


Namibian Police Preservation of Internal Security: Lesson from other Countries Constitutions



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ABSTRACT

Constitutions are considered essential pieces of legislation; without them, insecurity would likely be more widespread globally. They define roles, set permissible boundaries, and establish when obligations should be fulfilled, thus providing a framework for stability and security. The study compared the Namibian Police Force's obligation to preserve internal security with Brazil, the Philippines, Scotland, Kenya, Tunisia, Ghana, South Africa, Zambia and Mozambique by analysing the constitutional mandates of the police officers. The study analysis showed that there are critical similarities and differences in the constitutional police mandate of the countries studied. The study adopted a desktop literature review approach to gather and analyse existing literature on the Constitution provisions. The analysis indicates that in Ghana, South Africa and Namibia, the Constitutions do not give provisions for other stakeholders to be involved in preserving internal security but the police alone. In Brazil, Philippines, Scotland, Kenya, Zambia and Mozambique's Constitutions mandate either the armed forces or civilian components to aid the national police in preserving internal security. Although Namibia's Constitution does not formally permit stakeholder involvement in internal security preservation, the military remains consistently engaged in this role due to internal security challenges that cannot be addressed by the police alone. Therefore, the study recommends that the Namibian Constitution be amended to legitimise other stakeholders' involvement in preserving internal security. The study contributes to the knowledge with a special focus on how the Constitution contributes to effective or ineffective police duties in preserving internal security.

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INTRODUCTION

Constitutions are considered essential pieces of legislation; without them, insecurity would likely be more widespread globally. They define roles, set permissible boundaries, and establish when obligations should be fulfilled, thus providing a framework for stability and security. To all Namibian laws, the Namibian Constitution is supreme, this means that the laws in Namibia are subordinated to the constitution, and as such, they are declared null and void when contrary to the supreme law. The Namibian Police Force [NamPol] generates its existence and functions from Article 118 of the Namibian Constitution's second amendment of 2010. These functions are; powers, duties and procedures to preserve Namibia's internal security and maintain law and order in the Republic of Namibia. These two fundamental constitutional obligations are further supplemented by section 13 of the Namibian Police Act (Act 19 of 1990), including; investigation of any offence or alleged, crime, prevention and protection

of life and property. Despite the constitutional provision that only mandates the police to discharge the function related to the preservation of internal security, various stakeholders have taken a prominent role in preserving the internal security of Namibians. These include but are not limited to the Namibian Defence Force, Namibian Correctional Service, Namibian Intelligence Services, Namibian Custom Services and Municipal policies, and other security agencies. The preceding institutions contribute among others to internal security by joining with the police to patrol the streets, hotspot areas, joint operations and crime awareness advocacy.¹ The current practice has not been accommodated and accepted by the masses who argue that the security stakeholders' involvement conflicts with the supreme law of the land that only recognises NamPol as a legitimate institution entrusted to preserve security internally in Namibia.²

The inclusion of other stakeholders in preserving internal security has been a result of increased crime and protest;³ porous borders;⁴ technological advancement;⁵ inequality and unemployment, and unfulfilled human security dimensions, which present challenges for the police alone to successfully preserve internal security.⁶ These factors are substantiated by the police-strained personnel who are affected by low employee staff turnover, retirements, and resignations.⁷ This may possibly explain the recognition of the challenges of NamPol and some police organisations to preserve internal security since expecting the police to address the preceding factors is unrealistic. Hence observable challenge in preserving internal security adequately. As a result, the stakeholders frequently engage in the responsibility for internal security affairs even when the constitutions of other countries do not make such arrangements.

