high ranking officers from both the army and the police it seem highly unlikely that this might happen soon in Namibia.

10.2 Policy regarding the outsourcing of services to the private security companies

There is currently no national policy regarding the outsourcing of services to the private security companies in the country. This is seemingly left to individual ministries, government departments, parastatals and agencies. For instance, certain schools, hospitals, clinics, and public offices are making use of the guarding services of private security companies. The trend to contract out security services has also been observed in parastatals such as Telecom Namibia, NamWater, the National Housing Enterprise (NHE), NamPost, Namibia Statistics Agency (NASA), to mention but a few. Efforts to verify whether this is part of Government's policy or an adhoc decision so far proved futile.

10.3. Other establishments outsourcing their security services to private security companies in Namibia

This research found that private security firms are also contracted by non-governmental organisations, commercial banks and other private companies. In most instances such services are sought to provide guarding. Embassies also depend on private securities companies to augment their security needs.

10.4 Public/Private partnership in the provision of security services in Namibia

There is currently no formal partnership existing between the State (as represented by the police department) and the private security sector in Namibia. Each of these sectors is operating in their respective spheres - each functioning in a mutually exclusive manner with respect to the provision of protection for the people of Namibia. Moreso, the relationship between these potentially strategic partners is clearly imbued with mistrust. For instance, we found that police officers feel that private security personnel (security guards) generally lack education and training and are threats to their policing domain (professionals versus non-professionals). Private security personnel, on the other hand, believe that public law enforcement officers have limited knowledge about the private security industry and do not appreciate the important role they play in solving and preventing crime. This partly explains why the Police Security Forum (PSF), reportedly initiated by the private security sector, proved ineffective and died a natural death. In fact, key participants in the PSI were adamant that the demise of the forum was solely because of the lack of interest shown on the side of the police. The Inspector General conceded that Government need to do more to initiate such initiatives. In fact, he blamed the lack of a public-private partnership in the provision of security services on the inaction on the side of the police (Ndeitunga, 2014). He committed himself to take the initiative in this regard and to address the long outstanding regulations for the industry (*ibid*).

It is common knowledge that the police and PSCs have different motivations for their activities. The police and non-police government agencies, as noted by Golsby, exist to serve the public good whereas private security exists for the profit motive. This notwithstanding, private security are regularly seen in shopping centres mingling with the crowds, and used regularly at sporting events alongside the police. Thus, regardless of the motivations for being, if it is accepted that the different sectors are in the business of crime prevention, then there are opportunities for a coming together, for the formation of partnership arrangements to provide a more concerted, efficient attack on crime and consequently to make people feel more safe (Golsby, 1998).

There is a need to establish a formal relationship between the police and security industry, as both have many common goals, and the security industry provides a major protective role in Namibian society. It is common knowledge that public policing is desperately inadequate for those unable to afford private security. It thus just makes sense that logistical co-operation between the police and the private security sector in some areas might free up public resources for deployment elsewhere. Resolving these issues and ensuring that private security resources act as a supplement to public policing are key future considerations for Namibian society (Abrahamsen and Williams, 2005).

Part II: GAPS, INCONSISTENCIES AND AREAS OF IMPROVEMENT WITH REGARD TO THE PRIVATE SECURITY SECTOR

11.1 Major gaps and inconsistencies

The major gaps and inconsistencies devilling the private security sector in Namibia undoubtedly appear to relate to the following:

- ✓ the dysfunctional state of the regulatory body;
- ✓ the non-enforcement of the governing Act;
- ✓ the lack of regulations;
- ✓ the lines of communication and lack of collaboration between the GRN and the PSI;
- ✓ the number of fly-by-night companies present in the industry;
- ✓ the questionable conditions of services prevailing in the industry;
- ✓ the non-enforcement of the minimum wage agreement;
- ✓ the quality of training, or lack thereof, given to security guards;
- ✓ the lack of requirements for background checks and vetting for potential security guards in the Act;
- ✓ lack of literature on the private security industry;
- ✓ the commercialisation of security through the growth of the private security industry.

11.2 Areas for improvement

Area of improvement for the private security industry in Namibia relate to:

- ✓ governance and regulation;
- ✓ communication between public and private security stakeholders
- ✓ working conditions;
- ✓ expanding security to all;
- ✓ oversight; and
- ✓ research.

11.3 Recommendations

We offer the following recommendations on how the private security industry in Namibia can be effectively regulated:

- 1) Develop a clear definition of private security.
- 2) Develop a clear definition of a security officer/guard.
- 3) The Minister in charge of policing, and not the Minister of Home Affairs, should take full charge of the industry as envisaged by the Act;
- 4) Activate and reconstitute the regulatory authority as envisaged under the Act as matter of urgency so as to ensure the industry is properly regulated.
- 5) Concerted efforts must be made to develop the capacity of oversight agents such as an Ombudsperson, parliamentary committees and other such regulatory authorities to scrutinise the activities of PSCs and the industry in general.
- 6) Trade unions must do more to educate their members of their rights and to bargaining for better conditions of service in the industry.
- 7) The academia should be encouraged to publish in and to do research on PSIs in Namibia.

Part 12: CONCLUSION

It is vital to note that the mushrooming of PSCs in Namibia is both an economic and social problem. Insecurity is not simply a matter for the police. Ways must be found to establish a working and effective partnership between the police and the private security industry. Doing that is in the long term interest of the broader Namibian society.

The legislative and policy framework for regulating the private security industry in Namibia appears to be solid. What appear to be lacking is the will and or willingness to implement. This in itself raises various human rights issues, amongst others, a failure on the part of the state to comply with its duty to protect. The Namibian people are entitled, and deserve no less, to be protected from the current unregulated private security industry.

Related to the above, it is worth stressing that the current set-up of SESORB needs to be reviewed. SESORB in its current format is not sufficiently geared to regulate and monitor the private security industry in an effective and efficient manner to the benefit of all.

It has been shown that guards are increasingly getting involved in criminal activities. The industry can and should be rid of such elements. This is an unnecessary and avoidable evil. This is so because both the draft regulations and draft code of conduct sufficiently address this matter. The speedy promulgation of these instruments can therefore no longer be delayed. Once again, the Namibian public deserve no less.

There is thus a need for complementary policies, tighter regulation, better law enforcement, greater transparency and accountability, active leadership, more collaboration.

The issues of low wages paid by private security companies must always be given the attention that it deserves. There can be no justification for tolerating a situation whereby those who are guarding wealth are paid starvation wages thereby perpetuating and exacerbating inequality in the country.

Lastly, there is no doubt that Namibians either as individuals or groups are spending heavily on security. The question worth debating is whether there is a way that the nation's spending can be used to build the capacity of the existing official state agencies. This thus makes the establishment of a working partnership between the state security architecture and the private security industry an inevitable must.

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