While other countries' constitutions provide for stakeholder involvement in preserving internal security, a country like Namibia does not permit such practice, as such, the involvement of other entities or institutions is viewed as somewhat contradicting the Namibian Constitution. This study addresses the limitations of relying merely on the police for internal security, as mandated by many Constitutions. Therefore challenges police organisations face in independently upholding internal security are examined. Equally, the roles of key stakeholders in maintaining security are discussed. A desktop literature review was the primary methodology, involving a comprehensive analysis of Constitutions from various countries and relevant academic research. The subsequent discussion explores the

¹ Frednard J Nangolo, "Contribution of the Joint Operations on Crime Prevention in Namibia—a Case of Wanaheda Police Station Area of Jurisdiction in Khomas Region," *PhD Diss., Master Thesis, University of Rwanda*. [Http://Dr. Ur. Ac. Rw/Bistream/Handle/123456789/1083/NANGOLO%20Frednard%20J. Pdf](http://Dr. Ur. Ac. Rw/Bistream/Handle/123456789/1083/NANGOLO%20Frednard%20J. Pdf) (Open in a New Window), 2020.

² The Namibian. "The Military's Role has Become Blurred." The Namibian, September 4, 2020.

³ Fiifi Edu-Afful, "The Anatomy of Ghanaian Domestic Military Operations: Exploring Operations Vanguard and Calm Life," *Contemporary Journal of African Studies* 9, no. 1 (2022): 39–52; Sebit, Musa and Jackson Wilson, "Contribution of Joint Operation on Crime Prevention in South Sudan: A Case of Juba City (2017-2020)" (University of Rwanda, 2022); Jaeyong Choi and Brandon Dulisse, "Techno-Crime Prevention: The Role of the Private Sector and Its Partnerships with the Public Sector," in *Handbook on Crime and Technology* (Edward Elgar Publishing, 2023), 359–74.

⁴ John Mamokhere and Khensani R. Chauke, "The Multiplicity of Challenges Faced by South African Borders: A Case of Limpopo Province," *Journal of Public Affairs* 20, no. 3 (August 24, 2020), <https://doi.org/10.1002/pa.2123>; Stefania Panebianco and Benjamin Tallis, "Special Issue on 'Shifting Borders of European (In) Security: Human Security, Border (In) Security and Mobility in Security'," *International Politics (The Hague)* 59, no. 3 (2022): 399.

⁵ Mathias Agbeko, "Understanding Cyber Safety Behavior among Teenagers in Ghana," *International Journal of Computer Science and Information Security (IJCSIS)* 19, no. 6 (2021); Kennedy K Mabuku and Adewale A Olutola, "Preservation of Internal Security in Namibia: Challenges for the Namibian Police Force," *International Journal of Research in Business and Social Science* 11, no. 10 (2022): 386–97; Trung Nam Nguyen, "A Review of Cybercrime," *Journal of Social Review and Development* 2, no. 1 (2023): 1–3, <https://dzarc.com/social/article/view/244..>

⁶ Lilik Sugiharti et al., "The Nexus between Crime Rates, Poverty, and Income Inequality: A Case Study of Indonesia," *Economies* 11, no. 2 (2023): 62; Siti Marti'ah, Heru Subiyantoro, and Meirinaldi Meirinaldi, "Unemployment and Income Inequality: A Comparative Analysis in Sumatra and Sulawesi Island," in *Proceedings of the 2nd Multidisciplinary International Conference, MIC 2022, 12 November 2022, Semarang, Central Java, Indonesia* (EAI, 2023), <https://doi.org/10.4108/eai.12-11-2022.2327278>; Kennedy Kaumba Mabuku, "Assessing the Impact of Floods on Food Security in the Zambezi Region: A Case Study of the Ikaba Area" (University of Namibia, 2022); Subh Kirti and Abhishek Kumar, "Contextualising Human Security Through the Nation–Individual Relationship: An Indian Perspective," in *Nontraditional Security Concerns in India: Issues and Challenges* (Springer, 2022), 77–94; Rajeswari Pillai Rajagopalan, "India's Approach to Nuclear Security," in *The Oxford Handbook of Nuclear Security* (Oxford University Press, 2023).

⁷ Sarah Charman and Stephanie Bennett, "Voluntary Resignations from the Police Service: The Impact of Organisational and Occupational Stressors on Organisational Commitment," *Policing and Society* 32, no. 2 (February 7, 2022): 159–78, <https://doi.org/10.1080/10439463.2021.1891234>; Thomas Hennessey, "Solving Police Recruitment and Retention Issues," 2022; Nchindo S. Sicaba, *The Security Stakeholder Engagement Impacting Meaningful to the National Security: Zambian Context* (Lusaka: Mongu Publisher, 2023).

constitutional responsibilities of police forces in internal security across selected countries: internationally (Brazil, Philippines, Scotland), continentally (Kenya, Tunisia, Ghana), and regionally (South Africa, Zambia, Mozambique). These findings are then compared with Namibia's constitutional mandate to assess alignment and differences.

LITERATURE REVIEW

When analysing the role of the constitutional obligation of the Namibian Police in terms of preserving internal security, perhaps it is more important to take note that this can only be better understood in perspective if one makes a comparative analysis with other countries. To comprehend this, the study compares the NamPol's obligations of preserving internal security in selected countries internationally such as Brazil, the Philippines and Scotland, in addition, continentally the Kenyan, Tunisia and Ghanaian Constitutions in relation to police mandate are analysed while South African, Zambia and Mozambique Constitutions represent regional contexts.

The Constitutional Obligation of Police on the International Level

Philippines

Section 21 of the Philippines Constitution of 1987 stipulates that the preservation of peace and order within the regions shall be the responsibility of the local police agencies, which shall be organised, maintained, supervised and utilise applicable laws. In almost all the models of security and peace, the constitution is pivotal because it sets the parameters at which police organisations and other security entities may operate.⁸ Such distinctive roles still hold their relevance primarily to address issues of functions overlapping. With this illustration, it is essential to bear in mind that in the Philippines, all police agencies are responsible for preserving peace and security. These police agencies include uniformed organisations, government railway police, traffic police and state armed police forces.⁹ An interesting observation regarding the Philippines is that there are several police agencies involved in preserving peace and security. This is contrary to the Namibian case, where the constitution only provides for the Namibian Police as a sole institution to safeguard internal security.¹⁰ Given all that has been said here, this explains why police agencies are mostly blamed and held accountable for the level of insecurity. Including insecurities necessitated by prevailing crimes in various countries since the mandate of internal protection is only provided to them to perform.¹¹

Brazil

Article 144 of the 1988 Constitution of Brazil places on the state the duty of public security by preserving public order and security of persons and property through federal police, federal highway police, federal railway police, civilian police, military police and military fire brigades.¹² Thus, contrary to the Philippines, the constitutional mandate of the Brazilian police in the preservation of internal security is centred on concerted efforts through various policing and military agencies. This attracts considerable attention to Brazil's recognition that internal security cannot be left only to the national police. However, the armed forces also have a pivotal role in influencing the aspects of internal security. While studying violence, vote choice and the provision of public security in Brazilian states, Block in his study, stated that military police officers patrol the streets and perform arrests and catch individuals committing the

⁸ Yuriy Skuratov, Anna Yastrebova, and Natalya Lutovinova, "Constitutionalizing of Russia's Social Policy: Implications for Civil Society and the State," *Economic and Social Development: Book of Proceedings*, 2020, 407–13.

⁹ Lek Lobete, "The Assessment of Performance of Policemen in The Municipality of Daraga, Albay" (Bicol University College of Social Sciences and Philosophy, 2016), <https://www.academia.edu/26063774>.

¹⁰ Mabuku and Olutola, "Preservation of Internal Security in Namibia: Challenges for the Namibian Police Force."

¹¹ Johan Burger, "Strategic Perspectives on Crime and Policing in South Africa," 2007; Phillip Resimate Vuma, "An Analysis of Crime Prevention as a Core Function of the South African Police Service" (University of South Africa, 2011).

¹² Iêgo Rodrigues Coelho et al., "Democratic Formation of the Constitution of the Federative Republic of Brazil of 1988 (CRFB/1988).," *Revista Brasileira de Crescimento e Desenvolvimento Humano* 33, no. 1 (2023).

crime in Brazil.¹³ Meanwhile, the civil police investigate crimes after they occur and engage in long-term criminal investigations.¹⁴

With a close analysis of the assertion above, it is essential to pinpoint that arresting perpetrators who commit crimes serves as a deterrent as this would send a message to future perpetrators of similar crimes. With this understanding, the role of the military in this context, as provided in the Brazilian constitution, is very important. It can also be emphasised that arresting the accused persons for committing crimes would not be beneficial without making sure that investigations are carried out successfully to ensure that there is successful prosecution in the end. The role of the police, to a certain extent, especially the one for investigating crime, is equally important because it sends a message to criminals and lawbreakers that there are capable investigators who ensure that the criminals are brought to book. Therefore, based on the above working relationship between the military and the police in Brazil, the responsibility of preserving security is viewed as a concerted effort because it addresses the myriad of challenges.¹⁵ It is in light of the above that police alone are not blamed for increased insecurities in the country, but equally, those responsible security entities as enshrined in the constitution bear the same blame.

Scotland

Section 15(1) of the 1998 Scotland Constitution illustrates that law enforcement is the responsibility of Police Scotland and the Scottish Police Services Authority.¹⁶ In comparison, Section 15(6) provides for national security under the oversight of the Scottish government to coordinate an interactive strategy among the departments of the police, intelligence services, armed forces, maritime protection agency, customs service and government agencies affecting national security. Along the same lines as the Brazilian Constitution, Scotland includes several agencies, armed forces and civilian components such as the customs service and other government agencies.¹⁷ This initial assertion of the constitutional order is suggestive of the prominent role of the stakeholders in the security of Scotland as a nation. In the most straightforward interpretation, no specific agencies are blamed for the increased insecurity that the country experienced at a particular time, but the accountability is equally shared among those entities or agencies as mandated by the constitution to maintain national security. The above could be the basis upon which extrapolates that when the public is meant to believe that the constitution provides a particular responsibility to certain agencies, they tend to leave by that.¹⁸ An observation of overlapping functions may be the reason to injure or challenge such a move since the legitimacy of the security organisations must stem from the state constitution.

The Constitutional Obligation of Police at the Continental Level

Ghana

Section 200 (3) of the 1993 Ghanaian Constitution provides for the Police Service to perform the traditional role of maintaining law and order which translates to the preservation of internal security.¹⁹ Although the constitution only provides for one function to be performed by the Ghanaian Police Service, the Police Service Act of 1970 further expanded the functions of preventing and detecting crime, apprehending offenders and maintaining public order and the safety of persons and property.²⁰ Another concern on the constitutional obligation is that it does not provide for maintaining law and order

¹³ Douglas Aaron Block, "Violence, Vote Choice and the Provision of Public Security in Brazilian States" (University of Pittsburgh, 2019).

¹⁴ Block, "Violence, Vote Choice and the Provision of Public Security in Brazilian States."

¹⁵ The Republic of Scotland., "The Constitution of the Republic of Scotland: Article 15," accessed June 2, 2024, <https://www.legislation.gov.uk/ukpga/1998/46/section/15> 1998.

¹⁶ The Republic of Scotland, "The Constitution of the Republic of Scotland: Article 15."

¹⁷ Ifesinachi Marybenedette Okafor-Yarwood and Freedom C Onuoha, "Whose Security Is It? Elitism and the Global Approach to Maritime Security in Africa," *Third World Quarterly* 44, no. 5 (2023): 946–66.

¹⁸ Clare Torrible, "How Do Civil Actions against the Police and Police Complaints Interact and What Does This Interaction Reveal about Police Legitimacy?" (University of Bristol, 2019).

¹⁹ The Republic of Ghana, "The Constitution of the Republic of Ghana: Section 200," 1993, <https://www.refworld.org/docid/3ae6b5850.1993.html>.

²⁰ Ghana Police Service, "Police Service Act, 350 of 1970 as Amended.," 1970, <https://new-ndpc-static1.s3.amazonaws.com/CACHES/PUBLICATIONS/2016/09/04>.

as a shared responsibility. Equally, the Police Act in Ghana is mute on the stakeholder's involvement in protecting persons and property. Nothing is mentioned about the preservation of internal security in the Ghanaian Constitution or the Police Service Act. However, generally, the maintenance of law and order, when performed effectively, will account for a peaceful society.²¹ Consequently, it contributes to the safety of Ghanaian citizens as already stipulated.

The argument here is that when the constitution does not provide for an extension of preserving internal security to be performed by others, it limits the involvement of other agencies in internal security matters. This poses a challenge, especially when looking at the factors linked to the insecurity that seems to be beyond the police's comprehension. Aywekanbe when studying the performance of the Ghanaian Police Service affirmed the latter in the study of the fourth republic (2016-2019); that the author noted to hold the police accountable for their performance; it is wise to look at the constitution that provides legitimate power of the police in Ghana.²² As seen in the Constitution of the Republic of Ghana, the Ghana Police Service (GPS) is the only primary law enforcement agency mandated to maintain law and order in order to preserve security in the country as provided for in the constitution.²³

Tunisia

According to Article 19 of the 2014 Tunisian Constitution, the mandates of the police as national security forces are: to maintain security and public order; ensure the protection of individuals, institutions, and property; and ensure the enforcement of the law while ensuring that freedoms are respected, with complete impartiality.²⁴ Evidenced by the above constitutional assertion, even though still confined to the internal stakeholders within the police fraternity, the Tunisian Constitution offers a possible explanation for permitting other national security forces to maintain security.²⁵ The core security actors in Tunisia can be divided primarily into the armed forces (the Forces Armées Tunisiennes) and the internal security forces.²⁶ The Tunisian armed forces include the army, navy and air force, while internal security forces include agents of the police, the Railway, Municipal Police entities, the National Guard, the Judicial and the Presidential Guard Forces.²⁷ With further analysis, it is observed that the national army and other stakeholders are excluded from matters that concern internal security. Thus, there is some evidence to maintain that it is possible that constitutional obligations could account for the relaxation of external stakeholders in matters that concern national security.

While it can be acknowledged that the Tunisian Constitution provides for the separation of functions between the armed forces and internal security forces, the provision perhaps could be why internal security forces are the only entities held accountable for the increase of insecurity in the country.²⁸ When analysing the above constitution stipulation with the Namibian case, it is plausible to state that the Namibian Constitution does not even permit security clusters to indulge in matters concerning internal security but the police alone, while in Tunisia only security entities are permitted to preserve internal security. To this end, it may be concluded that the non-security stakeholders are totally excluded from executing and being involved in the preservation of internal security.

²¹ Peter Twumheme, "A Critical Analysis of the Ghana Police Service and Use of Force in Promoting Security" (Nottingham Trent University (United Kingdom), 2022).

²² David Aweintirim Aywekanbe, "Performance of the Ghana Police Service in the Fourth Republic (2016-2019): An Analysis of Factors Associated with Police Misbehaviour" (University of Ghana, 2020).

²³ Daniel Owusu Nkrumah, Ebenezer Yaw Ofosuhenne, and Kwadwo Gyasi, "COVID-19 Pandemic and Presidential Directives: The Brutalities of the Ghana Police Service," *Acta Criminologica: African Journal of Criminology & Victimology* 33, no. 3 (2020): 1–27.

²⁴ The Republic of Tunisia. The Constitution of Tunisia: Article 19. 2014 <https://www.refworld.org/docid/54c25ac94.html>

²⁵ Giulia Cimini and Guendalina Simoncini, "From Counter-Terrorism to Preventing Violent Extremism: Security Practices and Approaches in Post-Revolutionary Tunisia.," in *Between Integration and Radicalization in North Africa. A Focus on Morocco and Tunisia*. (Bologna University Press, 2022), 97–123.

²⁶ Moncef Kartas, "Foreign Aid and Security Sector Reform in Tunisia: Resistance and Autonomy of the Security Forces," *Mediterranean Politics* 19, no. 3 (September 2, 2014): 373–91, <https://doi.org/10.1080/13629395.2014.959760>.

²⁷ Kartas, "Foreign Aid and Security Sector Reform in Tunisia: Resistance and Autonomy of the Security Forces."

²⁸ Ruth Hanau Santini and Giulia Cimini, "The Politics of Security Reform in Post-2011 Tunisia: Assessing the Role of Exogenous Shocks, Domestic Policy Entrepreneurs and External Actors," *Middle Eastern Studies* 55, no. 2 (March 4, 2019): 225–41, <https://doi.org/10.1080/00263206.2018.1538971>.

Kenya

The 2010 Constitution of Kenya under Article 239 categorises the national security organs to include; the Kenya Defence Forces, the National Intelligence Service, and the National Police Service.²⁹ The article further provides the concerted primary object of the national security organs and security system to promote and guarantee national security. Furthermore, under Article 241 of the Constitution, the Kenya Defence Force may be deployed to restore peace in any part of Kenya affected by unrest or instability only with the National Assembly's approval.³⁰ The present constitutional stipulation is significant in at least two significant respects. Firstly, the Kenyan Constitution acknowledges that the police should not be the only ones charged with internal security.³¹ Secondly, the involvement of other security stakeholders in preserving internal security is a significant acknowledgement that internal security matters require efforts from diverse security dimensions in Kenya.³² The coexistence of those security organs as government security institutions and working together to eradicate insecurity in Kenya attest to the high-security consciousness of those entrusted with political leadership. This routine enables the security organs to endeavour to work together without any form of resentment and strive to make Kenya a peaceful nation.

As noted, the security organs have an essential role to play in maintaining the developmental aspect of Kenya in all facets due to their noble role in promoting peaceful interactions.³³ When this is the case, public members do not hold the police alone in the matter concerning internal security but all security organs. This may be a plausible explanation for why the involvement of other stakeholders is not seen as a security threat to the citizens since it is legitimised through the highest law of the land. However, this understanding could differ depending on country to country for instance, constitutional provisions related to internal security, which should only be handled by the national police when other stakeholders are involved may not be accepted by the public domain. In this regard, the involvement of security forces is seen as a threat, especially taking cognisance that security forces' training is different, and the nature of training considers the nature of the duty entrusted to them by the constitutional provisions.³⁴ On this basis, even the security forces themselves may, in a covert way, refuse to accept the responsibilities that are not provided for by the highest law of the land or do so with great difficulty.³⁵ Moreover, the scenario is more undesirable to civilians who may not want the police and other security organs' functions to overlap.

The Constitutional Obligation of Police at the Sub-Continental Level

South Africa

According to Section 205 of the 1996 South African Constitution, the 1995 South African Police Service (SAPS) has the mandate "to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law."³⁶ Although the preservation of internal security as a distinctive function is not specifically mentioned as the SAPS responsibility, the above provisions are outlined to preserve internal security for the peaceful interaction of inhabitants. For instance, if there is a high number of crimes, public order is not well maintained, and the inhabitants are unsecured, such events may lead to insecurity affecting the country's internal security. When drawing attention to the preceding explanation and the importance of SAPS in discharging its constitutional mandate, there is no doubt that it aims to preserve internal security effectively. Just like in the Namibian case, despite the constitutional provision of South Africa mandating the police alone to prevent, combat and investigate crime, to maintain public order, to protect and secure

²⁹ Kenya, "The Constitution of Kenya," accessed June 15, 2024, https://www.refworld.org/docid/4c850882_2.html.

³⁰ Kenya, "The Constitution of Kenya."

³¹ Mabuku and Olutola, "Preservation of Internal Security in Namibia: Challenges for the Namibian Police Force."

³² Mabuku and Olutola, "Preservation of Internal Security in Namibia: Challenges for the Namibian Police Force."

³³ Mumo Nzau and Mohammed Guyo, "The Challenge of Securing Kenya: Past Experience, Present Challenges and Future Prospects," *The Journal of Social Encounters* 2, no. 1 (2018): 37–59.

³⁴ Thomas K. Bor, "Military Involvement in Multi-Agency Security Operations in Eastern Africa: A Case of Kenya Defense Forces" (University of Nairobi, 2020).

³⁵ Vuma, "An Analysis of Crime Prevention as a Core Function of the South African Police Service."

³⁶ The Republic of South Africa, "Constitution of the Republic of South Africa: Section 205," n.d., <https://www.refworld.org/docid/3ae6b5de4.html> 1996.

the inhabitants of the Republic and their property, and to uphold and enforce the law which subsequently aimed at preserving internal security, the military has been involved in these functions.³⁷ Other countries clearly outline the preservation of internal security as a distinct police function in the Constitutions, South Africa's constitution does not precisely mention this. Nonetheless, the SAPS is still mandated to maintain internal security alone.

Zambia

The Zambian Constitution under Article 104 of Act 18 of 1996, as amended, provides for functions of the Zambian Police Force (ZPF) to include the following: "to protect life and property, to preserve law and order, to detect and prevent crime and to co-operate with the civilian authorities and other security organs established under the Zambian Constitution and with the population generally."³⁸ The literal interpretation of the above is that while the police is the primary agency in addressing internal insecurity, other stakeholders are permitted to be involved in internal security, including the general populace.³⁹ Such constitutional provisions provide much-needed room for further progress in jointly identifying the factors linked to and addressing public safety and security. Thus, together with the police, those agencies strive to address the insecurity in Zambia. The above aspect is supported by the essentiality of other security forces and civil organisations in maintaining peace in Zambia.⁴⁰ In a democratic state like Zambia, it is worth noting the security of persons is everyone's responsibility; in particular, those mandated by the constitution of Zambia to perform such functions should take the lead. The author sheds further light by arguing that security threats are no longer concerned only with external factors, but citizens within the country are now contributing to insecurities. With this analysis, the constitution should be supported, particularly when giving the national police with other stakeholders to take charge of security issues nationally. This is contrary to the Namibian constitution and does not authorise the engagement of other stakeholders to preserve internal security. The Zambian Constitution recognises the importance of multiple actors in matters of security internally.

Mozambique

The 1990 Constitution amendment under Article 254 charges the police with the following functions: The function of the police, in collaboration with other state institutions, shall be to guarantee law and order, to safeguard the security of persons and property, to keep public peace and to ensure respect for the democratic rule of law and the strict observance of the fundamental rights and freedoms of citizens.⁴¹ While a variety of other countries' constitutions distinctively show police responsibilities in preserving the internal security to be performed by the police officers themselves. On the contrary, the Constitution of Mozambique favours other state institutions in police roles.⁴² There are several possible explanations for these constitutional obligations: First, the police are not the only sole entity held accountable for the preservation of internal security; secondly, the public does not expect the police only to address insecurity in the country; thirdly, other state institutions share the blame with the police for the escalating level of insecurity in the country; lastly, stakeholders involvement is legitimised by the constitution as the supreme law of the land.

The Constitutional Obligation of Police in Namibia

Contrary to Brazil, Scotland, Kenya, Zambia and Mozambique's Constitutions favouring either the armed forces or civilian components in internal security, the Namibian Constitution only mandates the police to

³⁷ Doraval Govender and Krisandren Pillay, "Policing in South Africa: A Critical Evaluation," *Insight on Africa* 14, no. 1 (2022): 40–56.

³⁸ The Republic of Zambia. The constitution of Zambia: article 104. 1996.

³⁹ Paulus Kalaluka, "The Security Stakeholder Engagement Impacting Meaningful to the National Security: Zambian Context," *Mongu Publisher*, 2023.

⁴⁰ Kalubi Sonekeso, "The Essentiality of Other Security Forces and Civil Organisations in Maintaining Peace in Zambia" (Mongu University, 2020).

⁴¹ The Republic of Mozambique, "The Constitution of the Republic of Mozambique. Article: 254 The Police," 1990, <https://www.refworld.org/docid/3ae6b4f40.html>.

⁴² Edgar Cambaza, "Mozambique: Country Profile," *Encyclopedia* 3, no. 1 (January 18, 2023): 143–67, <https://doi.org/10.3390/encyclopedia3010011>.

perform the duty of internal security.⁴³ As explained in the introduction, it is clear that the Namibian Constitution of 2010 Third Amendment under Article 118 provides NamPol with prescribed powers, duties and procedures to secure Namibia's internal security and maintain law and order.⁴⁴ The literal translation of this provision is that NamPol is the only entity responsible for preserving internal security. Considering the preceding constitutional disclosure, the public member only expects NamPol to maintain and secure public safety and public order to preserve internal security. Contrary to the above, considers the core function of the police to be those only that they are capable of doing effectively, such as criminal investigations, patrolling and enforcing public order, but not crime prevention and the preservation of internal security.⁴⁵ The above assertion may well be acknowledged when taking into account that for a particular entity or institution to effectively perform excellence and achieve its intended goals lies to a greater extent on its ability to address hindrances to performance. Therefore, if factors affecting successful institutional dealing cannot be adequately addressed, the institution's primary objectives may be partially addressed or not at all. The latter holds relevancy in the police, if the police as an institution fails or is unable to successfully erase challenges leading to insecurity, expecting them to adequately preserve internal security may be an unrealised endeavour. More clearly, this may explain the reason why other countries' constitutions incorporate other stakeholders that have a more prominent role in curtailing challenges linked to insecurity or crime in general.

Discussion Summary

This study set out to compare the constitutions of several countries on the preservation of internal security provisions. This is because without the ability to make comparisons, identifying similarities and differences as a learning process would quite plainly be impossible. Comparative literature provided the study with the basis for further arguments on how vital constitutional stipulations are towards the compliance of security entities. While the constitution determines the differences in the inclusion of stakeholders, it is worth noting that the involvement of other security entities in internal security is almost compelling. To summarise the study, the constitutions of three nations on the international, continental and regional levels were compared to note the differences and similarities. While there are notable similarities and differences, some countries favour the use of other stakeholders, while other constitutions make no provisions for such.

RECOMMENDATIONS

It is therefore recommended that the constitution of Namibia be amended to incorporate the stakeholders in preserving internal security. Such a provision will provide legitimacy for the involvement of other stakeholders in preserving internal security evidenced by the current practices.

CONCLUSION

Comparing the Namibian constitutional mandate of NamPol with those of countries like South Africa, Brazil, and Kenya reveals considerable variation in the explicitness of police roles in internal security. Notwithstanding these variances, the need for a stakeholder engagement remains widely acknowledged. This study emphasises the importance of rethinking traditional approaches to internal security. For Namibia and other states, the future of security governance lies in nurturing unceasingly partnerships between police institutions and non-state actors to ensure a more sustainable, comprehensive, and responsive security strategy. Therefore, as governments adapt to new realities, integrating a various stakeholders will not only strengthen internal security but also foster trust, partnership, and resilience within communities. Such a multi-layered approach is critical for addressing the intricate, interconnected security challenges of the contemporary world, making it an indispensable consideration for policymakers.

⁴³ Cambaza, "Mozambique: Country Profile."

⁴⁴ The Republic of Namibia, "Constitution of the Republic of Namibia 1990 as Amended," 1996.

⁴⁵ Burger, "Strategic Perspectives on Crime and Policing in South Africa."

Conflict of interest

The authors declare no conflicts of interest regarding the publication of this paper.

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